

State of Iowa

1977

JOURNAL OF THE HOUSE

1977

**REGULAR SESSION
SIXTY-SEVENTH
GENERAL ASSEMBLY**

Convened January 10, 1977

Adjourned June 13, 1977

**ROBERT D. RAY, Governor
ARTHUR A. NEU, President of the Senate
DALE M. COCHRAN, Speaker of the House**

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

SIXTY—SEVENTH GENERAL ASSEMBLY

1977 Regular Session

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WILLIAM C. MALONEY, <i>Majority Research Analyst</i>	Des Moines
KRISTINE A. BOWSER, <i>Majority Research Analyst</i>	Des Moines
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ED S. McMILLIN, <i>Sergeant-at-Arms</i>	Ottumwa
JOHN W. RUSSELL, <i>Assistant Sergeant-at-Arms</i>	Des Moines
CLARENCE O. ANDERSON, <i>Doorkeeper</i>	Des Moines
LUMAN W. BELL, <i>Doorkeeper</i>	Des Moines
FRANK L. CHRISTEN, <i>Doorkeeper</i>	Des Moines
DONALD R. EMANUEL, <i>Doorkeeper</i>	Des Moines
KEVIN J. PUTBRESE, <i>Doorkeeper</i>	West Des Moines
A. SAM VAUGHN, <i>Doorkeeper</i>	Des Moines
EVELYN SEANEY, <i>Elevator Operator</i>	Des Moines
BESSIE J. BAGBY, <i>Cloakroom Attendant</i>	Des Moines

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

ROBERT D. RAY, <i>Governor</i>	Des Moines
ARTHUR A. NEU, <i>Lieutenant Governor</i>	Carroll
MELVIN D. SYNHORST, <i>Secretary of State</i>	Des Moines
LLOYD R. SMITH, <i>Auditor of State</i>	Des Moines
MAURICE E. BARINGER, <i>Treasurer of State</i>	West Des Moines
ROBERT H. LOUNSBERRY, <i>Secretary of Agriculture</i>	McCallsburg
RICHARD C. TURNER, <i>Attorney General</i>	West Des Moines

JUSTICES OF THE IOWA SUPREME COURT

C. EDWIN MOORE, <i>Chief Justice</i>	Des Moines
M. L. MASON, <i>Justice</i>	Mason City
MAURICE E. RAWLINGS, <i>Justice</i>	Sioux City
CLAY LeGRAND, <i>Justice</i>	LeClaire
WARREN J. REES, <i>Justice</i>	Anamosa
HARVEY UHLENHOPP, <i>Justice</i>	Hampton
W. W. REYNOLDSON, <i>Justice</i>	Osceola
K. DAVID HARRIS, <i>Justice</i>	Jefferson
MARK McCORMICK, <i>Justice</i>	Des Moines

IOWA COURT OF APPEALS JUDGES

ROBERT G. ALLBEE, <i>Chief Judge</i>	Des Moines
JAMES H. CARTER, <i>Judge</i>	Cedar Rapids
ALLEN L. DONIELSON, <i>Judge</i>	Des Moines
LEO OXBERGER, <i>Judge</i>	Des Moines
BRUCE M. SNELL, JR., <i>Judge</i>	Ida Grove

MEMBERS OF THE HOUSE—SIXTY—SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Robert T.	Newton	31	Teacher	69—Jasper, Marion, Polk, Warren	66
Avenson, Donald D.	Oelwein	32	Tool & Die Maker	15—Bremer, Chickasaw, Fayette, Howard, Winneshiek	65, 66
Baker, Keith	Linn Grove	47	USAF—Retired, Farmer	6—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	66
Bennett, Wayne	Galva	49	Farmer	48—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	65, 66
Bina, Robert F.	Davenport	37	Artist	80—Scott	66
Binneboese, Donald H.	Hinton	52	Farmer	49—Cherokee, Plymouth, Woodbury	66
Brandt, Diane	Cedar Falls	38	Homemaker	35—Black Hawk	66
Branstad, Terry E.	Lake Mills	30	Lawyer	8—Emmett, Hancock, Kossuth, Winnebago	65, 66
Brockett, Glenn F.	Marshalltown	66	Retired	39—Marshall	65, 66
Brunow, John B.	Centerville	27	Sales Manager	93—Appanoose, Clarke, Lucas, Monroe, Wayne	65, 66
Byerly, Richard L.	Ankeny	38	College Administrator	61—Polk	65, 66
Chiodo, Ned F.	Des Moines	34	Golf Pro	67—Polk	None
Clark, Betty Jean	Rockwell	56	Homemaker	11—Cerro Gordo	None
Clark, John H.	Keokuk	30	Insurance Agent	86—Lee, Henry	64, 65, 66
Cochran, Dale M.	Eagle Grove	48	Farmer, Businessman	45—Humboldt, Webster	61, 62, 63, 64, 65, 66
Conlon, Walter	Muscatine	29	Attorney	76—Muscatine, Scott	None
Connors, John H.	Des Moines	54	Fire Fighter, Captain	64—Polk	65, 66
Crabb, Frank	Denison	73	Retired Meat Packing Executive	53—Crawford, Harrison, Monona	63, 65, 66

MEMBERS OF THE HOUSE—SIXTY—SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Crawford, Reid W.	Ames . . . . .	.25	Student	42—Boone, Polk, Story . . . . .	.65, 66
Cusack, Gregory D.	Davenport . . . . .	.33	Community Organizer	81—Scott . . . . .	.65, 66
Daggett, Horace	Kent . . . . .	.45	Farmer	96—Adams, Montgomery, Page, Ringgold, Taylor . . . . .	.65, 66
Danker, Arlyn E.	Minden . . . . .	.49	Farmer	54—Harrison, Pottawattamie, Shelby . . . . .	.65, 66
Davitt, Philip A.	St. Charles . . . . .	.45	Farmer	58—Adair, Clarke, Dallas, Madison, Warren	None
Den Herder, Elmer H.	Sioux Center . . . . .	.68	Retired Farmer	1—Lyon, Sioux . . . . .	.57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Dieleman, Wm. W. (Bill)	Pella . . . . .	.45	Life Insurance Underwriter	70—Jasper, Mahaska, Marion, Poweshiek . . . . .	.66
Doyle, Donald V.	Sioux City . . . . .	.51	Lawyer	51—Woodbury . . . . .	.57, 58, 61, 63, 64, 65, 66
Dunton, Keith H.	Thornburg . . . . .	.61	Businessman, Farm Operator—owner	88—Keokuk, Washington . . . . .	.58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Dyrland, Terry	Elkader . . . . .	.33	Teacher	18—Clayton, Delaware, Dubuque, Fayette . . . . .	.66
Egenes, Sonja	Story City . . . . .	.46	Legislator, Housewife	43—Boone, Hamilton, Story, Webster . . . . .	.64, 65, 66
Evans, Cooper	Grundy Center . . . . .	.52	Farm Manager	38—Black Hawk, Butler, Franklin, Grundy, Marshall, Tama . . . . .	.66
Fitzgerald, Jerome	Fort Dodge . . . . .	.35	Small Businessman	46—Webster . . . . .	.65, 66
Garrison, Albert L.	Waterloo . . . . .	.49	Law & Business Consultant	34—Black Hawk	None
Gentleman, Julia B.	Des Moines . . . . .	.45	Housewife	65—Polk . . . . .	.66
Gettings, Don**	Ottumwa . . . . .	.54	Machine Repairman	90—Appanoose, Davis, Wapello	None

** Elected in Special Election May 17, 1977.

MEMBERS OF THE HOUSE—SIXTY—SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Gilloon, Thomas J.	Epworth	27	Self-employed	21—Dubuque, Jackson	66
Gilson, Ernest W.	Bayard	46	Teacher—Coach	56—Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby	None
Griffee, William B.	Nashua	40	Legislator, Consulting Service	14—Chickasaw, Floyd, Howard, Mitchell	65, 66
Halvorson, Roger A.	Monona	42	Insurance, Realtor	17—Allamakee, Clayton, Winneshiek	66
Hansen, Ingwer L.	Hartley	64	Retired	3—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux	65, 66
Harbor, William H.	Henderson	56	Grain Elevator Owner—Operator	97—Fremont, Mills, Montgomery, Page	56, 57, 58, 62, 63, 64
Hargrave, Wm. J., Jr.	Iowa City	46	Self-employed	74—Johnson	65, 66
Harper, Mattie*	West Grove	53	Homemaker, Businesswoman	90—Appanoose, Davis, Wapello	65, 66
Harvey, LaVern R.	Bettendorf	32	Contractor	79—Scott	65, 66
Higgins, Thomas J.	Davenport	31	Communications Advisor	82—Scott	65, 66
Hines, Neal	Nevada	26	Small Businessman	41—Story	66
Hinkhouse, Herbert C.	West Branch	59	Farmer	24—Cedar, Clinton, Johnson, Scott	66
Hoffmann, Betty A.	Muscatine	55	Former Businesswoman	75—Johnson, Louisa, Muscatine	None
Horn, Wally E.	Cedar Rapids	43	Teacher	28—Linn	65, 66
Howell, Rollin K.	Rockford	47	Farmer	13—Cerro Gordo, Floyd, Mitchell	65, 66

* Deceased April 22, 1977.

MEMBERS OF THE HOUSE—SIXTY—SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Hullinger, Arlo	Leon	.55	Farmer	94—Clarke, Decatur, Madison, Ringgold, Union, Wayne	.61, 62, 66
Husak, Emil J.	Toledo	.46	Farmer	71—Benton, Iowa, Poweshiek, Tama	.64, 65, 66
Jesse, Norman G.	Des Moines	.39	Attorney	62—Polk	63, 64, 65, 66
Jochum, Thomas J.	Dubuque	.25	Plant Worker	19—Dubuque	66
Junker, Willis E.	Sioux City	.51	Investor	50—Woodbury	65, 66
Koogler, Fred	Oskaloosa	.51	Legislator	91—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	66
Krause, Robert A.	Whittemore	.26	Agri—politician	7—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	65, 66
Krewson, Lyle R.	Urbandale	.33	Self—employed	59—Polk	None
Lageschulte, Ray	Waverly	.54	Farmer	37—Black Hawk, Bremer, Butler, Floyd	66
Lindeen, Arnold R.	Swedesburg	.66	Retired Farmer, Businessman	83—Des Moines, Henry, Louisa	66
Lipsky, Joan	Cedar Rapids	.57	Student, Legislator	26—Linn	62, 63, 64, 65, 66
Loneragan, Joyce	Boone	.42	Housewife	44—Boone, Greene	66
Menke, Lester D.	Calumet	.58	Farmer, Insurance	5—Buena Vista, Cherokee, Clay, O'Brien, Plymouth	65, 66
Middleswart, James I.	Indianola	.64	Food Producer	92—Lucas, Marion, Warren	62, 63, 64, 65, 66
Millen, Floyd H.	Farmington	.57	Businessman	87—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	60, 60X, 61, 62, 63, 64, 65, 66
Miller, Kenneth D.	Independence	.51	Owner—Mobile Home Court	32—Black Hawk, Buchanan	65, 66
Miller, Opal	Rockwell City	.61	Farm Owner	47—Calhoun, Carroll, Greene, Pocahontas, Sac	66
Monroe, W.R.(Bill), Jr.	Burlington	.38	Pharmacist	84—Des Moines	64, 65, 66

MEMBERS OF THE HOUSE—SIXTY—SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Newhard, Scott D.	Anamosa	25	Retail Clothing	23—Cedar, Clinton, Jackson, Jones	65, 66
Nielsen, Carl V.	Altoona	44	Lawyer	63—Polk	65, 66
Norland, Lowell E.	Kensett	45	Farmer	12—Cerro Gordo, Worth	65, 66
O'Halloran, Mary	Cedar Falls	33	Teacher	36—Black Hawk	65, 66
Oxley, M.B. (Mike)	Marion	54	Farmer	30—Linn	61
Patchett, John E.	North Liberty	27	Legislator, Law Student	25—Johnson, Linn	65, 66
Pavich, Emil S.	Council Bluffs	45	Cereal Company Employee	99—Pottawattamie	66
Pellett, Wendell C.	Atlantic	59	Farmer	95—Adair, Adams, Cass, Guthrie, Union	64, 65, 66
Pelton, John	Clinton	30	Attorney	77—Clinton	None
Perkins, Carroll T.	Jefferson	50	Agriculture	55—Audubon, Carroll, Crawford, Greene, Guthrie	66
Poncy, Charles N.	Ottumwa	54	Maintenance Engineer	89—Mahaska, Monroe, Wapello	62, 63, 65, 66
Rinas, B. Joseph	Marion	29	Student	29—Linn	65, 66
Scheelhaase, Lyle	Moville	45	Farmer	52—Monona, Woodbury	66
Schnekloth, Hugo	Eldridge	53	Farmer	78—Clinton, Scott	None
Schroeder, Laverne W.	McClelland	43	Farmer	98—Mills, Pottawattamie	62, 63, 64, 65, 66
Shimanek, Nancy J.	Monticello	29	Lawyer	22—Delaware, Dubuque, Jackson, Jones	None
Small, Arthur A., Jr.	Iowa City	43	Businessman	73—Johnson	64, 65, 66
Smalley, Douglas R.	Des Moines	30	Attorney	60—Polk	None
Spear, Clay	Burlington	60	Retired—Postal Service	85—Des Moines, Lee	66
Spencer, Don W.	Ruthven	54	Farmer	4—Clay, Dickinson, Emmet, Palo Alto	66

MEMBERS OF THE HOUSE—SIXTY—SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Stephens, Lyle R †	Le Mars	.65	Farmer	2—Plymouth, Sioux	65, 66
Stromer, Delwyn	Garner	.46	Farmer	9—Cerro Gordo, Franklin, Hancock, Wright	62, 63, 64, 65, 66
Svoboda, Linda A.	Amana	.33	Journalist	72—Benton, Iowa, Johnson, Keokuk, Poweshiek	66
Tayke, Thomas J.	Dubuque	.26	Attorney	20—Dubuque	66
Thompson, Patricia L.	West Des Moines	.49	Bank (Part—Time)	66—Polk	None
Tofte, Semor C.	Decorah	.65	Retired	16—Fayette, Howard, Winneshiek	65, 66
Varley, Andrew	Stuart	.42	Farmer	57—Adair, Dallas, Guthrie	62, 63, 64, 65, 66
Walter, Craig D.	Council Bluffs	.27	Self—employed	100—Pottawattamie	66
Welden, Richard W.	Iowa Falls	.68	Retired	10—Franklin, Hardin, Wright	62, 63, 64, 65, 66
Wells, James D.	Cedar Rapids	.48	Shift Leader	27—Benton, Linn	63, 64, 65, 66
West, James C.	State Center	.44	Retailer (Furniture)	40—Grundy, Hardin, Jasper, Marshall, Story	65, 66
Woods, Jack E.	Des Moines	.40	Self—employed	68—Polk, Warren	65, 66
Wulff, Henry C.	Waterloo	.33	Real Estate Salesman	33—Black Hawk	65, 66
Wyckoff, Russell L.	Vinton	.51	Farmer	31—Benton, Black Hawk, Buchanan, Linn, Tama	64, 65, 66

† Served until election contest resolved May 15, 1975.

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION

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Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Ashcraft, Forrest F.	Davenport	54	Assistant Chief of Police	41—Scott	None
Bergman, Irvin L.	Harris	65	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64, 65, 66
Bisenius, Stephen W.	Cascade	29	Realtor	11—Jackson, Delaware, Dubuque, Jones	None
Briles, James E.	Corning	50	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Burroughs, Cliff	Greene	59	Securities Sales	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama	65 (2-S), 66
Calhoon, James	Sioux City	28	Meat Cutter	26—Woodbury, Monona	None
Carr, Robert M.	Dubuque	39	Securities	10—Dubuque	65, 66
Coleman, C. Joseph	Clare	53	Farmer, Businessman	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Craft, Rolf V.	Decorah	39	Teacher, Farmer	8—Fayette, Bremer, Chickasaw, Howard, Winneshiek	None
Culver, Louis P.	Dunlap	68	Farmer	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	66
Curtis, Warren E.	Cherokee	62	Certified Public Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	64, 65, 66
DeKoster, Lucas J.	Hull	58	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64, 65, 66
Doderer, Minnette	Iowa City	53	Legislator	37—Johnson	60X, 61, 62, 63, 64, 65, 66
Drake, Richard F.	Muscatine	49	Farmer	38—Muscatine, Johnson, Louisa, Scott	63, 64, 65, 66

(2-S) Denotes 1974 Regular Session

SENATORS

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Gallagher, James V.	Jesup	43	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	61, 62, 65, 66
Glenn, Gene W.	Ottumwa	48	Lawyer	45—Wapello, Appanoose, Davis, Mahaska, Monroe	61, 62, 63, 64, 65, 66
Hansen, Willard R.	Cedar Falls	45	General Insurance, Real Estate	18—Black Hawk	63, 64, 65, 66
Hill, Eugene M.	Newton	63	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Hill, Philip B.	Des Moines	45	Lawyer	33—Polk	64, 65, 66
Hulse, Merlin D.	Clarence	53	Farmer	12—Jackson, Cedar, Clinton, Johnson, Jones, Scott	None
Hultman, Calvin O.	Red Oak	35	Businessman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	65, 66
Hutchins, C.W.	Guthrie Center	45	Self-employed Businessman	28—Carroll, Audubon, Cass, Crawford, Greene, Guthrie, Shelby	65, 66
Junkins, Lowell L.	Montrose	32	Home Construction and Real Estate Developer, Ambulance Service Owner/ Operator	43—Lee, Des Moines, Henry	65, 66
Kelly, E. Kevin	Sioux City	33	Attorney	25—Woodbury, Cherokee, Plymouth	64, 65, 66
Kinley, George R.	Des Moines	39	Owner and Operator Driving Range and Miniature Golf	34—Polk, Warren	64, 65, 66
Merritt, Milo	Osage	61	Real Estate Salesman	7—Mitchell, Cerro Gordo, Chickasaw, Floyd, Howard	66
Miller, Alvin V.	Ventura	55	Insurance Agency, Farmer, Retail Merchant	6—Cerro Gordo, Worth	65, 66

SENATORS

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Miller, Charles P.	Burlington	58	Doctor of Chiropractic	.42—Des Moines, Henry, Louisa	.60, 60X, 61, 62, 63, 64, 65, 66
Miller, Elizabeth R.	Marshalltown	71	Homemaker, Legislator	.20—Marshall, Grundy, Hardin, Jasper, Story	63, 64, 65, 66
Murray, John S.	Ames	37	Attorney	.21—Story, Boone, Polk	65, 66
Nolting, Fred W.	Waterloo	44	Meat Cutter	.17—Black Hawk	63, 66
Nystrom, John N.	Boone	43	Auto Dealer	.22—Boone, Greene, Hamilton, Story, Webster	.64, 65, 66
Orr, Joan	Grinnell	53	Legislator	.36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama	63 (2-S), 65, 66
Palmer, William D.	Des Moines	41	President, Insurance Agency	.32—Polk	61, 62, 63, 64, 65, 66
Priebe, Berl E.	Algona	58	Farmer, Businessman	4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66
Ramsey, Richard R.	Osceola	36	Attorney	.47—Clarke, Appanoose, Decatur Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66
Readinger, David M.	Des Moines	40	Sales	.30—Polk	65, 66
Redmond, James M.	Cedar Rapids	34	Attorney	.13—Linn, Johnson	66
Robinson, Cloyd E.	Cedar Rapids	38	Production Line Operator	.14—Linn, Benton	.64, 65, 66
Rodgers, Norman G.	Adel	49	Farmer, Businessman	.29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64, 65, 66
Rush, Bob	Cedar Rapids	32	Lawyer	.15—Linn	None

(2-S) Denotes 1970 Regular Session

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Schwengels, Forrest V.	Fairfield	.61	Real Estate	.44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	65, 66
Scott, John R.	Pocahontas	.32	Farmer	.24—Calhoun, Carroll, Cherokee, Crawford, Buena Vista, Greene, Ida, Pocahontas, Sac	None
Shaff, Roger J.	Camanche	.66	Farmer	.39—Clinton, Scott	62, 63, 64, 65, 66
Shaw, Elizabeth	Davenport	.53	Lawyer, Housewife	.40—Scott	62, 63, 64, 65, 66
Slater, Tom	Council Bluffs	.31	Planner, Designer, Public Relations Consultant	.50—Pottawattamie	None
Taylor, Ray	Steamboat Rock	.53	Farmer, Retailing	.5—Hardin, Cerro Gordo Franklin, Hancock, Wright	65, 66
Tieden, Dale L.	Elkader	.54	Farmer	.9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66
Van Gilst, Bass	Oskaloosa	.65	Farmer	.46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66
Willits, Earl M.	Des Moines	.30	Attorney	.31—Polk	64, 65, 66

JOURNAL OF THE HOUSE

First Calendar Day--First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 10, 1977

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Sixty-seventh General Assembly of Iowa, 1977 Regular Session, convened at 10:00 a.m., Monday, January 10, 1977.

The House was called to order by the Honorable Arthur A. Small, Jr. from Johnson County.

The following prayer was offered by the Reverend Vincent James, pastor of the United Methodist Church, Vincent, Iowa:

Eternal God--our Father, we know that it is as if we are held in the hollow of your hand. Our life and our times are in your keeping. The flight of a sparrow--the destiny of a man, the decisions of a state legislature, are all within your concern. You are the source of all that exists--the power beyond all powers and still you come to us in love. How beyond our understanding to care for us, to guide us in each of our human endeavors. Come to us--let us know you are the God of all who have the responsibility of Authority.

To Governor Ray and all state officials especially now on this day, to these 100 legislators who come together to work out the reality of representative democracy in Iowa, touch them with your guiding Spirit so that the endeavors of these people as citizen legislators may be transformed into extraordinary accomplishments on behalf of the state of Iowa.

Inspire and enable them in their consideration of law-making to write these laws with a clarity of language and meaning that will not confuse the spirit and intent of the law or the justice it seeks to establish.

We give thanks for the structure of liberty found in the history of this legislature in which the right use of freedom can be practiced in governing ourselves, that it can truly be a government of, by and for the people.

Show these legislators in each situation to be both representative of the people and their own person, and in all things good stewards and servants of Thine, O Lord.

In thy name we pray, Amen.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Cochran of Webster.

CERTIFICATION
STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, the Chief Clerk of the House of Representatives.

I, MELVIN D. SYNHORST, Secretary of the State of Iowa, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at a Special Election held on November 2, 1976, Ned F. Chiodo was declared elected to fill the office of State Representative for the Sixty-seventh District, to fill a vacancy in a two year term which began on January 1, 1975.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 19th day of November, A.D., 1976.

MELVIN D. SYNHORST, Secretary of State

TEMPORARY OFFICERS

On motion by Doyle of Woodbury, David L. Wray of Polk County was elected Acting Chief Clerk. Mr. Wray presented himself and took and subscribed to the following oath:

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

Perkins of Greene moved that the Honorable Arthur A. Small, Jr. of Johnson County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Arthur A. Small, Jr. by Acting Chief Clerk Wray.

Temporary Speaker Small in the chair.

CREDENTIALS OF MEMBERS

O'Halloran of Black Hawk moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

The motion prevailed and the following committee was appointed: O'Halloran of Black Hawk, Jesse of Polk, Anderson of Jasper, Brockett of Marshall and Daggett of Adams.

The committee retired and, upon returning, presented the following report:

REPORT OF COMMITTEE ON CREDENTIALS

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

CERTIFICATION

STATE OF IOWA

Office of

THE SECRETARY OF STATE

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

I, MELVIN D. SYNHORST, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the General Election held November 2, 1976, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January 1977.

DISTRICTS

First	Elmer H. Den Herder
Second	Lyle R. Stephens
Third	Ingwer L. Hansen
Fourth	Don W. Spencer
Fifth	Lester D. Menke
Sixth	Keith Baker
Seventh	Robert A. Krause
Eighth	Terry E. Branstad
Ninth	Delwyn Stromer
Tenth	Richard W. Welden
Eleventh	Betty Jean Clark
Twelfth	Lowell E. Norland
Thirteenth	Rollin K. Howell
Fourteenth	William B. Griffee
Fifteenth	Donald D. Avenson
Sixteenth	Semor C. Tofte
Seventeenth	Roger A. Halvorson
Eighteenth	Terry E. Dyrland
Nineteenth	Thomas J. Jochum
Twentieth	Tom Tauke
Twenty-first	Thomas J. Gilloon
Twenty-third	Scott D. Newhard
Twenty-fourth	Herbert C. Hinkhouse
Twenty-fifth	John E. Patchett
Twenty-sixth	Joan Lipsky
Twenty-seventh	James D. Wells
Twenty-eighth	Wally E. Horn
Twenty-ninth	B. Joseph Rinas
Thirtieth	Myron B. Oxley
Thirty-first	Russell L. Wyckoff
Thirty-second	Kenneth D. Miller
Thirty-third	Henry C. Wulff
Thirty-fourth	Albert L. Garrison
Thirty-fifth	Diane Brandt
Thirty-sixth	Mary O'Halloran

DISTRICTS

Thirty-seventh	Raymond Lageschulte
Thirty-eighth	Cooper Evans
Thirty-ninth	Glenn F. Brockett
Fortieth	James C. West
Forty-first	Neal Hines
Forty-second	Reid W. Crawford
Forty-third	Sonja Egenes
Forty-fourth	Joyce Lonergan
Forty-fifth	Dale M. Cochran
Forty-sixth	Jerome D. Fitzgerald
Forty-seventh	Opal L. Miller
Forty-eighth	Wayne Bennett
Forty-ninth	Donald H. Binneboese
Fiftieth	Willis E. Junker
Fifty-first	Donald V. Doyle
Fifty-second	H. Lyle Scheelhaase
Fifty-third	Frank Crabb
Fifty-fourth	Arlyn E. Danker
Fifty-fifth	Carroll T. Perkins
Fifty-sixth	Ernest Gilson
Fifty-seventh	Andrew Varley
Fifty-eighth	Philip A. Davitt
Fifty-ninth	Lyle R. Krewson
Sixtieth	Douglas Smalley
Sixty-first	Rich Byerly
Sixty-second	Norman G. Jesse
Sixty-third	Carl V. Nielsen
Sixty-fourth	John H. Connors
Sixty-fifth	Julia B. Gentleman
Sixty-sixth	Patricia L. Thompson
Sixty-seventh	Ned F. Chiodo
Sixty-eighth	Jack E. Woods
Sixty-ninth	Robert T. Anderson
Seventieth	Bill Dieleman
Seventy-first	Emil J. Husak
Seventy-second	Linda Svoboda
Seventy-third	Arthur A. Small, Jr.
Seventy-fourth	William J. Hargrave
Seventy-fifth	Betty A. Hoffmann
Seventy-sixth	Walter Conlon
Seventy-seventh	John Pelton
Seventy-eighth	Hugo Schnekloth
Seventy-ninth	LaVern R. Harvey
Eightieth	Robert F. Bina
Eighty-first	Gregory D. Cusack
Eighty-second	Thomas Higgins
Eighty-third	Arnold R. Lindeen
Eighty-fourth	William R. Monroe, Jr.
Eighty-fifth	Clay Spear
Eighty-sixth	John Howard Clark
Eighty-seventh	Floyd H. Millen
Eighty-eighth	Keith H. Dunton
Eighty-ninth	Charles N. Poncy
Ninetieth	Mattie Harper
Ninety-first	Fred L. Koogler
Ninety-second	James I. Middleswart
Ninety-third	John B. Brunow
Ninety-fourth	Arlo Hullinger
Ninety-fifth	Wendell C. Pellett
Ninety-sixth	Horace Daggett

DISTRICTS

Ninety-seventh	William H. Harbor
Ninety-eighth	Laverne William Schroeder
Ninety-ninth	Emil S. Pavich
One hundredth	Craig D. Walter

I FURTHER CERTIFY that the State Canvassing Board has declared that at a Special Election held on December 28, 1976, Nancy Shimanek was elected to the office of State Representative for the Twenty-second District to fill a vacancy in a two year term which began in January, 1977.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 10th day of January, 1977.

MELVIN D. SYNHORST, Secretary of State

MARY O'HALLORAN, chair
 NORMAN G. JESSE
 ROBERT T. ANDERSON
 GLENN F. BROCKETT
 HORACE DAGGETT

O'Halloran of Black Hawk moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

MEMBERS' OATH OF OFFICE

The following members took and subscribed to the following oath:

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

Robert T. Anderson
 Donald D. Avenson
 Keith Baker
 Wayne Bennett
 Robert F. Bina
 Donald H. Binneboese
 Diane Brandt
 Terry E. Branstad
 Glenn F. Brockett
 John B. Brunow
 Richard L. Byerly
 Ned F. Chiodo
 Betty Jean Clark
 John H. Clark
 Dale M. Cochran
 Walter Conlon
 John H. Connors
 Frank Crabb
 Reid W. Crawford
 Gregory D. Cusack

Horace Daggett
 Arlyn E. Danker
 Philip A. Davitt
 Elmer H. Den Herder
 William W. "Bill" Dieleman
 Donald V. Doyle
 Keith H. Dunton
 Terry Dyrland
 Sonja Egenes
 Cooper Evans
 Jerome Fitzgerald
 Albert L. Garrison
 Julia B. Gentleman
 Thomas J. Gilloon
 Ernest W. Gilson
 William B. Griffee
 Roger A. Halvorson
 Ingwer L. Hansen
 William H. Harbor
 William J. Hargrave

LaVern R. Harvey
 Thomas J. Higgins
 Neal Hines
 Herbert C. Hinkhouse
 Betty A. Hoffmann
 Wally E. Horn
 Rollin K. Howell
 Arlo Hullinger
 Emil J. Husak
 Norman G. Jesse
 Thomas J. Jochum
 Willis E. Junker
 Fred L. Koogler, Sr.
 Robert A. Krause
 Lyle R. Krewson
 Ray Lageschulte
 Arnold R. Lindeen
 Joan Lipsky
 Joyce Lonergan
 Lester D. Miller
 James I. Middleswart
 Floyd H. Millen
 Kenneth D. Miller
 Opal Miller
 W. R. "Bill" Monroe, Jr.
 Scott D. Newhard
 Carl V. Nielsen
 Lowell E. Norland
 Mary O'Halloran
 Myron B. "Mike" Oxley

John E. Patchett
 Emil S. Pavich
 Wendell C. Pellett
 John Pelton
 Carroll Perkins
 Charles N. Poncy
 B. Joseph Rinas
 Lyle Scheelhaase
 Hugo Schnekloth
 Laverne W. Schroeder
 Nancy J. Shimanek
 Arthur A. Small, Jr.
 Douglas R. Smalley
 Clay Spear
 Don W. Spencer
 Lyle R. Stephens
 Delwyn Stromer
 Linda A. Svoboda
 Thomas J. Tauke
 Patricia L. Thompson
 Semor C. Tofte
 Andrew Varley
 Craig D. Walter
 Richard W. Welden
 James D. Wells
 James C. West
 Jack E. Woods
 Henry C. Wulff
 Russell L. Wyckoff

ELECTION OF SPEAKER

Miller of Calhoun presented the name of the Honorable Dale M. Cochran of Webster as candidate for Speaker of the House of Representatives of the Sixty-seventh General Assembly, preceding such nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

I consider it an honor to have the distinct privilege of placing in nomination for the office of Speaker of the Iowa House of Representatives.. for the Sixty-seventh General Assembly..the name of The Honorable Dale M. Cochran... the gentleman from Webster...and the Forty-fifth District.

Representative Cochran has served the people of the state for the past twelve years...He was born and educated in Webster County...and graduated in 1950 from Iowa State University. He is married to the former Jeannene Hirsch, and they are the parents of three charming daughters,...Deborah, Cynthia and Tamara.

Before his election to the House, he had served as County Extension Director,...as Farm Editor for the Fort Dodge Messenger, and on the Congressional staff of Merwin Coad.

His energy and organizational ability are demonstrated by the fact that he manages to operate a 400 acre farm near his home town of Vincent...and actively take part in church, community and farm organizations...while fulfilling his legislative duties.

Representative Cochran, began his service to the people of Iowa in 1964, and because of the dedication and leadership he gave to his work,...he was elected and served with distinction as Minority Floor Leader for the Sixty-fourth and Sixty-fifth General Assemblies. Due to the spirit of cooperation shown in this position...and the respect he had gained from his peers...he was elected Speaker of the Iowa House for the Sixty-sixth General Assembly.

His keen knowledge of the legislative processes was recognized by his appointment as Vice Chairman of the Inter-Governmental Relations Committee of the National Conference of State Legislatures,...and he is presently a member of the Executive Committee of this National Organization. He also serves on the Governing Board of the Council of State Governments...and is a Director of the Iowa Rural Development Policy Council.

I am most anxious to assure those new members...who were not privileged to sit in the House under the gavel of Speaker Cochran...that the trust and confidence which we put in his ability...were well deserved. He displays all the qualities which go to make a true leader. He is respectfully courteous and friendly...his energy will amaze you...and when busiest...he will find time to encourage a freshman legislator...he serves with honesty and integrity... has consideration and respect for others...all...while carrying out both the responsibilities and obligations of the Speaker...with dignity.

While recognizing that each of us holds individual dreams for our state, Speaker Cochran realized that...only by expressing those strong and sincere differences of opinion...would we be able to create policy which results in economic stability...and the quality of life we want for all Iowans.

The task ahead is a tremendous one,...but with the fine spirit of cooperation which this colleague has displayed in past years, we can be assured of a productive session, conscientiously representing those people who have put their faith and trust in each of us.

Therefore...I am proud to nominate for Speaker of the House...the gentleman from Webster...THE HONORABLE DALE M. COCHRAN.

Connors of Polk seconded the nomination of Dale M. Cochran for Speaker of the House, preceded by the following remarks:

Mr. Speaker, Ladies and Gentleman:

I rise to second the nomination of Dale Cochran. The book of Matthew Chapter 20, Verses 26-27, says "whosoever will be great among you, let him be your minister; and whosoever will be great among you, let him be your servant." I have had the privilege of knowing our servant Dale Cochran since his 1st election to this House in 1964, and the honor of serving with him as our Minority Leader in the Sixty-fifth General Assembly, and as our Speaker in the Sixty-sixth General Assembly. We have come to know and appreciate his ability, his service and his proven leadership.

I recall two (2) years ago when Speaker Cochran said: "I have only the utmost respect for this chair and for the integrity that is associated with it —

which is in part because of the dedication of fair-minded Speakers who precede me. Beyond that let me take note of the legislative process that placed me here. It is to me the highest honor to have been elected to preside by colleagues — by my fellow legislators, whose confidence and trust in me constitutes the greatest compliment I have ever received in my legislative career."

So now, an even greater honor comes to Dale Cochran - for that compliment of confidence and trust by his fellow Legislators comes to him today -- as it has come to very few -- a second consecutive term as Speaker of the House.

It is an honor, a privilege, and a pleasure for me to second the nomination of my colleague and good friend, the Honorable Dale M. Cochran as Speaker of the Iowa House of Representatives for the Sixty-seventh General Assembly.

Thank you.

Stromer of Hancock seconded the nomination of Dale M. Cochran for Speaker of the House, preceded by the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

It is with honor and respect that I rise to second the nomination of Dale M. Cochran of Webster County for the Speaker of the House of Representatives.

We, as a minority party, pledge our utmost cooperation in trying to solve the many problems facing the state of Iowa as fairly and expeditiously as possible. The challenges are many and it will take unity in these chambers to prove to all Iowa citizens that we are here to solve problems, not just to satisfy the petitions of "special interest" groups that may insure our re-election.

Mr. Speaker, even though we pledge our utmost cooperation during the Sixty-seventh General Assembly we are also cognizant of our proper roles as a minority in keeping the majority party "honest." We will be very critical if major decisions are made in "arm twisting" caucuses rather than meaningful debate on the House floor before all the citizens of Iowa.

Having been a member of the General Assembly during the past two sessions when Mr. Cochran served as Speaker, I have seen him demonstrate his capabilities. I feel that he can give us the leadership this House will need the next two years.

I therefore move that the Chief Clerk be authorized to cast a unanimous ballot for the Honorable Dale M. Cochran as Speaker of the House of Representatives for the Sixty-seventh General Assembly.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Dale M. Cochran as Speaker of the House of Representatives of the Sixty-seventh General Assembly. The Honorable Dale M. Cochran of Webster, having received all of the votes cast for the office of Speaker of the House of Representatives of the Sixty-seventh General Assembly, was declared duly elected to that office.

Middleswart of Warren moved that a committee of two be named to escort the Speaker to the chair.

The motion prevailed and the following committee was named: Middleswart of Warren and Rinas of Linn.

PRESENTATION OF SPEAKER

The Honorable Dale M. Cochran was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary Speaker Small of Johnson presented Speaker-elect Cochran with the gavel and congratulated him on his unanimous election.

Speaker Cochran thanked the House for the honor bestowed upon him and offered the following remarks:

On this occasion two years ago I tried to express to the House members my feelings about the honor they had bestowed upon me by electing me to preside over this honorable body.

At that time I pledged that I would keep, as my primary considerations as Speaker, their trust and their confidence uppermost in my mind.

It is no less a moving and humbling experience for me to renew that pledge to you here today, each and every one of you. Indeed, if anything, I want this new House of Representatives to know that re-election by one's colleagues to the position of Speaker is a compliment to me of the highest order. Because it is a moment I not only cherish personally, but your action represents an affirmation I have considered most carefully as I have worked with you in preparation for this Sixty-seventh session.

You know, we begin our daily deliberations in the House by invoking guidance from a superior being. If I may, I'd like to share with you a personal invocation that helps me to stay on the track as I begin a new day--a new week and a new year. There are only three words and they are not magic, just as nothing we can do as human beings is magic--but they help.

These three words are, simply, "Open my eyes."

Open my eyes to the fact that I must begin from where I am, in reality, and so as I try to assess exactly where we are as a legislature, I find a natural, educational, economic, and cultural climate in Iowa that is sound. We all take pride in saying we are Iowans—and in assuming, as public servants, some credit for the relatively stable and good life our citizens enjoy.

As legislators we are first of all mindful that we must maintain the policies and protect the traditions that have resulted in this positive climate in our state.

But we are also aware that it is not enough for 100 men and women in whom the public has placed that public policy trust--to simply maintain the status quo, however satisfying--and tempting politically--that path may appear to be.

When we open our eyes to the significance of this particular beginning, we see that quite frankly, we have some very difficult decisions to make in the next two years. We cannot make those decisions, it seems to me, without exploring new, and perhaps potentially controversial, avenues.

To begin with we can, at the very least, keep our hearts and minds opened to the collective wisdom that is represented among the members of this body. We must be cautious about turning off suggestions of new ways to approach our problems; and we must be equally prepared to stand firmly with tested traditions when we are convinced that those have served us well.

It is a thin line for a legislator to walk whether the legislator is a freshman or a veteran. But this is an open and above all, a democratic body, where the differences in what to do and how to do it has to be fully and fairly debated.

Our Constitution is clear about the legislature's role among the three branches of government. This is a co-equal branch; it is, as we know, the body closest to the people.

Recently, some of the technicalities of our legislative process had begun to hamper our efficiency, so some of these have been changed, so that we might maintain the constitutionally-mandated strength of the legislative department of Iowa government. We will implement some new and innovative procedures this year, as you will see.

For example, this assembly will attempt to involve more of us more directly in a streamlined budget process, in an effort to keep the people's power of the purse firmly within the control of the people's representatives--where our Constitution so wisely has vested it.

And, in addition, because we have found that it is not necessarily in the best interests of considered legislation to be drafting laws under the pressure to interrupt the drafting process to debate complex matters before us--we have taken steps to reorganize the time available to us. The intensive committee work period that we will follow in the next several weeks is a small organizational step toward efficiency, but it could be an important step toward better legislation if we keep our eyes open to the opportunity this new use of time presents.

I've heard many of you say that people you represent expect you to act with wisdom in all matters, with pragmatism in financial matters, compassion in social matters, and with superior knowledge and sometimes superhuman efforts--as you work in Des Moines. In short, people want you to legislate professionally.

We cannot maintain our legislative integrity if we try, on the one hand, to accede to public demands that we legislate professionally, and at the same time become intimidated by the statement that we are "Professional Legislators" as if that title were an accusation to be ashamed of.

I am as proud to aspire to the label of "Iowa Legislator" as I am to be an "Iowa Farmer." To be truly professional as a legislator is a goal toward which we ought to dedicate ourselves, and is not a label from which legislators should shrink.

The quality of our legislative performance on matters such as billion-dollar annual budgets, crucial tax problems, environmental matters, energy conservation, consumer protection, educating our youth and attaining dignity of life for our old, while at the same time we are trying to build and maintain a decent transportation system, keep our air clean, provide recreational outlets, and maintain real justice in our judicial system--are matters that simply cannot be adequately addressed by any other than persons who are dedicated to the highest form of professionalism in carrying out their legislative obligations.

But who are these people, these legislators, who are dealing with other people's lives, wealth and property?

Are these legislators foreign objects from Mars perhaps? Are they merely robots? Are they something that no one ever sees or meets or touches?

Or are they human beings? Yes, they are people just like everyone else who live and breath.

We live in communities throughout Iowa.

These could be your next door neighbor -- very possibly have children who go to school every day with your children.

These legislators, these human beings, may even sit beside you in church on Sunday morning.

They have problems, they pay taxes just like everyone else. They maintain their jobs in their own communities.

They leave their families, their homes and congregate in the State Capitol to do their best to provide under the given circumstances, the best possible quality of life. These people are our Iowa legislators representing the people of Iowa.

Make no mistake about it. We are not dealing in generalities here. We are dealing with specific constitutional requirements of this branch of government -- one of which is that we demand accountability from every corner of the large scope of the Executive Branch of government. To do this adequately could very well require performance auditing and a form of sunset law. Yes, we are making policy in areas that touch the lives, wealth or property of every Iowan every day of their lives.

Let me be specific, as well. I am advocating overt pride in each and every legislator in your business of legislating. That does mean that I advocate the time, the space, the facilities, the technical expertise and the remuneration necessary to carry out our constitutional mandate.

After all, there is one certainty. If this Legislature makes it our business to equip ourselves—and thus to equip the people—with the tools necessary to function in their best interests—and having so equipped ourselves, we should fail to perform as they would have us do, the people have an effective remedy and we all know what it is. It comes about every two years in November.

So -- open our eyes. To what we are, to what we are charged to do, to what the Constitution demands that we do.

Then, in a renewed climate of pride not only in our individual contributions, but of pride in this body, we can debate and resolve the issues of real import to Iowans.

I have the highest regard for the Iowa legislative process. It perseveres and serves us well. I am so very proud to welcome each of you to it today. I thank you again for the honor -- the challenge of your confidence in me as your Speaker.

I would like to leave you with a fuller context of the invocation that has been so helpful to me, and around which I have addressed my remarks today. It seems to be a pretty helpful way to mobilize our thinking at the start of a new legislative session:

We approach the beginning of a new day;
 We pause at the threshold of a new week;
 We stand at the brink of a new year;
 and yet we do so with our same old selves.

We pray, Lord, that by your spirit you will change us,
 making us new creatures in your eyes,
 enabling us to stand at the brink of a new life.

Forgive us if we are preoccupied with the past,
 thinking the old is always best,
 imagining that the new is always the worst,
 or that change is synonymous with evil.
 If we have been deaf and blind to new insights, counting as
 enemies those who are innovative and adventurous,
PARDON US AND OPEN OUR EYES.

Forgive us if we are preoccupied with the present,
 thinking that the pleasurable is always the best,
 imagining that the painful is always the worst,
 that difficulty is synonymous with evil.

If we have been deaf and blind to great principles,
 counting as enemies those who advocate principle and
 restraint,
PARDON US AND OPEN OUR EYES."

And, finally,
 "Forgive us if we are preoccupied with the future,
 thinking that the new is always the best,
 imagining that the old is always the worst,
 that custom is synonymous with evil.

If we have been deaf and blind to ancient truths,
 counting as enemies those who love tradition,
PARDON US AND OPEN OUR EYES."

Thank you very much.

Speaker Cochran in the chair.

PERMANENT CHIEF CLERK

Avenson of Fayette moved that David L. Wray be made permanent Chief Clerk of the House.

The motion prevailed and David L. Wray was declared elected permanent Chief Clerk.

COMMITTEE TO NOTIFY GOVERNOR

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

The motion prevailed and the following committee was appointed: Norland of Worth, Chiodo of Polk and Clark of Cerro Gordo.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Brunow of Appanoose, Davitt of Warren and Millen of Van Buren.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 1 and moved its adoption:

HOUSE CONCURRENT RESOLUTION 1

By Fitzgerald

1 *Be It Resolved by the House, the Senate*
 2 *Concurring, That a joint convention of the*
 3 *two houses of the Sixty-seventh General Assembly*
 4 *be held on Tuesday, January 11, 1977, at 10:00 a.m.*
 5 *Be It Further Resolved, That Governor Robert*
 6 *D. Ray be invited to present his state of the*
 7 *state message at this joint convention of the two*
 8 *houses of the General Assembly and that the Speaker*
 9 *of the House and the President of the Senate be*
 10 *designated to deliver the invitation to him.*

The motion prevailed and the resolution was adopted.

ELECTION OF SPEAKER PRO TEMPORE

Byerly of Polk placed in nomination the Honorable Carl Nielsen of Polk County as candidate for Speaker pro tempore of the House of Representatives of the Sixty-seventh General Assembly, preceding his nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

It gives me great pleasure to nominate a close personal and professional friend, Mr. Carl Nielsen, for Speaker pro-tempore of the Iowa House.

While not a native Iowan, Carl has spent most of his adult life in the state. He attended Grand View College where he received an Associate Arts Degree and then went on to Drake University where he received his B.A. Degree and his law degree.

Carl, who resides in Altoona with his wife, Marilyn and three children, will be serving his third term in the Iowa House.

More important than the accolades and plaudits I could give to him from his educational, personal or historical perspective, Carl personifies a type of leadership so necessary at this point of Iowa government. Carl features traits rare in most political leaders today -- intelligent, decisive, and articulate.

Today, more than ever before, the people of Iowa, and particularly urban people, need strong political leaders and a strong voice. Carl Nielsen personifies that need and helps to span a vast chasm that presently exists.

With these comments I place in nomination the name of Carl Nielsen.

Jesse of Polk seconded the nomination of Mr. Nielsen as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

It is my pleasure to second the nomination of Carl Nielsen of Polk County to the office of Speaker pro tempore of the Iowa House of Representatives.

Varley of Adair seconded the nomination of Mr. Nielsen as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

I wish to second the nomination of Carl Nielsen as Speaker pro-tempore. Mr. Nielsen is well qualified to serve in this capacity in a fair and objective manner. He is a very competent legislator, and very knowledgeable in the area of House rules.

We are all here to serve the best interest of the State of Iowa and I believe this requires fair and open debate. No one has a corner on the "good ideas." We trust that as we consider changes in our procedures and rules in an effort to expedite the session that we will not sacrifice traditional open amendment and debate procedures. Mr. Nielsen has conducted himself in a fair and dignified manner in the past when he has been in the Chair and I feel certain that he will continue the practice in the office of Speaker pro-tempore. I, therefore, move that the Chief Clerk be authorized to cast a unanimous ballot for the Honorable Carl V. Nielsen of Polk County as Speaker pro-tempore of the House of Representatives for the Sixty-seventh General Assembly.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Carl V. Nielsen as Speaker pro tempore of the House of Representatives of the Sixty-seventh General Assembly.

The Honorable Carl V. Nielsen of Polk County, having received all the votes cast for the office of Speaker pro tempore of the House of Representatives of the Sixty-seventh General Assembly, was declared duly elected to that office.

Baker of Buena Vista moved that a committee of two be appointed to escort Speaker pro tempore Nielsen to the chair.

The motion prevailed and the following committee was appointed: Baker of Buena Vista and Horn of Linn.

Mr. Nielsen was escorted to the chair and, being duly sworn, made the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

I am honored; I accept your vote of confidence and pledge to work to the best of my ability to fulfill the duties of this office.

New approaches and new solutions for old problems may well occupy much of our time in this session. It is my hope that there will be a willingness on the part of this body to work hard so as to give the new work schedules a chance to succeed.

If all of us work constructively, collectively we can and will solve at least some of the problems of this State and thereby make Iowa a better place to live and grow.

ADOPTION OF HOUSE RESOLUTION 1

Howell of Floyd asked and received unanimous consent for the immediate consideration of House Resolution 1 and moved its adoption:

HOUSE RESOLUTION 1

By Howell

- 1 *Be It Resolved by the House of Representatives:*
- 2 That a committee of one be appointed to arrange
- 3 with different ministers of the state for opening
- 4 the sessions with prayer.

The motion prevailed and the Speaker appointed Howell of Floyd to the committee.

ADOPTION OF HOUSE RESOLUTION 2

Wells of Linn asked and received unanimous consent for the immediate consideration of House Resolution 2 and moved its adoption:

HOUSE RESOLUTION 2

By Wells

- 1 *Be It Resolved by the House of Representatives:*
- 2 That each member of the House shall be entitled to
- 3 select and appoint a clerk and such clerk may be
- 4 called upon to aid in the discharge of the clerical
- 5 work of the House of Representatives. Only expert
- 6 typists and stenographers will be considered
- 7 qualified. The Speaker and Chief Clerk shall
- 8 appoint their secretaries and pages to serve for
- 9 the session, and the Chief Clerk is hereby

- 10 authorized to employ such additional clerical
11 assistance as his duties may require.

The motion prevailed and the resolution was adopted.

COMMITTEE ON MILEAGE

Hargrave of Johnson moved that a committee of three be appointed to determine the amount of mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Hargrave of Johnson, Hinkhouse of Cedar and Monroe of Des Moines.

REPORT OF COMMITTEE TO NOTIFY SENATE

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

The report was accepted and the committee discharged.

SPECIAL ORDER

Fitzgerald of Webster offered the following motion:

I move that the assignment of seats to the members of the House be made a special order for this afternoon at 2:00 o'clock.

The motion prevailed.

REPORT OF COMMITTEE TO NOTIFY GOVERNOR

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

The report was accepted and the committee discharged.

REMARKS BY THE MINORITY LEADER

Millen of Van Buren addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

As you all know, there are only thirteen freshmen members in the House this year, and most of the incumbents are returning in positions similar to

what they held during the last two years. Keeping those facts in mind, as well as others we have heard this morning, I do have a few, brief remarks to make at this time.

Since so many of us here today are incumbents with the experiences of at least the last General Assembly behind us, I would hope each of us would have learned from our experiences so better cooperation can be established between our two parties this year.

In 1975, and again in 1976, I pledged the cooperation of the Republican Caucus in instituting a constant line of communication and cooperation between the Republican and Democratic Parties. I felt then, and still feel now, that cooperation and communication are of vital importance if we are to provide the people of Iowa with an effective and productive session in the minimum amount of time.

However, I don't feel the Democrats cooperated or communicated sufficiently with the Republicans during the last General Assembly and I certainly hope that during the next two years we can achieve a greater cooperation of input of ideas to benefit the citizens of Iowa who are represented by Republicans as well as Democrats.

I commend the Legislative Procedures Interim Study Committee for its decision to devote the first weeks of this session to committee work. This can be the first of many necessary tools to make the legislature more productive and efficient and yet allow us to retain our citizen legislators. However, we must go further by establishing orderly termination procedures and goals for closing down each session so we don't go on and on and on.

There are many areas we must consider in the next few weeks, problems that necessitate efficient and manageable legislative procedures -- matters such as property taxes, school aid and road funding -- all of which affect every segment of Iowa's population. But again I emphasize the need to keep our lines of communication open in order to deal successfully with these and other priorities. In order to do that, both sides of the political aisle must cooperate with the other.

We in the Republican Party are not here to be obstructionists -- we are here to assist the Democrats in solving the problems of Iowa in the most expedient and meaningful manner possible. We are not here merely to condemn the Democratic Party and to tell you that if we were in the majority we would have done it differently -- but we will tell you what we feel you have done wrong and give you our views and thoughts on the matters. We are not here to use parliamentary procedure to tie up the session -- but we will not let you use parliamentary law to keep us from being heard.

We Republicans want to cooperate, but it must be a two-way street if the people of Iowa are to benefit from favorable legislation from this General Assembly. I again pledge the cooperation and good faith of the Republican Party and hope we can have the same meaningful pledge from the Democratic Party.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Thirty-one senior students from Meservey-Thornton Community High School, Thornton, Iowa, accompanied by Donald Johnson. By Clark of Cerro Gordo.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 10, 1977, adopted the following concurrent resolution in which the concurrence of the Senate was asked.

House Concurrent Resolution 1, providing for a joint convention of the General Assembly to be held on January 11, 1977.

Also: That the Senate has on January 10, 1977 adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, relating to the distribution of the codes to members of the General Assembly and the press.

Also: That the Senate has on January 10, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, providing for distribution of the daily journals and bills to the county auditors and the congressional delegation in Washington, D.C.

STEVEN C. CROSS, Secretary

SENATE CONCURRENT RESOLUTION 2

By Carr and Schwengels

- 1 *Be It Resolved by the Senate, the House Concurring:*
- 2 That the superintendent of printing be directed to
- 3 furnish copies of the 1977 Code of Iowa; copies of the
- 4 Acts of the 1975 and 1976 regular sessions of the sixty-
- 5 sixth general assembly, and copies of the 1975 Code of
- 6 Iowa to such members of the sixty-seventh general
- 7 assembly of Iowa who may request the same. Senate
- 8 members will leave orders for Codes and Acts at the
- 9 secretary of the senate's desk and house members at the
- 10 chief clerk of the house of representatives' desk.
- 11 *Be It Further Resolved:* That the superintendent of
- 12 printing is directed to furnish copies of the 1977 Code
- 13 of Iowa and Acts of the 1975 regular session and 1976
- 14 regular session of the sixty-sixth general assembly as
- 15 requested by the secretary of the senate and by the chief
- 16 clerk of the house for the use of the staff in their
- 17 respective offices
- 18 *Be It Further Resolved* That the superintendent of
- 19 printing is directed to furnish copies of the 1977 Code

20 of Iowa and the Acts of the 1975 and 1976 regular sessions
 21 of the sixty-sixth general assembly to members of the
 22 press who are assigned desks in the senate and house
 23 chambers, to be requested by the secretary of the senate
 24 for members of the press with desks there assigned and by
 25 the chief clerk of the house of representatives for copies
 26 to be furnished members of the press assigned desks in
 27 the house chamber. Such requests shall be made before
 28 February 1, 1977.

Laid over under Rule 25.

SENATE CONCURRENT RESOLUTION 3
 By Rodgers and Burroughs

1 *Be It Resolved by the Senate, the House Concurring:*
 2 That the superintendent of printing be instructed to
 3 mail to each county auditor in the state of Iowa one
 4 copy of the daily corrected senate and house journals,
 5 one copy of each senate and house bill, one copy of
 6 each senate and house reprinted bill, one copy of each
 7 senate and house enrolled bill, and one copy of each
 8 senate and house clip-sheet for the duration of the
 9 sixty-seventh general assembly and that the same, with
 10 binders, be furnished to such officers free of charge,
 11 to be paid for out of the general fund not otherwise
 12 appropriated.

13 *Be It Further Resolved:* That the superintendent of
 14 printing be instructed to mail to Senator Dick Clark,
 15 Senator John C. Culver, Congressman Berkley Bedell,
 16 Congressman Michael T. Blouin, Congressman Charles E.
 17 Grassley, Congressman Thomas Harkin, Congressman James
 18 Leach, Congressman Neal Smith one copy of the daily
 19 corrected senate and house journals, one copy of each
 20 senate and house bill, one copy of each senate and
 21 house reprinted bill, one copy of each senate and house
 22 enrolled bill, and one copy of each senate and house
 23 clip-sheet for the duration of the sixty-seventh general
 24 assembly and that the same, with binders, be furnished
 25 to such officers free of charge, to be paid for out of
 26 the general fund not otherwise appropriated.

27 *Be It Further Resolved:* That the superintendent of
 28 printing make such mailings at least once weekly.

Laid over under Rule 25.

TEMPORARY RULES OF THE HOUSE
SIXTY-SEVENTH GENERAL ASSEMBLY

Nielsen of Polk moved that the Temporary Rules of the House of the Sixty-sixth General Assembly be the Temporary Rules of the House of the Sixty-seventh General Assembly.

The motion prevailed.

QUORUM CALL

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

EMPLOYEES OF THE HOUSE

Wells of Linn moved that the following named persons be elected as the employees of the House:

Róbert F. Davies -- Assistant Chief Clerk and Reading Clerk
 Dan L. Dudley -- Legal Counsel
 F. Ann Bausserman -- Executive Secretary to Speaker
 N. Kay Markell -- Research Assistant to Speaker
 Catherine A. Sears -- Research Assistant to Majority Leader
 Maryjo F. Welch -- Research Assistant to Minority Leader
 Joseph J. O'Hern -- Administrative Assistant to Majority Caucus
 Monty R. Bertelli -- Counsel to Minority Caucus
 Lynn M. Johnson -- Majority Research Assistant
 Linda J. King -- Majority Research Assistant
 William C. Maloney -- Majority Research Assistant
 Kristine A. Bowser -- Majority Research Assistant
 Mark W. Brandsgard -- Majority Research Assistant
 Mary F. Wegner -- Majority Research Assistant
 Michael L. Triggs -- Minority Research Assistant
 Pamela J. Johnson -- Minority Research Assistant
 Sandra L. Githens -- Minority Research Assistant
 M. Maxine Mann -- Executive Secretary to Chief Clerk
 Cathy S. Kelly -- Clerk to Chief Clerk
 Sharon R. Robinson -- Public Information Office Director
 Linda W. Elliott -- Clerk to Public Information Office Director
 Evelyn K. Higginbottom -- Supervisor of Clerks
 Elizabeth A. Isaacson -- Journal Editor
 Frances A. Stefani -- Journal Clerk
 Billie Jean Walling -- Finance Clerk
 Debra K. Rex -- Assistant Finance Clerk
 Sally L. Blanton -- Engrossing Clerk
 Pauline E. Kephart -- Assistant to the Legal Counsel and Enrolling Clerk
 Elizabeth J. O'Connor -- Assistant to the Legal Counsel
 Juanita F. Swackhammer -- Chief Indexer
 Wilma F. Zika -- Indexing Assistant
 Carol S. Edwards -- Compositor
 Vivian M. Anders -- Compositor
 Theresa L. Magnani -- Supply Clerk
 Marilou Montieith -- Swing Clerk
 Betty C. Lawson -- Switchboard Operator
 Virginia Semple -- Switchboard Operator
 Phyllis J. Fraizer -- Bill Clerk
 Madeline E. James -- Assistant Bill Clerk
 Ruth L. Spencer -- Postmaster
 Ed S. McMillin -- Sergeant at Arms
 John W. Russell -- Assistant Sergeant at Arms
 Clarence O. Anderson -- Doorkeeper
 Luman W. Bell -- Doorkeeper
 Frank L. Christen -- Doorkeeper

Donald R. Emanuel -- Doorkeeper
Kevin J. Putbresi -- Doorkeeper
A. Sam Vaughn -- Doorkeeper
Evelyn Seaney -- Elevator Operator
Bessie J. Bagby -- Cloakroom Attendant
Deborah K. Simon -- Aide to Public Information Office
Kim E. Ross -- Aide to Public Information Office
Brad Kading -- Aide to Public Information Office
Megan Manning -- Aide to Public Information Office
Catherine H. Engel -- Aide to Chief Clerk
Leala A. Salter -- Aide to Chief Clerk
John B. Sandage -- Speaker's Page
Kim Kolanbrander -- Chief Clerk's Page
Ann Beattie -- Page
Therese L. Bernard -- Page
Christine K. Bishop -- Page
Joseph D. Brammer -- Page
Lorie Davis -- Page
Steven R. Dean -- Page
Cinda Lou Dierenfeld -- Page
Laure L. Donlon -- Page
Robert E. Foreman II -- Page
Joanne A. Griep -- Page
Anna Rose Hustedde -- Page
Jodi Johannsen -- Page
Charlotte A. Law -- Page
Gregg A. Lucken -- Page
Kathleen M. Maquire -- Page
Vincent E. Mauer -- Page
Dianna Lee Myers -- Page
Brenda Richter -- Page
Greg Schroeder -- Page
Michael D. Simpkins -- Page

The motion prevailed.

COMMITTEE FROM THE SENATE

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

SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Cochran--floor seat.
2. Speaker Pro Tempore Nielsen
3. Majority Floor Leader Fitzgerald
4. Minority Floor Leader Millen
5. Assistant Floor Leaders--
6. Members with defective sight, hearing and physical disability.

7. Drawing by seniority:
 a. Former Speaker
 b. Incumbent members with continuous service
 c. Returning members, by seniority
 d. New members

The drawing of seats proceeded with the following results:

Name	Seat No.	Name	Seat No.
Robert T. Anderson	64	Norman G. Jesse	82
Donald D. Avenson	81	Thomas J. Jochum	26
Keith Baker	56	Willis E. Junker	76
Wayne Bennett	23	Fred L. Koogler	48
Robert F. Bina	28	Robert A. Krause	35
Donald H. Binneboese	78	Lyle R. Krewson	4
Diane Brandt	47	Ray Lageschulte	39
Terry E. Branstad	59	Arnold Lindeen	40
Glenn F. Brockett	24	Joan Lipsky	83
John B. Brunow	5	Joyce Lonergan	86
Richard L. Byerly	54	Lester D. Menke	1
Ned F. Chiodo	18	James I. Middleswart	87
Betty Jean Clark	55	Floyd H. Millen	99
John H. Clark	67	Kenneth D. Miller	70
Dale M. Cochran	14	Opal Miller	75
Walter Conlon	11	W. R. Monroe	84
John H. Connors	37	Scott D. Newhard	80
Frank Crabb	88	Carl V. Nielsen	52
Reid W. Crawford	69	Lowell E. Norland	79
Gregory D. Cusack	68	Mary O'Halloran	91
Horace Daggett	50	Myron B. Oxley	73
Arlyn E. Danker	31	John E. Patchett	34
Philip A. Davitt	3	Emil S. Pavich	38
Elmer H. Den Herder	66	Wendell Pellett	33
Wm. W. Dieleman	27	John Pelton	19
Donald V. Doyle	89	Carroll Perkins	49
Keith H. Dunton	95	Charles N. Poncy	62
Terry Dyrland	10	B. Joseph Rinas	74
Sonja Egenes	44	Lyle Scheelhaase	29
Cooper Evans	22	Hugo Schneklloth	21
Jerome Fitzgerald	100	Laverne Schroeder	65
Albert L. Garrison	97	Nancy J. Shimanek	17
Julia Gentleman	2	Arthur A. Small	12
Thomas Gilloon	7	Douglas Smalley	20
Ernest Gilson	51	Clay Spear	53
William Griffiee	36	Don W. Spencer	71
Roger Halvorson	58	Lyle R. Stephens	42
Ingwer L. Hansen	77	Delwyn Stromer	61
William Harbor	94	Linda A. Svoboda	6
William Hargrave	63	Thomas J. Tauke	41
Mattie Harper	32	Patricia Thompson	13
LaVern Harvey	43	Semor C. Tofte	45
Thomas Higgins	8	Andrew Varley	96
Neal Hines	72	Craig D. Walter	30
Herbert Hinkhouse	15	Richard W. Welden	85
Betty A. Hoffmann	9	James D. Wells	98
Wally E. Horn	60	James C. West	46
Rollin K. Howell	25	Jack E. Woods	16
Arlo Hullinger	93	Henry C. Wulff	57
Emil J. Husak	90	Russell L. Wyckoff	92

REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to begs leave to submit the following report:

Name	Round Trip Miles
Robert T. Anderson	70
Donald D. Avenson	340
Keith Baker	340
Wayne Bennett	300
Robert F. Bina	360
Donald H. Binneboese	470
Diane Brandt	222
Terry E. Branstad	270
Glenn F. Brockett	130
John F. Brunow	196
Richard L. Byerly	25
Ned F. Chiodo	None
Betty Jean Clark	228
John H. Clark	360
Dale M. Cochran	200
Walter Conlon	320
John H. Connors	None
Frank Crabb	250
Reid W. Crawford	77
Gregory D. Cusack	360
Horace Daggett	204
Arlyn E. Danker	240
Philip A. Davitt	52
Elmer H. Den Herder	480
Wm. W. Dieleman	92
Donald V. Doyle	426
Keith H. Dunton	190
Terry Dyrland	440
Sonja Egenes	96
Cooper Evans	142
Jerome Fitzgerald	206
Albert L. Garrison	244
Julia Gentleman	None
Thomas J. Gilloon	398
Ernest Gilson	150
William B. Griffee	324
Roger A. Halvorson	440
Ingwer L. Hansen	420
William H. Harbor	258
William J. Hargrave, Jr.	246
Mattie Harper	240
LaVern R. Harvey	350
Thomas J. Higgins	338
Neal Hines	90
Herbert C. Hinkhouse	250
Betty A. Hoffmann	306
Wally E. Horn	250

Name	Round Trip Miles
Rollin K. Howell	250
Arlo Hullinger	154
Emil J. Husak	150
Norman G. Jesse	None
Thomas J. Jochum	410
Willis E. Junker	410
Fred L. Koogler, Sr.	140
Robert A. Krause	272
Lyle R. Krewson	None
Ray Lageschulte	294
Arnold R. Lindeen	264
Joan Lipsky	260
Joyce Lonergan	100
Lester D. Menke	392
James I. Middleswart	40
Floyd H. Millen	300
Kenneth D. Miller	288
Opal Miller	230
W. R. Monroe, Jr.	330
Scott D. Newhard	310
Carl V. Nielsen	22
Lowell E. Norland	274
Mary O'Halloran	220
Myron B. Oxley	274
John E. Patchett	260
Emil S. Pavich	280
Wendell Pellett	180
John Pelton	416
Carroll Perkins	140
Charles N. Poncy	180
B. Joseph Rinas	270
Lyle Scheelhaase	440
Hugo Schnekloth	360
Laverne Schroeder	268
Nancy Schimanek	340
Arthur A. Small	240
Douglas Smalley	None
Clay Spear	330
Don W. Spencer	380
Lyle R. Stephens	460
Delwyn Stromer	226
Linda A. Svoboda	230
Thomas J. Tauke	400
Patricia Thompson	None
Semor C. Tofte	420
Andrew Varley	90
Craig D. Walter	280
Richard W. Welden	144
James D. Wells	250
James C. West	110
Jack E. Woods	None

Name	Round Trip Miles
Henry C. Wulff	210
Russell L. Wyckoff	250

Respectfully submitted,

WILLIAM J. HARGRAVE, JR.
HERBERT C. HINKHOUSE
WILLIAM R. MONROE, JR.

On motion by Fitzgerald of Webster, the House adjourned at 3:00 p.m. until 9:00 a.m., Tuesday, January 11, 1977.

JOURNAL OF THE HOUSE

Second Calendar Day -- Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 11, 1977

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

Prayer was offered by the Reverend Lance Webb, Bishop of the United Methodist Church of Iowa.

The Journal of Monday, January 10, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. B. G. Wiltfang, Grinnell, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Speaker Cochran of Webster; Spencer of Clay for the remainder of the week on request of Tofte of Winneshiek.

PRESENTATION OF VISITORS

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

Seven seventh and eighth grade students from Stanzel Christian High School, Stanzel, Iowa, accompanied by Alice Sanders. By Davitt of Warren and Pellett of Cass.

ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Wells of Linn asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 2 filed on January 10, 1977 and found on page 19 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 3

Wells of Linn asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 3 filed on January 10, 1977 and found on pages 19 and 20 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 2 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 2
By Fitzgerald and Millen

- 1 *Be It Resolved by the House, the Senate*
- 2 *Concurring:* That a joint convention of the
- 3 two houses of the Sixty-seventh General Assembly
- 4 be held on Friday, January 14, 1977, at 9:00 a.m.
- 5 *Be It Further Resolved:* That Governor Robert
- 6 D. Ray be invited to present his budget message
- 7 at this joint convention of the two houses of the
- 8 General Assembly and that the Speaker of the
- 9 House and the President of the Senate be designated
- 10 to deliver the invitation to him.

The motion prevailed and the resolution was adopted.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Bina of Scott, Garrison of Black Hawk and Egenes of Story.

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

The House resumed session, Speaker Cochran in the chair.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Bina of Scott, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that it had performed its duty. The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with House Concurrent Resolution 1, duly adopted, the joint convention was called to order, President Neu presiding.

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

The motion prevailed.

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

Senator Culver of Harrison moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Robert D. Ray that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Culver of Harrison, Miller of Marshall and Priebe of Kossuth, on the part of the Senate, and Representatives Cusack of Scott, Dieleman of Marion and Crabb of Crawford, on the part of the House.

The Justices of the Supreme Court were escorted into the House chamber.

The committee waited upon Governor Robert D. Ray and

escorted him to the Speaker's station.

President Neu then presented Governor Robert D. Ray who delivered the following condition of the state message:

Mr. President, Mr. Speaker, Mr. Chief Justice, Senators and Representatives, State Officials, Distinguished Guests, Ladies and Gentlemen:

The high visibility points in the lives of public officials are relatively few. One of these, of course, is election day. That time has come and gone and as I look out into this chamber, I see a number of new legislators. I would ask you to help me recognize these new people. Would those who comprise this freshman class of the General Assembly—you men and women who for the first time proudly hold the office of Representative or Senator—please stand.

Will all of you join me in a warm welcome to these new lawmakers.

Congratulations and welcome to our State Capitol as partners in government.

To you newcomers, let me say we look forward to the fresh ideas, energy, vitality and new insights you bring to this Assembly.

I can say to you that you are in for the time of your lives. The time of your lives. Better still, we are all in the time of our lives.

This is much more than a familiar old phrase—it can be an inspirational theme. It is, in fact, the new theme for a special Iowa:2000 follow-up effort that soon will be launched.

It was Thomas Mann who said, "Time has no divisions to mark its passage, there is never a thunderstorm or blare of trumpets to announce the beginning of a new month or year."

While that is true in a philosophical sense, people find it necessary to measure time with certain benchmarks.

We have several points now to mark a new beginning in this—the time of our lives.

This is the beginning of a new legislature.

This is the beginning of a new year.

This is the beginning of a new century—Century III for America.

A fresh snowfall sparkling in the winter sunshine invigorates the human spirit. It raises optimism because its untracked expanse invites us to make our mark. The sparkling expanse of challenges and opportunities before us invites our tracks on a crisp and clean new era of time fixed as 1977.

In charting clear directions through the uncluttered landscape of a new

year, take care not to litter it with cynicism or pettiness for political gain.

We can make our way with a confidence that comes from experience gained in prior successes—and even failures.

We can proceed with the knowledge we are an especially fortunate community—blessed with resources far greater than most people on this globe, with free and open government, with a resilient economy and an ability to solve problems ourselves.

We can rejoice also in the selection of our political leaders—through the exciting, but orderly process of free elections—a privilege we experienced again in 1976.

And, let me inject that those of you who are followers of the political scene knew my presidential preference. But now the election is behind us.

Our thanks and admiration go out to Gerald Ford for his calm and forthright stewardship. And now, our hopes and prayers go out to Jimmy Carter, who will assume the awesome mantle of the Presidency.

Rarely have solutions to the problems facing a new President appeared more elusive, yet seldom have the people across this country been more united in wishing a new President success. Most certainly we do.

* * *

It is the beginning of a new General Assembly—time for the Governor to report to the people of Iowa on the condition of the state.

I can tell you this morning that the condition of the state is basically sound—our economy is strong—our people have confidence—and our future is bright. Why do I say that?

Look at agriculture. Despite last year's drought, our farmers produced another billion bushel corn crop, a near record yield of soybeans and remained first in the nation in hog production. Unfortunately, our cattlemen sustained serious losses, but cattle production turned up 13 percent.

Despite erratic prices, fluctuating markets and frustrating weather, the fundamental skill and persistence of our farmers kept us foremost in world food production.

Look at industry. Development rebounded in 1976 with new capital investment in Iowa manufacturing plants of nearly \$400 million, second highest ever. More than 12,000 new jobs were created for Iowans last year, up over 170 percent from 1975.

When jobless people can and want to work, any unemployment is too much. However, our unemployment rate is a full 3 points below the national average.

And look at our people. As we begin our 131st year as a state, there is a renaissance of pride among Iowans.

In 1976, some 200,000 Iowans serving on local committees spread the spirit of the Bicentennial. They gave it meaning. They served not just because they liked the hoopla, but because they loved our heritage.

Last year we saw a record number of cities and towns compete in our Iowa Community Betterment Program; and every town that participated was a winner.

Wherever you looked in our state in 1976, a wave of intense involvement among our Iowans produced exciting results—the re-dedication of our Old Capitol in Iowa City, the remodeling of the Five Flags Civic Center in Dubuque, the opening of the UNI-Dome in Cedar Falls, the completion of the community sports complex in Glidden, the development of a handicapped village and elderly housing project in Hartley, and the commitment to construct a civic center in Des Moines are examples that come to mind.

This litany of local achievement will inspire Iowans for future generations.

What you do here in 1977 can do the same. What happens in this legislative session will have downstream effects on the lives of Iowans for years—and even decades.

Remember, programs you start in this legislative session may be deceptively easy to set in motion. Those same programs may later prove to be agonizingly difficult to maintain.

Remember also that problems smothered with money don't necessarily get solved. Consider the corn plant: it thrives with the right amount of moisture, but quickly withers and weakens when flooded.

We are financially solvent because we have shown discipline in money matters.

You are going to find there are times when prudence dictates saying, "no, no, no!"

Avoiding fiscal temptations means keeping a lean and limber government team. It means keeping government's hands out of the people's pockets for every new program or idea. It means keeping steady pressure on the managers of government to develop new answers.

One of the satisfactions a governor experiences is the testing of new ideas, new formulas, and new concepts which do not necessarily carry big price tags. Let me cite a few examples:

Iowa leads the nation in state railroad assistance. We began with a small appropriation which Iowa shippers promptly matched with their own money. Iowa's rail assistance plan proved so successful that 23 other states are now following our leadership. Our soil conservancy and tuition grant programs are also national models.

Visionary legislators who embraced these ideas deserve to share fully in the credit for their success. And our capable government administrators deserve to be recognized for making those ideas work.

* * *

During the weeks and months ahead, your work on the state budget will be of critical importance. I will share my budget recommendations with you Friday and obviously, they effect the legislative recommendations I make today.

As you consider what to legislate, you should know that...

—People are challenging us to take decisive action on property taxes to prevent them from being driven off their farms and out of their homes. My proposals, to be outlined in detail Friday, will be designed to avoid the painful financial shocks which hit property owners.

—People are challenging us to protect the limited resource upon which we all depend—our precious soil. That can be done with equitable and effective land—use legislation.

—People are challenging us to assure them of a clean environment. One workable step is to enact legislation encouraging the return and re—use of beverage containers.

—People are challenging us to reflect society's concern for those who are sick, aged and disabled, and for others who justifiably need our help. We must not back off from that responsibility.

—People are challenging us to make certain that Iowa's transportation system adequately meets their needs. Maintaining our roads needs attention.

—People are challenging us to make government more open. One way would be to open our collective bargaining process to the public.

—And, people are challenging us to further streamline government, tightening control over many of its elements. And I propose to do that.

Let me elaborate on what I've just mentioned...

For six years, I have stood before you asking for the protection of our land. After extensive debates and effort, the House did pass a land—use bill. It did not, however, reach my desk for signature.

We have waited long enough. The need is defined. The problem has been thoroughly studied, and we are ready for action this session!

* * *

Our environment gives us good reason to be proud of where we live. Nevertheless, Iowans say it is not enough just to have fresh air and clean water, and I agree with them. Why not conserve energy and clean up our countryside by making sure that bottles and cans are returned and reused?

The plan I submit is based on solid experience elsewhere. It has worked in other places and it will work here. Do not delay this simple, but proven idea for two, three or four years. Take action in 1977.

* * *

Nowhere do solutions come harder than in the area of human needs. Thus, successes are particularly heartening. An example is our intensive infant care program. Since it began, 500 babies who likely would have died are alive and with their families today.

A woman welfare recipient offers another perspective. She wrote: "I happen to be one who receives help, but it is not because I want to. I would rather pay, but my right side is paralyzed and in June I had another stroke that took my voice. If (someone) would like to take my disabilities and get free medical care, I will trade. But I thank God that there are people in this land who care for people who are less fortunate than they."

I am glad we can care for her and others like her.

Programs to meet human needs are as complex as they are encompassing. They can be as promising as special education, for pre—school kids with developmental disabilities and as sensible as finding ways to employ our elderly people. They can be as comforting as providing in—home health care

services for those needing nursing care and as life-sustaining as Aid to Dependent Children.

They can be costly, too. Just to maintain current human resource program levels will require \$52 million in more state money for the biennium. This staggering increase is caused by rising hospital and medical costs, additional eligible recipients and most of all, by a loss in federal funds.

You should resist, as we have, the temptation to abandon the painful struggle for solutions to thorny problems of human services. To those who wonder why we keep struggling, I say, "If we ever stop, you will find out."

As difficult as the answers are, we must seek them, lovingly.

* * *

Our network of roads and highways is basic to the continued health of Iowa business and agriculture and it effects all of us. Note that the typical Iowa farm moves an incredible 600 tons on and off its acreage each year—by road. And we should not let that fine system of roads falter.

I urge the legislature to act this session to resolve the questions of funding levels and funding distribution, which will effect an improved classification of our highway system.

State government has already taken great steps to operate in clear view of the public. Opening the collective bargaining process is another step we can take. Public officials negotiate public payrolls in public places. That is a persuasive argument for the public's right to know what goes on in the collective bargaining process.

* * *

All of us in government know that the public pulse quickens when you discuss the frustrations of bureaucracy. The longer it takes for government to respond, the harder it is to understand.

Past legislatures have worked with the Executive Branch to make government more efficient. There are many examples, but let me mention two recent ones—the Departments of General Services and Transportation. Those who had confidence in these initiatives have been proven right. The centralization of support functions in General Services has strongly improved the management of state facilities and purchases. And the Department of Transportation's payroll has been reduced by 700 people.

And now I have a number of suggestions for further improvements. These include:

- the merger of our Iowa Drug Abuse Authority and the Alcoholism Division.
- the consolidation of four commissions of the Department of Environmental Quality into one; the absorption of the Natural Resources Council into other existing agencies.
- the restructuring of the boards of the Law Enforcement Academy, the State Fair and Department of Banking.
- the coordination of our mental health programs.
- and the abolishment of the Hospital and Other Health Facilities Advisory Council, and the Eugenics Board and the War Surplus Board.

We can seek further efficiencies. We should create a volunteer team to examine the purpose and value of licensing and regulatory boards. This would save both time and money by targeting for extinction and rejecting those boards which we can indeed live without. We don't need a costly, tedious separate review of every single unit of government.

In seeking "sunset" results, let us act responsibly.

* * *

There are a number of legislative recommendations spelled out in the written addendum to my remarks, and some I will discuss with you on Friday. My program includes support for education, the pursuit of energy conservation, continued assistance to our cities and towns and improved criminal justice procedures. Recommendations regarding corrections should be reserved until the citizens' task force reports its findings.

This program also includes ideas which I have suggested before as well as new ones—some which come, not from me, but from the public—and many which don't cost much money.

All of these have merit—and, in my opinion, they deserve your consideration.

* * *

During this session, you will debate and discuss, and I will support, much more than the legislative suggestions I make today. Indeed, I am told over 500 separate bills have already been drafted and are waiting to be filed!

As you begin to think about which bills you will support, I want to remind you what scientist and humanist Buckminster Fuller said: "The possibility of a good life for any man depends upon the possibility of realizing it for all men."

I suggest we ponder that thought in a slightly different context—that the possibility of a good life for any Iowan depends upon the possibility of realizing it for all Iowans.

That is our goal. To achieve it we must do the very best we can for Iowa's citizens with their finite and limited resources.

I have set a course. I have rejected many requests for increased government spending. And this week I am submitting a program and a budget that are both disciplined and prudent.

The power to legislate is now yours. But as the Iowa Constitution clearly points out, the separation of the Executive, Legislative and Judicial powers shall be maintained. It is that respect-filled separation which enables us to have alternate perspectives.

Iowans elected me to do my job. They elected you to do yours. And they expect from each of us the wisdom to know the difference.

Earlier, we recognized the new men and women serving in this General Assembly. I can also tell you that we miss some people who are not here. They are not here because they could not make the sacrifice from their careers and families to serve again in another 298-day General Assembly.

On this, the second day of your new session, I commend you on the initiatives you have already taken to shorten its length—such as an early emphasis on committee work.

* * *

This is not an easy time to be in public life. But you are here because you choose to be—because you have a willingness to lead people, or to serve people, and, hopefully, to do both.

The cynicism and distrust of government that abounds at all levels will often be discouraging. But you can take solace in the knowledge that there remains a residual core of trust in government.

Lest you dispute that statement, consider the last time you refueled your car at a service station. I doubt whether you questioned the accuracy of the pump—accuracy regulated by government.

You purchase fresh meat in a grocery store with assurance that the government says it is fresh and wholesome.

The airplane you ride flies through dense overcast guided by people on the ground—and you literally put your life in a government worker's hands.

That trust—latent for the most part—is a part of our daily fabric of life. With our vigilance, government can continue to succeed where it is succeeding—and it can be made to work where it is not. By this process, we build public confidence in government.

At the recent Time Magazine Leadership Conference, I was reminded of the observations of Dr. David Barber of Duke University. When he spoke of trust in government he said: "Sore as the public is, there is strong evidence that they are American to the core: uninterested in revolution, increasingly concerned for the civil liberties, ready for sacrifice on an equal basis with the privileged and above all, watching and waiting for leadership to express and effect their new sense of the country's commitment to community, humaneness and candor."

So it is, also, that our people, Iowans to the core, will be waiting—and watching—as you begin. You, too, can leave a legacy of commitment to community, humaneness and candor—if you want to.

And I know you do!

Thank you very-much.

GOVERNOR'S RECOMMENDATIONS

Recommendations submitted to the Sixty-seventh General Assembly, 1977 Session, in accordance with Article IV, Section 12 of the Constitution of the State of Iowa:

Child Custody Jurisdiction

We must do all we can to minimize the heart-rending conflict over child custody after divorce or separation. The Uniform Child Custody Act provides a mechanism to resolve child custody disputes between parents and guardians caused by conflicting decrees of courts in different states.

Continuing Education for Western Iowa

Recent studies have underscored the need for continuing education and degree opportunities. We should remove time and geographical barriers for students, especially those in western Iowa, who cannot participate in traditional higher education by implementing a Regents continuing education program.

Criminal Code Revision

No legislative package as massive as the criminal code revision can be undertaken without certain necessary corrections and amendments. You should pay close attention to the fine-tuning required for effective implementation.

Drunk Driver Clarification

Since I asked you to clarify the presumptive evidence rule to help get drunken drivers off the road last year, drunken drivers have killed 277 people in this state. We hardly need more incentive to act.

Energy

We must emphasize energy conservation to reduce our state's energy vulnerability. A way we can help do that is by including mandatory lighting and thermal efficiency standards for the state building code.

Hazardous Substance Spills

When the responsible party is unable or unwilling to take appropriate action which results in a substantial threat to the public health or environment, the Department of Environmental Quality should be authorized to make arrangements to clean up the spillage of hazardous or toxic substances.

Juvenile Justice

Review and change our system of juvenile justice so that we have uniform procedures and standards. Juvenile rights need to be clearly defined and protected.

Land Use

Iowa's most important natural resource—our land—must be protected while recognizing the rights of individual land owners. It is time that final approval be given to land use legislation.

Minority Stockholders Protection

Under present law, it is possible for a majority of the stockholders of an Iowa corporation to treat its minority investors unfairly. Corrective changes in our corporation law should be adopted to protect minority stockholders.

Open Meetings

Iowa's open meeting law benefits the public. Collective bargaining sessions should also be open. The negotiations of public payrolls by public officials in public places is a persuasive argument for the public's right to know what goes on in the collective bargaining process.

Physical Fitness

We can expand and maximize our school and community physical fitness programs by the placement of a director for the Governor's Physical Fitness and Sports Council in the Department of Public Instruction.

Reorganization of State Government

In continuing to make state government more efficient and effective, the following reorganization proposals are advocated. These include:

- The merger of our Iowa Drug Abuse Authority and the Alcoholism Division.
- The consolidation of the four commissions of the Department of Environmental Quality into one.
- The absorption of the Natural Resources Council into other existing agencies.
- The restructuring of the Law Enforcement Academy Board.
- The restructuring of the State Fair Board.
- The restructuring of the Banking Board.
- The coordination of our mental health programs.
- The abolishment of the Hospital and Other Health Facilities Advisory Council.
- And the abolishment of the Eugenics Board and the War Surplus Board.

Returnable Beverage Containers

A law requiring returnable beverage containers would have positive effects for Iowa. Energy can be saved, litter reduced, the environment improved, and consumers benefited, based on the solid experience gained in other states.

Screening of Regulatory Boards

The purpose of regulating professions and occupations is to protect the health, safety and welfare of the public. Unnecessary licensure and regulatory proliferation can be prevented by a screening commission to examine pertinent facts and the value of existing and proposed regulatory efforts.

Unemployment Insurance Benefits Funding

A new permanent funding plan for the Iowa Unemployment Insurance Fund should be enacted to replace the temporary measures adopted during the past two years. We can adopt a system to pay current unemployment benefits plus rebuild the trust fund to a financially adequate level.

Proposals Previously Offered

In earlier sessions of the General Assembly I have recommended the adoption of several innovations and reforms which still warrant your attention. I want to renew my request for these items. They include:

- priority for public use of abandoned railroad right-of-ways
- mobile home tie-downs
- park user fees
- the use of a limited number of private liquor outlets
- uniform bidding for local governments
- Washington, D.C. office

* * *

The above legislative items are in no way intended to cover all my recommendations for your action. The Governor's budget message will contain a number of important and essential recommendations and priorities covering a multitude of areas affected by state government.

Governor Robert D. Ray was escorted from the House Chamber by the committee previously appointed.

Fitzgerald of Webster moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Cochran in the chair.

HOUSE ADMINISTRATION COMMITTEE

Speaker Cochran announced the appointment of the following members to the House Administration Committee:

Representative James Wells, chair
Representative Robert Bina
Representative John Connors
Representative Horace Daggett
Representative Elmer Den Herder
Representative Donald Doyle
Representative Floyd Millen
Representative Mary O'Halloran
Representative Carroll Perkins

SALARY REVIEW COMMISSION

Speaker Cochran announced the appointment of Stephen J. Rapp to a five-year term on the Salary Review Commission effective December 9, 1976.

COMMUNICATION FROM THE COURT ADMINISTRATOR

There is on file in the office of the Chief Clerk the 1975 Report Relating to the Courts of the State of Iowa submitted by the Court Administrator of the Judicial Department September 7, 1976.

PETITION

There is on file in the office of the Chief Clerk a petition for redress of grievances received from Robert N. Fredregill on July 23, 1976.

COMMUNICATION FROM THE SECRETARY OF STATE

The following communication was received by Speaker Dale M. Cochran:

SPEAKER, HOUSE OF REPRESENTATIVES SIXTY-SEVENTH GENERAL ASSEMBLY

On the 30th day of December, 1976, I, MELVIN D. SYNHORST, Secretary of State of the State of Iowa, do hereby certify that the following named newspapers were designated to publish Senate Joint Resolution No. 1006, Acts of the Sixty-sixth General Assembly, and in accordance with the provisions of Chapter Six, Code of Iowa, 1975, affidavits showing proof of said publication are on file in this department and are recorded as hereinafter shown:

Congressional District	Newspapers	Dates Published
First	Burlington Hawk Eye, Burlington	7/27-8/24-9/21-10/26
	Davenport Quad City Times, Davenport	7/26-8/23-9/20-10/25
Second	Cedar Rapids Gazette, Cedar Rapids	7/26-8/23-9/20-10/25
	Dubuque Telegraph Herald, Dubuque	7/26-8/23-9/20-10/25
Third	Mason City Globe Gazette, Mason City	7/27-8/24-9/21-10/26
	Waterloo Courier, Waterloo	7/26-8/23-9/20-10/25
Fourth	Ottumwa Courier, Ottumwa	7/26-8/23-9/20-10/25
	Newton Daily News, Newton	7/27-8/26-9/21-10/26
Fifth	Council Bluffs Nonpareil, Council Bluffs	7/28-8/26-9/22-10/27
	Ames Tribune, Ames	7/27-8/24-9/21-10/26
Sixth	Sioux City Journal, Sioux City	7/27-8/24-9/21-10/26
	Fort Dodge Messenger, Fort Dodge	7/26-8/23-9/20-10/25

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 30th day of December, A.D., Nineteen Hundred and Seventy—six.

MELVIN D. SYNHORST
Secretary of State

On motion by Fitzgerald of Webster, the House adjourned at 10:35 a.m. until 1:30 p.m., Thursday, January 13, 1977.

JOURNAL OF THE HOUSE

Third Calendar Day -- Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 12, 1977

The House met in committee meetings.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 1 Education

Relating to the operation of area education agencies.

S.B. 2 Education

To provide new and expanded program funds for vocational education.

S.B. 3 Education

Elementary-secondary instruction permit recommendations.

S.B. 4 Education

Minor's school license recommendations.

S.B. 5 Education

Recommendation for driver's training required for youths not attending school.

S.B. 6 Education

Recommendation of seat belts required for school bus drivers.

S.B. 7 Education

Recommendation for school bus driver's permit.

S.B. 8 Education

Recommendation for length of school buses.

S.B. 9 Education

Recommendation for a change in terminology to include achievements of women, minorities and others.

S.B. 10 Education

To update Chapter 260, Code of Iowa.

S.B. 11 Education

Recommendation for professional teacher's meetings and demonstration teaching and field work.

S.B. 12 Education

Recommendation for gifted and talented program.

S.B. 13 Education

Recommendation to extend the time allowed for the local tax levy for the plant fund to ten years.

S.B. 14 Education

The inclusion of area schools into the state road use fund.

S.B. 15 Education

Authorization to issue revenue bonds.

S.B. 16 Education

S.B. 17 Education

Relating to the levy on taxable property in a merged area for its operation.

S.B. 18 Education

Salary recommendations for state superintendent.

S.B. 19 Education

Area Education Agency budget approval.

S.B. 20 Education

Relating to professional standards legislation.

S. B. 21 Education

To remove the salary limits on the salaries of employees of the department of public instruction.

S.B. 22 Transportation

Relating to muffling devices for motorcycles.

STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

AGRICULTURE - 20 Members

Scheelhaase, Chair	Byerly Crabb	Gilson Harper	Lageschulte Lindeen
Hinkhouse*	Danker	Howell	Menke
Pellett**	Davitt	Husak	Miller, O.L.
Bennett	Den Herder	Krause	Svoboda
Binneboese			

BUDGET - 13 Members

Cusack, Chair	Avenson Jesse	O'Halloran Stromer	Welden Wells
Dunton*	Koogler	Varley	Wulff
Den Herder**	Norland		

CITIES - 21 Members

Bina, Chair	Hargrave	Nielsen	Smalley
Hines*	Hoffmann	Pavich	Spear
Clark, J.H.* *	Koogler	Perkins	Stephens
Connors	Krewson	Rinas	Tofte
Dunton	Newhard	Schneklath	Wulff
Gentleman			

COMMERCE - 19 Members

Small, Chair	Brunow	Halvorson	Tauke
Lonergan*	Chiodo	Jochum	Walter
Brockett**	Den Herder	Koogler	Welden
Anderson	Dieleman	Krause	West
Bina	Evans	Schroeder	

COUNTY GOVERNMENT - 21 Members

Hullinger, Chair	Byerly	Hoffmann	Pellett
Spear*	Clark, J.H.	Junker	Stephens
Danker**	Gilloon	Lindeen	Stromer
Baker	Gilson	Miller, O.L.	Wells
Brandt	Harvey	Oxley	Wyckoff
	Hinkhouse		

EDUCATION - 20 Members

Patchett, Chair	Byerly	Horn	Small
Miller, O.L.*	Crawford	Koogler	Spear
Daggett**	Dyrland	Krewson	Stromer
Baker	Gilson	Norland	Thompson
Brockett	Hansen	Poncy	Wulff

ENERGY - 19 Members

O'Halloran, Chair	Daggett	Hinkhouse	Pellett
Howell*	Danker	Hullinger	Pelton
Welden**	Doyle	Lindeen	Perkins
Binneboese	Evans	Middleswart	Svoboda
	Griffie	Norland	Varley

* Vice Chair

** Ranking Member

HUMAN RESOURCES - 20 Members

Higgins, Chair	Brunow	Gentleman	Lonergan
Walter*	Clark, B.J.	Hansen	Miller, K.D.
Crawford**	Cusack	Hargrave	Newhard
Anderson	Dyrland	Krewson	Schroeder
Baker	Garrison	Lipsky	Tofte

JUDICIARY AND LAW ENFORCEMENT - 20 Members

Jesse, Chair	Connors	Higgins	Scheelhaase
Newhard*	Doyle	Lipsky	Shimanek
Branstad**	Dyrland	Nielsen	Smalley
Clark, B.J.	Garrison	Patchett	Spencer
Conlon	Gentleman	Pelton	Woods

LABOR AND INDUSTRIAL RELATIONS - 18 Members

Connors, Chair	Brockett	Hines	Small
Jochum*	Chiodo	Horn	Smalley
Egenes**	Crabb	Lageschulte	Thompson
Branstad	Gilloon	Pavich	Wells
	Halvorson	Poney	

NATURAL RESOURCES - 21 Members

Middleswart, Chair	Chiodo	O'Halloran	Stephens
Spencer*	Evans	Pelton	Tofte
Halvorson**	Garrison	Perkins	Varley
Avenson	Griffie	Scheelhaase	Welden
Bennett	Jesse	Shimanek	Wyckoff
	Miller, K.D.		

RULES - 15 Members

Nielsen, Chair	Avenson	Hargrave	Menke
Fitzgerald*	Conlon	Harper	Millen
Harbor**	Crabb	Husak	Monroe
	Cusack	Lonergan	Tauke

STATE GOVERNMENT - 20 Members

Monroe, Chair	Crawford	Jesse	Shimanek
Woods*	Dieleman	Junker	Stromer
Harvey**	Griffie	Middleswart	Tauke
Avenson	Hansen	Patchett	Walter
Brandt	Higgins	Poney	West

* Vice Chair

** Ranking Member

TRANSPORTATION - 20 Members

Krause, Chair	Clark, B.J. Davitt	Harbor Hoffmann	Monroe Oxley
Harper*	Doyle	Hullinger	Rinas
Schroeder**	Dunton	Lageschulte	Schneklath
Binneboese	Egenes	Lipsky	Woods
Brunow			

WAYS AND MEANS - 39 Members

Norland, Chair	Conlon	Harvey	Pavich
Miller, K.D.*	Cusack	Hines	Rinas
West**	Daggett	Horn	Schneklath
Anderson	Davitt	Howell	Spencer
Bennett	Den Herder	Husak	Svoboda
Bina	Dieleman	Jochum	Thompson
Brandt	Dunton	Junker	Varley
Branstad	Egenes	Menke	Wells
Clark, J.H.	Gilloon	O'Halloran	Wulff
	Harbor	Oxley	Wyckoff

HOUSE BUDGET SUBCOMMITTEES

EDUCATION

Horn, Chair	Baker	Davitt	Oxley
Menke**	Branstad	Egenes	Pelton
Anderson	Brockett	Nielsen	Pony

HUMAN RESOURCES

Husak, Chair	Garrison	Loneran	Spear
Bennett**	Gilloon	Miller, K.D.	Thompson
Crawford	Krewson	Monroe	Tofte

NATURAL RESOURCES

Perkins, Chair	Harvey	Jochum	Scheelhaase
Evans**	Howell	Krause	Shimanek
Dyrland	Hullinger	Pellett	Stephens

REGULATORY AND FINANCE

Griffee, Chair	Conlon	Harper	Small
Crabb**	Connors	Higgins	Svoboda
Chiodo	Halvorson	Lipsky	West

* Vice Chair

** Ranking Member

SOCIAL SERVICES

Brunow, Chair	Daggett	Gilson	Lindeen
Hansen**	Doyle	Hargrave	Miller, O.L.
Clark, B.J.	Gentleman	Hines	Newhard

STATE DEPARTMENTS

Wyckoff, Chair	Byerly	Harbor	Smalley
Junker**	Danker	Lageschulte	Walter
Bina	Dieleman	Patchett	Woods

TRANSPORTATION

Rinas, Chair	Brandt	Hoffmann	Schnekloth
Tauke**	Clark, J.H.	Middleswart	Schroeder
Binneboese	Hinkhouse	Pavich	Spencer

HOUSE COMMITTEE ASSIGNMENTS

Anderson, Robert T.	Commerce Human Resources Ways and Means Budget Subcommittee on Education
Avenson, Donald D.	Budget Natural Resources Rules State Government
Baker, Keith	County Government Education Human Resources Budget Subcommittee on Education
Bennett, Wayne	Agriculture Natural Resources Ways and Means Budget Subcommittee on Human Resources **
Bina, Robert F.	Cities, Chair Commerce Ways and Means Budget Subcommittee on State Departments

** Ranking Member

Binneboese, Donald H.	Agriculture Energy Transportation Budget Subcommittee on Transportation
Brandt, Diane	County Government State Government Ways and Means Budget Subcommittee on Transportation
Branstad, Terry E.	Judiciary and Law Enforcement** Labor and Industrial Relations Ways and Means Budget Subcommittee on Education
Brockett, Glenn F.	Commerce** Education Labor and Industrial Relations Budget Subcommittee on Education
Brunow, John B.	Commerce Human Resources Transportation Budget Subcommittee on Social Services, chair
Byerly, Richard L.	Agriculture County Government Education Budget Subcommittee on State Departments
Chiodo, Ned F.	Commerce Labor and Industrial Relations Natural Resources Budget Subcommittee on Regulatory and Finance
Clark, Betty Jean	Human Resources Judiciary and Law Enforcement Transportation Budget Subcommittee on Social Services
Clark, John H.	Cities** County Government Ways and Means Budget Subcommittee on Transportation

* Vice Chair

** Ranking Member

Conlon, Walter	Judiciary and Law Enforcement Rules Ways and Means Budget Subcommittee on Regulatory and Finance
Connors, John H.	Cities Judiciary and Law Enforcement Labor and Industrial Relations, chair Budget Subcommittee on Regulatory and Finance
Crabb, Frank	Agriculture Labor and Industrial Relations Rules Budget Subcommittee on Regulatory and Finance
Crawford, Reid W.	Education Human Resources** State Government Budget Subcommittee on Human Resources
Cusack, Gregory D.	Budget, chair Human Resources Rules Ways and Means
Daggett, Horace	Education** Energy Ways and Means Budget Subcommittee on Social Services
Danker, Arlyn E.	Agriculture County Government** Energy Budget Subcommittee on State Departments
Davitt, Philip A.	Agriculture Transportation Ways and Means Budget Subcommittee on Education

* Vice Chair
** Ranking Member

Den Herder, Elmer H.	Agriculture Budget** Commerce Ways and Means
Dieleman, Wm. W. "Bill"	Commerce State Government Ways and Means Budget Subcommittee on State Departments
Doyle, Donald V.	Energy Judiciary and Law Enforcement Transportation Budget Subcommittee on Social Services
Dunton, Keith H.	Budget* Cities Transportation Ways and Means
Dyrland, Terry	Education Human Resources Judiciary and Law Enforcement Budget Subcommittee on Natural Resources
Egenes, Sonja	Labor and Industrial Relations** Transportation Ways and Means Budget Subcommittee on Education
Evans, Cooper	Commerce Energy Natural Resources Budget Subcommittee on Natural Resources**
Fitzgerald, Jerome	Rules*
Garrison, Albert L.	Human Resources Judiciary and Law Enforcement Natural Resources Budget Subcommittee on Human Resources

* Vice Chair

** Ranking Member

Gentleman, Julia B.	Cities Human Resources Judiciary and Law Enforcement Budget Subcommittee on Social Services
Gilloon, Thomas J.	County Government Labor and Industrial Relations Ways and Means Budget Subcommittee on Human Resources
Gilson, Ernest W.	Agriculture County Government Education Budget Subcommittee on Social Services
Griffee, William B.	Energy Natural Resources State Government Budget Subcommittee on Regulatory and Finance
Halvorson, Roger A.	Commerce Labor and Industrial Relations Natural Resources** Budget Subcommittee on Regulatory and Finance
Hansen, Ingwer L.	Education Human Resources State Government Budget Subcommittee on Social Services**
Harbor, William H.	Rules** Transportation Ways and Means Budget Subcommittee on State Departments
Hargrave, William J.	Cities Human Resources Rules Budget Subcommittee on Social Services
Harper, Mattie	Agriculture Rules Transportation * Budget Subcommittee on Regulatory and Finance

* Vice Chair

** Ranking Member

Harvey, LaVern R.	County Government State Government** Ways and Means Budget Subcommittee on Natural Resources
Higgins, Thomas J.	Human Resources, chair Judiciary and Law Enforcement State Government Budget Subcommittee on Regulatory and Finance
Hines, Neal	Cities* Labor and Industrial Relations Ways and Means Budget Subcommittee on Social Services
Hinkhouse, Herbert C.	Agriculture* County Government Energy Budget Subcommittee on Transportation
Hoffmann, Betty A.	Cities County Government Transportation Budget Subcommittee on Transportation
Horn, Wally E.	Education Labor and Industrial Relations Ways and Means Budget Subcommittee on Education, chair
Howell, Rollin K.	Agriculture Energy* Ways and Means Budget Subcommittee on Natural Resources
Hullinger, Arlo	County Government, chair Energy Transportation Budget Subcommittee on Natural Resources
Husak, Emil J.	Agriculture Rules Ways and Means Budget Subcommittee on Human Resources, chair

* Vice Chair

** Ranking Member

Jesse, Norman G.	Budget Judiciary and Law Enforcement, chair Natural Resources State Government
Jochum, Thomas J.	Commerce Labor and Industrial Relations* Ways and Means Budget Subcommittee on Natural Resources
Junker, Willis E.	County Government State Government Ways and Means Budget Subcommittee on State Departments**
Koogler, Fred L.	Budget Cities Commerce Education
Krause, Robert A.	Agriculture Commerce Transportation, chair Budget Subcommittee on Natural Resources
Krewson, Lyle R.	Cities Education Human Resources Budget Subcommittee on Human Resources
Lageschulte, Ray	Agriculture Labor and Industrial Relations Transportation Budget Subcommittee on State Departments
Lindeen, Arnold R.	Agriculture County Government Energy Budget Subcommittee on Social Services
Lipsky, Joan	Human Resources Judiciary and Law Enforcement Transportation Budget Subcommittee on Regulatory and Finance

* Vice Chair

** Ranking Member

Lonergan, Joyce	Commerce* Human Resources Rules Budget Subcommittee on Human Resources
Menke, Lester D.	Agriculture Rules Ways and Means Budget Subcommittee on Education**
Middleswart, James I.	Energy Natural Resources, chair State Government Budget Subcommittee on Transportation
Millen, Floyd H.	Rules
Miller, Kenneth D.	Human Resources Natural Resources Ways and Means* Budget Subcommittee on Human Resources
Miller, Opal	Agriculture County Government Education* Budget Subcommittee on Social Services
Monore, W. R. "Bill", Jr.	Rules State Government, chair Transportation Budget Subcommittee on Human Resources
Newhard, Scott D.	Cities Human Resources Judiciary and Law Enforcement* Budget Subcommittee on Social Services
Nielsen Carl V.	Cities Judiciary and Law Enforcement Rules, chair Budget Subcommittee on Education
Norland, Lowell E.	Budget Education Energy Ways and Means, chair

* Vice Chair
** Ranking Member

O'Halloran, Mary	Budget Energy, chair Natural Resources Ways and Means
Oxley, Myron B. "Mike"	County Government Transportation Ways and Means Budget Subcommittee on Education
Patchett, John E.	Education, chair Judiciary and Law Enforcement State Government Budget Subcommittee on State Departments
Pavich, Emil S.	Cities Labor and Industrial Relations Ways and Means Budget Subcommittee on Transportation
Pellett, Wendell C.	Agriculture** County Government Energy Budget Subcommittee on Natural Resources
Pelton, John	Energy Judiciary and Law Enforcement Natural Resources Budget Subcommittee on Education
Perkins, Carroll	Cities Energy Natural Resources Budget Subcommittee on Natural Resources, chair
Poncy, Charles N.	Education Labor and Industrial Relations State Government Budget Subcommittee on Education
Rinas, B. Joseph	Cities Transportation Ways and Means Budget Subcommittee on Transportation, chair

* Vice Chair

** Ranking Member

Scheelhaase, Lyle	Agriculture, chair Judiciary and Law Enforcement Natural Resources Budget Subcommittee on Natural Resources
Schnekloth, Hugo	Cities Transportation Ways and Means Budget Subcommittee on Transportation
Schroeder, Laverne W.	Commerce Human Resources Transportation** Budget Subcommittee on Transportation
Shimanek, Nancy J.	Judiciary and Law Enforcement Natural Resources State Government Budget Subcommittee on Natural Resources
Small, Arthur A., Jr.	Commerce, chair Education Labor and Industrial Relations Budget Subcommittee on Regulatory and Finance
Smalley, Douglas R.	Cities Judiciary and Law Enforcement Labor and Industrial Relations Budget Subcommittee on State Departments
Spear, Clay	Cities County Government* Education Budget Subcommittee on Human Resources
Spencer, Don W.	Judiciary and Law Enforcement Natural Resources* Ways and Means Budget Subcommittee on Transportation
Stephens, Lyle R.	Cities County Government Natural Resources Budget Subcommittee on Natural Resources

* Vice Chair

** Ranking Member

Stromer, Delwyn	Budget County Government Education State Government
Svoboda, Linda A.	Agriculture Energy Ways and Means Budget Subcommittee on Regulatory and Finance
Tauke, Thomas J.	Commerce Rules State Government Budget Subcommittee on Transportation**
Thompson, Patricia L.	Education Labor and Industrial Relations Ways and Means Budget Subcommittee on Human Resources
Tofte, Semor C.	Cities Human Resources Natural Resources Budget Subcommittee on Human Resources
Varley, Andrew	Budget Energy Natural Resources Ways and Means
Walter, Craig D.	Commerce Human Resources* State Government Budget Subcommittee on State Departments
Welden, Richard W.	Budget Commerce Energy** Natural Resources
Wells, James D.	Budget County Government Labor and Industrial Relations Ways and Means

* Vice Chair
** Ranking Member

West, James C.	Commerce State Government Ways and Means** Budget Subcommittee on Regulatory and Finance
Woods, Jack E.	Judiciary and Law Enforcement State Government* Transportation Budget Subcommittee on State Departments
Wulff, Henry C.	Budget Cities Education Ways and Means
Wyckoff, Russell L.	County Government Natural Resources Ways and Means Budget Subcommittee on State Departments, chair

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 11, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 1, providing for the joint rules of the Senate and House for the sixty-seventh general assembly.

STEVEN C. CROSS, Secretary

SENATE CONCURRENT RESOLUTION 1

By: Senate Rules and Administration Committee
(House Rules Committee)

1 *Be It Resolved by the Senate, the House Concurring: That*
2 the joint rules of the senate and house in the sixty-seventh
3 general assembly shall be:

4 **JOINT RULES OF THE SENATE AND HOUSE**

5

Rule 1

6

Suspension of Joint Rules

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8 The joint rules of the general assembly may be suspended
9 by concurrent resolution, duly adopted by a constitutional
majority of the senate and the house.

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Rule 2
Designation of Sessions

Each regular session of a general assembly shall be designated by the year in which such regular session commences.

Rule 3

Sessions of a General Assembly

The organization and standing committees in each house of the general assembly and action taken by each house shall carry over from the first to the second regular session of the same general assembly. The status of each bill and resolution shall be the same at the beginning of the second regular session as it was immediately before adjournment of the first regular session; however, the rules of either house may provide for re-referral of some or all bills and resolutions to standing committees upon adjournment of the first session or at the beginning of the second regular session, except those which have been adopted by both houses in different forms.

Rule 4

Presentation of Messages

All messages between the two houses shall be sent by the

Page 2

1 secretary of the senate or the chief clerk of the house of
2 representatives, shall be announced and communicated to the
3 chair.

Rule 5

Printing and Form of Bills
and Other Documents

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7 Bills and joint resolutions shall be introduced, numbered,
8 prepared, and printed as provided by law, or in the absence
9 of such law, in a manner determined by the secretary of the
10 senate and the chief clerk of the house of representatives.

11 All bills and joint resolutions introduced shall be in
12 a form and number approved by the secretary of the senate
13 and chief clerk of the house.

14 The legal counsel of each house shall read and approve
15 all bills before introduction.

Rule 6

Companion Bills

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18 When identical bills are introduced in each house they
19 shall be called companion bills. Each house shall designate
20 the sponsor in the usual way followed in parentheses by the
21 sponsor of the companion bill in the other house. The house
22 where the bill is first introduced shall print the complete
23 text. The printed companion bill shall contain the title,
24 enacting clause, and a statement that the bill is a companion
25 bill. However, if the bill is not more than four pages in
26 length, the complete text shall be printed in both houses.

27

Rule 7

28

Reprinting of Bills

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30 Whenever any bill has been substantially amended by either
31 house, the secretary of the senate or the chief clerk shall
32 order the bill reprinted on paper of a different color. All
33 adopted amendments shall be distinguishable.

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The secretary of the senate or the chief clerk may order
the printing of a reasonable number of additional copies of
any bill, resolution, amendment, or journal.

Page 3

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Rule 8

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Daily Clipsheet

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The secretary of the senate and the chief clerk shall
prepare a daily clipsheet covering all amendments filed.

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Rule 9

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Reintroduction of Bills and Other Measures

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When a bill or resolution which has passed one house is
rejected in the other, it shall not be again introduced during
the general assembly.

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Rule 10

12

Certification of Bills and Other Enrollments

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When any bill or resolution which has passed one house
is rejected or adopted in the other, notice of such action
and the date thereof shall be given to the house of origin
in writing signed by the secretary or the chief clerk.

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Rule 11

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Amendments by Other House

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I. When a bill which originated in one house is amended
in the other house, the house originating the bill may amend
the amendment, concur in full in the amendment, or refuse
to concur in full in the amendment. Precedence of motions
shall be in that order.

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A. If the house originating the bill concurs in the
amendment, the bill shall then be read for the last time as
amended, and placed upon its final passage.

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B. If the house originating the bill refuses to concur
in the amendment, the bill shall be returned to the amending
house which shall either:

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1. Recede, after which the bill shall be read for the
last time and placed upon its final passage; or

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2. Insist, which will send the bill to a conference
committee.

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C. If the house originating the bill amends the amendment,
that house shall concur in the amendment as amended and the
bill shall be read for the last time as amended, shall be

Page 4

1 placed on final passage, and shall be returned to the other
2 house. The other house cannot further amend the bill.

3 1. If the amending house which gave second consideration
4 to the bill concurs in the amendment to the amendment, the
5 bill shall then be read for the last time as finally amended,
6 and placed upon its final passage.

7 2. If the amending house refuses to concur in the amendment
8 to the amendment, the bill shall be returned to the house
9 originating the bill which shall either:

10 a. Recede, after which the bill shall be read for the
11 last time as amended and placed upon its final passage; or

12 b. Insist, which will send the bill to a conference
13 committee.

14 II. A motion to recede has precedence over a motion to
15 insist. Failure to recede means to insist; and failure to
16 insist means to recede.

17 III. A motion to lay on the table or to indefinitely
18 postpone shall be out of order with respect to motions to
19 recede from or insist upon and to amendments to bills which
20 have passed both houses.

21 IV. A motion to concur, refuse to concur, recede, insist,
22 or adopt a conference committee report is in order even though
23 the subject matter has previously been acted upon.

24 Rule 12

25 Conference Committee

26 1. Within one legislative day after either house insists
27 upon an amendment to a bill, the presiding officer of the
28 house shall appoint five members to a conference committee.
29 The majority leader of the senate, the president pro tempore
30 of the senate and the two assistant majority leaders of the
31 senate shall appoint three majority party members to a
32 conference committee and after consultation with the president
33 of the senate shall also appoint two minority party members
34 to a conference committee. The papers shall remain with the
35 house that originated the bill.

Page 5

1 2. The conference committee shall meet before the end
2 of the next legislative day after their appointment, shall
3 select a chair and shall discuss the controversy.

4 3. The authority of the committee shall cover free
5 conference during which the committee has authority to propose

6 amendments to any portion of a bill provided the amendment
7 is within the scope of the title of the bill.

8 4. An agreement on recommendations must be approved by
9 at least three members from each house. The committee shall
10 submit two originals of the report signed by at least three
11 members of each house with one signed original and three
12 copies to be submitted to each house. The report shall first
13 be acted upon in the house originating the bill. Such action,
14 including all papers, shall be immediately referred by the
15 secretary of the senate or the chief clerk of the house of
16 representatives to the other house.

17 5. The report of agreement is debatable, but cannot be
18 amended. If the report contains recommended amendments to
19 the bill, adoption of the report shall automatically adopt
20 all amendments contained therein. After the report is adopted,
21 there shall be no more debate, and the bill shall immediately
22 be placed upon its final passage.

23 6. Refusal of either house to adopt the conference
24 committee report has the same effect as if the committee had
25 disagreed.

26 7. If the conference committee fails to reach agreement,
27 a report of such failure signed by at least three members
28 of each house shall be given promptly to each house. The
29 bill shall be returned to the house that originated the bill
30 and the members of the committee shall be immediately
31 discharged and a new conference committee appointed by the
32 presiding officer of the house from members who have not
33 previously served on a conference committee on the bill under
34 consideration. The majority leader of the senate, the pres-
35 ident pro tempore of the senate and the two assistant majority

Page 6

1 leaders of the senate shall appoint three majority party
2 members and after consultation with the president of the
3 senate shall also appoint two minority party members all of
4 whom shall not have previously served on a conference committee
5 on the bill under consideration.

Rule 13

Enrollment and Authentication of Bills

8 When a bill or resolution has passed both houses, it shall
9 be enrolled in the house of origin under the direction of
10 either the secretary or the chief clerk and its house of
11 origin shall be certified by the endorsement of the secretary
12 or the chief clerk.

13 After enrollment, each bill shall be signed by the president
14 and by the speaker.

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Rule 14

16

Concerning other Enrollments

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All resolutions and other matters which are to be presented to the governor for his approval shall be enrolled, signed, and presented in the same manner as bills.

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All resolutions and other matters which are not to be presented to the governor or the secretary of state shall be enrolled, signed and retained permanently by the secretary of the senate or chief clerk of the house.

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Rule 15

25

Transmission of Bills to the Governor

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After a bill has been signed in each house, it shall be presented to the governor by the secretary or the chief clerk of the house of origin. The secretary or the chief clerk shall report the date of the presentation, which shall be entered upon the journal of the house of origin.

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Rule 16

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Fiscal Notes

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A fiscal note shall be attached to any bill or joint resolution which reasonably could have an annual effect of at least one hundred thousand dollars or a combined total effect within

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five years after enactment of five hundred thousand dollars or more on the aggregate revenues, expenditures or fiscal liability of the state or its subdivisions. This rule does not apply to appropriation measures where the total effect is stated in dollar amounts.

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The preliminary determination of whether the bill appears to require a fiscal note shall be made by the legislative service bureau which shall indicate that a bill requires a fiscal note by stamping "FISCAL NOTE REQUIRED" prominently on the bill jacket. Upon completion of the bill draft, the legislative service bureau shall immediately send a copy to the legislative fiscal director for his review.

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When a committee reports a bill to the floor, the committee shall state in the report whether a fiscal note is or is not required.

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The fiscal note shall be printed on the bill before introduction if practicable; and in any event the secretary of the senate or chief clerk of the house shall attach the fiscal note to the bill when the bill is reported out by a committee.

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The legislative fiscal director shall prepare the fiscal note within a reasonable time after receiving the request. A copy of the fiscal note shall be filed by the legislative

24 fiscal director with the secretary of the senate or the chief
25 clerk of the house. The legislative fiscal director may
26 request the cooperation of the state comptroller or any state
27 department or agency. If a fiscal note is prepared by the
28 comptroller or any state department or agency at the request
29 of the fiscal director, that fact shall be stated in the note.

30 Each fiscal note shall state in dollars the estimated
31 effect of the bill on the revenues, expenditures, and fiscal
32 liability of the state during each of the first five years
33 after enactment. Sources of funds for expenditures under
34 the bill shall be stated, including federal funds. If the
35 fiscal director cannot make an accurate estimate, he shall

Page 8

1 state his best available estimate or shall state that no
2 dollar estimate can be made and state concisely the reason.

3 The fiscal note shall be attached or printed in the bill
4 following the explanation or shall be printed in the daily
5 clip sheet.

6 A revised fiscal note may be requested by a committee
7 chairman or a sponsor of the bill if the fiscal effect of
8 the bill has been changed by adoption of an amendment.
9 However, a request for a revised fiscal note shall not delay
10 action on a bill unless so ordered by the presiding officer
11 of the house in which the bill is under consideration.

12 If a date for adjournment has been set, then a
13 constitutional majority of the house in which the bill is
14 under consideration may waive the fiscal note requirement
15 during the three days prior to the date set for adjournment.

16 Rule 17

17 Joint Legislative Intern Committee

18 There shall be a joint legislative intern committee to
19 organize and supervise a legislative intern program for Iowa
20 college and university students. The committee shall consist
21 of fourteen members: two members of the senate, one appointed
22 by the majority leader and one appointed by the minority
23 leader; two members of the house, one appointed by the majority
24 leader and one appointed by the minority leader; the secretary
25 of the senate or his designee; the chief clerk of the house
26 or his designee; the director of the legislative service
27 bureau or his designee; a person from each of the three state
28 universities selected by each of the universities; a per-
29 son representing the Drake University College of Law selected
30 by Drake University; a person representing the University
31 of Iowa College of Law selected by the college of law; and
32 two persons from Iowa private colleges selected by the other

33 members of the committee.

34 The members of the joint legislative intern committee,
35 except the two persons from Iowa private colleges, shall be

Page 9

1 named by the appropriate appointing authorities within twenty
2 days after the convening of the first regular session of each
3 general assembly. The two persons from Iowa private colleges
4 will be selected at the committee's first meeting, or as soon
5 as practical. Members shall serve until their successors
6 have been duly appointed or selected. The committee shall
7 elect a chairman and vice chairman from its membership. A
8 vacancy shall be filled in the same manner as the original
9 appointment.

10 The purpose of the legislative intern program shall be:

11 1) to provide useful staff services to legislators not
12 otherwise provided by the general assembly; 2) to give
13 interested college, graduate, and law school students practical
14 experience in the legislative process as well as providing
15 a meaningful educational experience; and 3) to enrich the
16 curriculum of participating colleges and universities.

17 The joint legislative intern committee shall have the
18 following duties and responsibilities:

- 19 1. Provide procedures for the recruitment, selection,
20 assignment, and supervision of all interns in each house.
- 21 2. Establish the duties of interns.
- 22 3. Provide orientation and seminar programs for interns.
- 23 4. Consult and work with faculty and staff at Iowa colleges
24 and universities to encourage participation in the legislative
25 intern program.
- 26 5. Prepare and distribute materials designed to explain
27 the legislative intern program.
- 28 6. Prescribe all necessary forms.
- 29 7. Make recommendations to the general assembly regarding
30 the legislative intern program.
- 31 8. Such other duties and responsibilities as are necessary
32 to effectively organize and supervise the legislative intern
33 program.

34 The joint legislative intern committee shall report to
35 the general assembly in January of each year. The report

Page 10

- 1 shall include a description of the results of the legislative
- 2 intern program during the last preceding session and the
- 3 proposed legislative intern program for the session convening
- 4 during the month the report is submitted.

Referred to committee on RULES.

HOUSE CONCURRENT RESOLUTION 3

By Adult Penal and Correctional
Systems Study Committee

- 1 *Whereas*, an Adult Penal and Correctional Systems Study
- 2 Committee was established during the 1975-1976 legislative
- 3 interim; and
- 4 *Whereas*, committee meetings were held at the Iowa State
- 5 Penitentiary, the Men's and Women's Reformatories, and the
- 6 site of the new medium security facility to accommodate 150
- 7 men at Mount Pleasant; and
- 8 *Whereas*, it is important to keep the line of communication
- 9 and exchange open between the Iowa General Assembly and
- 10 administrators, staff, and inmates of the penal institutions;
- 11 and
- 12 *Whereas*, committee meetings were held at the State House
- 13 on such subjects as inmate employment, state and local agency
- 14 use of products made and sold by Iowa State Industries, use
- 15 of inmates to work in county parks and on other public works
- 16 projects, compensation of state prisoners injured on the job,
- 17 conditions prevailing in Iowa county jails, formulation of
- 18 jail standards, and pre-trial release programs in Iowa; and
- 19 *Whereas*, the committee recognizes the need for additional
- 20 study of the county jails and pre-trial release programs in
- 21 Iowa; *Now Therefore*,
- 22 *Be It Resolved by the House of Representatives, the Senate*
- 23 *Concurring*, That the legislative council is urged to appoint
- 24 a bipartisan interim study committee composed of members of
- 25 both houses of the general assembly to further investigate
- 26 problems existing in county jails and to further study the
- 27 development and implementation of pre-trial release programs
- 28 in Iowa. The committee would then report its findings with
- 29 appropriate proposed legislation to the legislative council
- 30 and to the general assembly.

Laid over under Rule 25.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Castles, Dallas Center, Iowa.

JOURNAL OF THE HOUSE

Fourth Calendar Day--Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 13, 1977

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

Prayer was offered by the Honorable William W. Dieleman, State Representative from Marion County.

The Journals of Tuesday, January 11 and Wednesday, January 12, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rawland, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Speaker Cochran of Webster; Evans of Grundy on request of West of Marshall; Harvey of Scott on request of Tauke of Dubuque; Miller of Buchanan for January 13 and 14 on request of Hines of Story; Branstad of Winnebago for January 13 and 14 on request of Stromer of Hancock; Brockett of Marshall on request of West of Marshall.

PETITION FILED

The following petition was received and placed on file:

By Howell of Floyd from seventy-five constituents favoring raising the legal drinking age.

COMMUNICATION FROM THE
COMMISSION ON UNIFORM STATE LAWS

There is on file in the office of the Chief Clerk the 1977 report of the Commission on Uniform State Laws submitted to the General Assembly pursuant to section 5.4 of the Code of Iowa.

COMMUNICATION FROM THE
STATE BOARD OF PUBLIC INSTRUCTION

There is on file in the office of the Chief Clerk the "Report and Recommendations to the 1977 Session of the Sixty-seventh General Assembly" as directed by Section 257.10 (9), Code of Iowa, received from the State Board of Public Instruction.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 11, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 4, providing for the compensation of the officers and employees of the sixty-seventh general assembly.

STEVEN C. CROSS, Secretary

SENATE CONCURRENT RESOLUTION No. 4

By: Rules and Administration Committee
(Administration Committee)

- 1 *Whereas*, section two point eleven (2.11) of the Code
- 2 provides that "The compensation of chaplains, officers and
- 3 employees of the general assembly shall be fixed by joint

4 action of the house and senate by resolution at the opening
 5 of each session, or as soon thereafter as conveniently can
 6 be done.”, *Now Therefore*,
 7 *Be It Resolved by the Senate, the House Concurring, That*
 8 the compensation for the following officers for the period
 9 commencing January 10, 1977, and ending January 8, 1979, shall
 10 be within the following ranges:

11 Secretary of the Senate and Chief
 12 Clerk of the House..... \$19,292 to \$27,196
 13 Assistant Secretary of the Senate..... \$14,066 to \$23,478

14 Within the indicated ranges the exact compensation shall be
 15 set or adjusted for the senate officers by the senate rules
 16 and administration committee and for the chief clerk by the
 17 house administration committee. The committees shall report
 18 the exact compensation assigned to each position on the next
 19 legislative day, or, if such action is during the interim,
 20 on the first day the senate or house shall convene. Any
 21 action by the senate or house to disapprove or amend the
 22 report shall be effective the day after the action.

23 *Be It Further Resolved*, That the compensation of the
 24 employees of the sixty-seventh general assembly is set,
 25 effective from January 10, 1977, until January 8, 1979, in
 26 accordance with the following salary schedule:

Page 2

1	No. 7	No. 8	No. 9	No. 10	No. 11
2	5,226.00	5,434.00	5,668.00	5,954.00	6,214.00
3	201.00	209.00	218.00	229.00	239.00
4	2.51	2.61	2.73	2.86	2.99
5					
6	No. 12	No. 13	No. 14	No. 15	No. 16
7	6,552.00	6,864.00	7,150.00	7,488.00	7,800.00
8	252.00	264.00	275.00	288.00	300.00
9	3.15	3.30	3.44	3.60	3.75
10					
11	No. 17	No. 18	No. 19	No. 20	No. 21
12	8,112.00	8,476.00	8,866.00	9,282.00	9,724.00
13	312.00	326.00	341.00	357.00	374.00
14	3.90	4.08	4.26	4.46	4.68
15					
16	No. 22	No. 23	No. 24	No. 25	No. 26
17	10,192.00	10,686.00	11,206.00	11,700.00	12,298.00
18	392.00	411.00	431.00	450.00	473.00
19	4.90	5.14	5.39	5.63	5.91
20					
21	No. 27	No. 28	No. 29	No. 30	No. 31

22	12,844.00	13,442.00	14,066.00	14,716.00	15,418.00
23	494.00	517.00	541.00	566.00	593.00
24	6.18	6.46	6.76	7.08	7.41
25					
26	No. 32	No. 33			
27	15,886.00	16,692.00	17,524.00	18,408.00	19,292.00
28	611.00	642.00	674.00	708.00	742.00
29	7.64	8.03	8.43	8.85	9.28
30					
31	20,280.00	21,294.00	22,360.00	23,478.00	
32	780.00	819.00	860.00	903.00	
33	9.75	10.24	10.75	11.29	
34					

35 In this schedule, each numbered block shall be the yearly,
 36 bi-weekly and hourly compensation for the pay grade of the
 37 number heading the block. Within each grade there shall be
 38 eight steps numbered "1" through "8". In the above schedule
 39 the steps for all grades are determined in the following
 40 manner. Each numbered block is counted as the "1" step for
 41 that grade. The next higher block is counted as the "2" step;
 42 the next higher block is the "3" step; the next higher block
 43 is the "4" step; the next higher block is the "5" step; the
 44 next higher block is the "6" step; the next higher block is
 45 the "7" step; and the next higher block is the "8" step.
 46 All other employees, other than those designated "part-time"

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1 shall be compensated for 40 hours of work in a one-week pay
 2 period. Except for the personnel designated to the contrary
 3 in this resolution, employees who are required to work in
 4 excess of 40 hours in a one-week pay period shall either be
 5 compensated at a rate of pay equal to one and one-half times
 6 the hourly pay provided in this resolution or allowed
 7 compensatory time off at a rate of one and one-half hours
 8 for each hour of overtime.

9 The following personnel shall not be paid an overtime
 10 premium:

- 11 Secretary of the Senate
- 12 Chief Clerk of the House
- 13 Assistant Secretary of the Senate
- 14 Assistant Chief Clerk of the House
- 15 Senate Legal Counsel
- 16 House Legal Counsel
- 17 Executive Secretary to the Secretary
- 18 Executive Secretary to the Chief Clerk

- 19 All Administrative Assistants
 20 All Research Assistants
 21 All Secretaries to Senators and Clerks to Representatives
 22 House Public Information Office Director
 23 All Caucus Staff Directors
 24 All employees shall be available to work daily until
 25 completion of the senate's and house of representatives'
 26 business. The secretary of the senate and chief clerk of
 27 the house shall schedule all employees' working hours to,
 28 as far as possible, maintain regular working hours.
 29 *Be It Further Resolved*, That in the event the salary
 30 schedule for employees of the State of Iowa as promulgated
 31 by the merit employment commission pursuant to section nineteen
 32 A point nine (19A.9), subsection two (2), Code 1975, is revised
 33 upward at any time during the sixty-seventh general assembly,
 34 such revised schedule shall simultaneously be adopted for
 35 the compensation of the employees of the sixty-seventh general

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- 1 assembly assigned a grade by this resolution.
 2 *Be It Further Resolved*, That the employees of the sixty-
 3 seventh general assembly be placed in the following pay grades:

EMPLOYEES OF THE HOUSE	
6	Assistant Chief Clerk and Reading Clerk.....Grade 29 to Grade 33
7	Legal Counsel II..... Grade 33
8	Legal Counsel I..... Grade 29
9	Executive Secretary to Speaker Grade 22
10	Caucus Staff Director .....Grade 26 to Grade 30
11	Leader's Administrative Assistant .....Grade 25 to Grade 30
12	Research Analyst .....Grade 23 to Grade 26
13	Executive Secretary to Chief Clerk Grade 22
14	Clerk to Chief Clerk..... Grade 14
15	Public Information Office Director.....Grade 26 to Grade 30
16	Clerk to Public Information
17	Office Director Grade 18
18	Supervisor of Clerks..... Grade 20
19	Journal Editor Grade 23
20	Assistant Journal Editor Grade 18
21	Composer..... Grade 16
22	Finance Clerk Grade 20
23	Assistant Finance Clerk Grade 13
24	Recording and

25	Amendment Clerk	Grade 18
26	Assistant to the Legal Council and	
27	Engrossing/Enrolling Clerk	Grade 19
28	Assistant to the Legal Counsel	Grade 19
29	Chief Indexer	Grade 18
30	Indexing Assistant	Grade 16
31	Supply Clerk	Grade 13
32	Swing Clerk	Grade 13
33	Switchboard Operator	Grade 13
34	Clerk I	Grade 13
35	Clerk II	Grade 15

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1	Administrative Assistant I	Grade 13
2	Administrative Assistant II	Grade 15
3	Bill Clerk	Grade 13
4	Assistant Bill Clerk	Grade 12
5	File Clerk	Grade 8
6	Postmaster	Grade 10
7	Sergeant-at-Arms	Grade 15
8	Assistant Sergeant-at-Arms	Grade 13
9	Parking Attendant	Grade 9
10	Doorkeepers	Grade 9
11	Elevator Operator	Grade 8
12	Porter	Grade 8
13	Cloakroom Attendant	Grade 8
14	Pages	Grade 7
15	Aid to Public Information Office	
16	(80 hours a week maximum)	\$2.40/hr.
17	Aide to Chief Clerk	\$4.00/hr.

18

19

EMPLOYEES OF THE SENATE

20	Legal Counsel II	Grade 33
21	Legal Counsel I	Grade 29
22	Caucus Staff Director	Grade 26 to Grade 30
23	Leader's Administrative Assistant	Grade 25 to Grade 30
24	Research Analyst	Grade 23 to Grade 26
25	Executive Secretary to the Secretary	Grade 22
26	Secretary to the Secretary of the Senate	Grade 18
27	Journal Editor	Grade 23
28	Assistant Journal Editor	Grade 18
29	Compositor	Grade 16
30	Assistant to the Legal Counsel	Grade 17

31	Finance Clerk	Grade 20
32	Assistant Finance Clerk	Grade 13
33	Recording Clerk	Grade 17
34	Engrossing/Enrolling Clerk	
35	and Terminal Operator	Grade 19

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1	Chief Indexer.....	Grade 18
2	Indexing Assistant	Grade 16
3	Records and Supply Clerk	Grade 17
4	Special Clerk.....	Grade 14
5	Switchboard Operator	Grade 13
6	Secretary I.....	Grade 13
7	Secretary II.....	Grade 15
8	Administrative Assistant I.....	Grade 13
9	Administrative Assistant II	Grade 15
10	Bill Clerk	Grade 13
11	Assistant Bill Clerk	Grade 12
12	Postmaster	Grade 10
13	Sergeant-at-Arms	Grade 15
14	Assistant Sergeant-at-Arms	Grade 13
15	Chief Doorkeeper	Grade 10
16	Control Board Operator.....	Grade 10
17	Parking Attendant	Grade 9
18	Doorkeepers	Grade 9
19	Elevator Operator	Grade 8
20	Porter	Grade 8
21	Cloakroom Attendent.....	Grade 8
22	Pages.....	Grade 7
23	Secretary to Human Resources Committee	
24	Staff under contract with Legis/50	Grade 17
25	Aide to the Secretary of the Senate	\$4.00/hr.
26		

JOINT EMPLOYEE

- 27
- 28 Law Library Clerk
- 29 *Be It Further Resolved*, That there shall be four classes
- 30 of appointments as employees of the general assembly.
- 31 An "intermittent" employee is appointed to be employed
- 32 for only a portion of the year, usually the legislative
- 33 session, the period of which is set as provided by this
- 34 resolution.
- 35 A "permanent" employee is appointed to be employed the

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1 year around.

2 A "full-time" employee is either a permanent or intermittent
3 employee but is employed for a normal work week of 40 hours.

4 A "part-time" employee is either a permanent or intermittent
5 employee but is employed for less than a normal work week
6 (40 hours).

7 *Be It Further Resolved*, That the exact grade for each
8 position to which a range of grades is assigned by this
9 resolution shall be set or changed for senate employees by
10 the senate rules and administration committee and for the
11 house employees by the house administration committee. The
12 committees shall base the assignment upon the following
13 factors:

14 1. The extent of formal education required of the position;
15 and,

16 2. The extent of the responsibilities to be assigned to
17 the position; and,

18 3. The amount of supervision placed over the position;
19 and,

20 4. The number of persons the position is assigned to
21 supervise and skill and responsibilities of those positions
22 supervised.

23 The committees shall report the exact grades assigned to
24 each position on the next legislative day, or, if such action
25 is during the interim, on the first day the senate or house
26 shall convene. Any action by the senate or house to disapprove
27 a report or a portion of a report shall be effective the day
28 after the action.

29 *Be It Further Resolved*, That a senator may employ a Secre-
30 tary I or Secretary II and each representative may employ
31 a Clerk I or Clerk II who shall perform such clerical duties
32 as the senator or representative shall designate under the
33 administrative direction, as appropriate, of the secretary
34 of the senate or the chief clerk of the house.

35 Each standing committee chairperson and each appropriations

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1 subcommittee chairperson shall before adjournment of the first
2 regular session of the 67th General Assembly designate a
3 secretary or clerk of at least the Secretary II or Clerk II
4 level to be the Secretary or Clerk to the Committee. Such
5 Secretary or Clerk shall prepare committee minutes, committee
6 reports, type committee correspondence, maintain committee
7 records, and otherwise assist the committee. Such duties

8 shall be performed in accordance with standards which shall
9 be provided by the secretary of the senate and chief clerk
10 of the house. After adjournment of the first regular session
11 of the 67th General Assembly no person may be designated as
12 the secretary for the committee who is not employed in the
13 status of a Secretary II or a Clerk II. The chairperson of
14 a senate committee may designate any Secretary II to be the
15 committee secretary. The chairperson of a house committee
16 may designate any Clerk II to be the committee secretary.
17 In making the designation, chairpersons shall consider persons
18 for possible designation as the secretary or clerk to the
19 committee in the following order:

20 First: The secretary or clerk to the chairperson.

21 Second: The secretary or clerk to the committee's vice-
22 chairperson.

23 Third: The secretary or clerk to any other member of the
24 committee.

25 Fourth: The secretary or clerk to any other member in
26 the same house as the committee.

27 A Secretary II and Clerk II is a person who has been
28 certified by Merit Employment as having passed a typing
29 performance examination of at least 40 words per minute, and
30 a stenographic performance examination or the equivalent of
31 80 words per minute and who has at least two years of
32 secretarial experience.

33 A Secretary I and Clerk I is a person who in the judgment
34 of the senator or representative employing such person
35 possesses the necessary skills to perform the duties such

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1 senator or representative shall designate.

2 *Be It Further Resolved*, That as an alternative to each
3 senator and representative having a secretary, senators and
4 representatives may hire an Administrative Assistant I or
5 II as provided by this paragraph. Senators and representatives
6 may employ an assistant only if two or more senators or two
7 or more representatives or two or more senators and
8 representatives agree to jointly employ a secretary or
9 secretaries and the assistant in a total number not greater
10 than the senators and representatives participating in the
11 joint hiring. Without an agreement between the hiring senators
12 or representatives to the contrary, the secretary or
13 secretaries and the assistant shall each devote their time
14 equally to each of the persons for whom they work.

15 An Administrative Assistant II is a person who has
16 participated in two years of education beyond high school
17 or the equivalent experience, demonstrates a comprehensive
18 knowledge of the legislative process and the capability of

19 properly using the English language in research papers.

20 An Administrative Assistant I is a person who in the
21 judgment of the senators or representatives employing such
22 person, possesses the necessary skills to perform the duties
23 such senators or representatives shall designate.

24 *Be It Further Resolved*, That a Legal Counsel II shall be
25 a person who has graduated from an accredited school of law
26 and is admitted to practice in Iowa as an Attorney and
27 Counselor at Law and possesses either a Masters of Law degree
28 or has at least two years of legal experience after admission
29 to practice.

30 A Legal Counsel I shall be a person who has graduated from
31 an accredited school of law and is admitted to practice in
32 Iowa as an Attorney and Counselor at Law.

33 *Be It Further Resolved*, That part-time employees shall
34 be compensated at the scheduled hourly rate for their pay
35 grade and step. While assisting interim committees they shall

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1 be compensated at the scheduled hourly rate for grade 16.

2 *Be It Further Resolved*, That employees of the general
3 assembly shall be eligible for mobility within pay steps -
4 - at the discretion of the chief clerk of the house and the
5 secretary of the senate, and subject to the approval of the
6 house committee on administration or the senate committee
7 on rules and administration, as the case may be - in accord
8 with the following schedule:

9 (1) Progression from step "1" to "2" and step "2" to "3"
10 --six months of actual employment.

11 (2) Progression from step "3" to "4", and step "4" to
12 "5", and step "5" to "6" -- twelve months of actual employment.

13 (3) Progression from step "6" to "7" and step "7" to "8"
14 -- twenty-four months of actual employment.

15 *Be It Further Resolved*, That in addition to the steps
16 provided in the preceding paragraph, that secretaries to
17 senators and clerks to representatives shall be eligible for
18 additional steps as provided in this paragraph. At the
19 discretion of the secretary of the senate and chief clerk
20 of the house and subject to the approval of the senate
21 committee on rules and administration or the house committee
22 on administration, as appropriate, secretaries and clerks
23 may be granted additional steps in accord with the following
24 schedule:

25 1. One additional step for a secretary or clerk to a
26 standing committee, ethics committee or budget subcommittee
27 chairperson who is not the designated committee secretary
28 or clerk.

29 2. One additional step for a secretary or clerk to a vice-

- 30 chairperson or ranking member of a standing committee.
31 3. Two additional steps for a designated secretary or
32 clerk to a standing or ethics committee or budget subcommittee
33 or assistant floor leader, and one additional step for each
34 such position held beyond the first position.
35 4. Three additional steps for a secretary or clerk to

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- 1 a majority or minority floor leader, speaker pro tempore or
2 president pro tempore.
3 Except as provided in subparagraph three (3), steps may be
4 granted only under one of the subparagraphs and only once
5 within each subparagraph.
6 *Be It Further Resolved*, That the entrance salary for
7 employees of the general assembly shall be at step 1 in the
8 grade of the position held. Such officer or employee may
9 be hired above the entrance step if possessing outstanding
10 and unusual experience for the position, provided that the
11 entrance is not beyond step 3. Such officer or employee who
12 is hired above the entrance step shall be mobile above that
13 step in the same period of time as other officers or employees
14 in that same step. An officer or employee who is moved to
15 another position may be considered for partial or full credit
16 for their experience in the former position in determining
17 the step in the new grade.
18 *Be It Further Resolved*, That a pay increase for employees
19 of one step within the pay grade for the position may be made
20 for exceptionally meritorious service in addition to step
21 increases provided for in this resolution, upon recommendation
22 of the secretary of the senate or chief clerk of the house
23 and the approval of the senate committee on rules and
24 administration or the house committee on administration.
25 Exceptionally meritorious service pay increases shall be
26 governed by the following:
27 a. The employee must have served in the position for at
28 least twelve months;
29 b. Written justification, setting forth in detail the
30 nature of the exceptionally meritorious service rendered,
31 must be submitted to the senate rules and administration
32 committee or house administration committee and approved in
33 advance of granting the pay increase;
34 c. No more than one exceptionally meritorious service
35 pay increase may be granted in any twelve month period.

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- 1 *Be It Further Resolved*, That the secretary of the senate

2 and chief clerk of the house shall receive applications for
3 employment, arrange for any necessary examinations, contact
4 references and make recommendations for hiring. The senate
5 rules and administration committee and the house administration
6 committee shall both hire officers and employees for their
7 respective bodies and fill any vacancies which may occur,
8 to be effective at such time as they shall set. The committee
9 shall report the names of those it has hired for the positions
10 specified in this resolution or the filling of any vacancies
11 on the next legislative day or, if such action is during the
12 interim, on the first day the senate or house shall convene.
13 Any action by the senate or house to amend or disapprove a
14 report or a portion of a report shall be effective the day
15 after the action.

16 The chief clerk of the house shall submit to the house
17 committee on administration and the secretary of the senate
18 shall submit to the senate committee on rules and
19 administration the list of names, or amendments thereto, of
20 employee classifications and recommended pay step for each
21 officer and employee. Such list shall include recommendations
22 for the pay step for all employees. Each respective committee
23 shall approve or amend the list of recommended classifications
24 and pay steps and publish said list in the journal. The
25 secretary of the senate and the chief clerk of the house shall
26 set the period of employment of intermittent employees under
27 such direction as the senate rules and administration committee
28 and the house administration committee may provide.

29 *Be It Further Resolved*, That permanent employees of the
30 general assembly shall receive vacation allowances, sick
31 leave, health and accident insurance, life insurance, and
32 disability income insurance as are provided for full-time
33 permanent state employees. The computations shall be
34 maintained by the finance clerks in each house and coordinated
35 with the state comptroller.

Page 13,

1 *Be It Further Resolved*, That should any employee have a
2 grievance concerning their compensation, hours of work,
3 performance of work, or other matter, the grievance shall
4 be resolved as provided in this paragraph.

5 The grievance shall first be brought to the attention of
6 the secretary of the senate or chief clerk of the house.
7 The procedure may be informal and oral except that the
8 secretary or chief clerk shall give his or her final conclusion
9 in writing.

10 An employee may appeal an adverse ruling of the secretary
11 or clerk to the Senate Rules and Administration Committee
12 or the House Administration Committee which shall consider

13 the grievance. The committee's consideration shall be informal
14 except that accurate minutes shall be kept and the final
15 conclusion shall be in writing.

16 Any employee having a grievance shall have access to all
17 relevant house or senate records, may have the assistance
18 of counsel, and, if the grievance involves a disciplinary
19 action, shall have a written statement of the grounds for
20 the disciplinary action.

21 *Be It Further Resolved*, That the compensation of chaplains
22 officiating at the opening of the daily sessions of the house
23 of representatives and the senate of the sixty-seventh general
24 assembly be fixed at ten (10) dollars for each house of the
25 general assembly, and that mileage for chaplains be fixed
26 at the rate of fifteen (15) cents per mile to and from the
27 State Capitol. The secretary to the senator or representative
28 who is the chairman of the chaplain's committee shall be
29 granted one pay step in addition to the step for which that
30 secretary is otherwise qualified.

REPORT OF COMMITTEE

Nielsen of Polk, from the committee on rules, submitted the following report:

Mr. Speaker: Your committee on rules to whom was referred Senate Concurrent Resolution 1, a resolution relating to the joint rules of the senate and house, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the resolution DO PASS.

NIELSEN of Polk, Chair

ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Nielsen of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 1, providing for the joint rules of the Senate and House, filed on January 12, 1977 and found on pages 58 through 66 of the House Journal.

Welden of Hardin offered the following amendment H-3002 filed by Welden, Tauke, Stromer and Millen from the floor and moved its adoption:

H-3002

1 Amend Senate Concurrent Resolution 1 as follows:

2 1. Page 1, by inserting after line 27 the fol-
3 lowing rule:

4 "Rule "

5 Adjournment of Sessions

6 During the first sixty legislative days of the
7 first regular session and the first thirty legisla-
8 tive days of the second regular session of a general
9 assembly a concurrent resolution may be passed setting
10 an adjournment date not less than twenty legislative
11 days following passage of the concurrent resolution
12 by both houses of the general assembly.

13 If a concurrent resolution setting a different
14 date is not passed prior to the sixtieth legislative
15 day of the first regular session, or the thirtieth
16 legislative day of the second regular session, the
17 first session of a general assembly shall adjourn the
18 eightieth legislative day and the second regular ses-
19 sion shall adjourn sine die on the fiftieth legisla-
20 tive day of the session.

21 The general assembly may, by concurrent resolution
22 passed by a majority vote of the membership of both
23 houses, alter or suspend any of the requirements con-
24 tained in this rule and set an earlier or later adjourn-
25 ment date.

26 The day set for adjournment and the day preced-
27 ing it shall be devoted solely to conference commit-
28 tee meetings and reports, consideration of amendments
29 of the other house, and final consideration of
30 appropriation bills which have passed both houses in
31 some form.

32 A "legislative day" as used in this rule means
33 any day both houses of the general assembly are in
34 session during any part of the day."

35 2. By renumbering rules as necessary.

Roll call was requested by Welden of Hardin and Lipsky of Linn.

On the question "Shall amendment H-3002 be adopted.?"

The ayes were, 38:

Baker	Gentleman	Lipsky	Stephens
Bennett	Halvorson	Millen	Stromer
Clark, B.J.	Hansen	Pellett	Tauke
Clark, J.H.	Harbor	Pelton	Thompson
Crabb	Hoffmann	Poncy	Tofte
Crawford	Horn	Schneklloth	Varley
Daggett	Junker	Schroeder	Welden
Danker	Krewson	Shimanek	West
Den Herder	Lageschulte	Smalley	Wulff
Egenes	Lindeen		

The nays were, 51:

Anderson	Dunton	Jesse	Pavich
Avenson	Dyrland	Jochum	Perkins
Bina	Fitzgerald	Koogler	Rinas
Binneboese	Garrison	Krause	Scheelhaase
Brandt	Gilloon	Lonergan	Small
Brunow	Gilson	Miller, O.L.	Spear
Chiodo	Hargrave	Monroe	Svoboda
Conlon	Higgins	Newhard	Walter
Connors	Hines	Nielsen	Wells
Cusack	Hinkhouse	Norland	Woods
Davitt	Howell	O'Halloran	Wyckoff
Dieleman	Hullinger	Oxley	Mr. Speaker
Doyle	Husak	Patchett	

Absent or not voting, 11:

Branstad	Evans	Harvey	Miller, K.D.
Brockett	Griffie	Menke	Spencer
Byerly	Harper	Middleswart	

Amendment H-3002 lost.

Nielsen of Polk moved the adoption of the resolution.

Roll call was requested by Speaker Cochran of Webster and Nielsen of Polk.

On the question "Shall the resolution be adopted

The ayes were, 91:

Anderson	Dyrland	Krause	Scheelhaase
Avenson	Egenes	Krewson	Schneklath
Baker	Fitzgerald	Lageschulte	Schroeder
Bennett	Garrison	Lindeen	Shimaneck
Bina	Gentleman	Lipsky	Small
Binneboese	Gilloon	Lonergan	Smalley
Brandt	Gilson	Menke	Spear
Brunow	Halvorson	Middleswart	Stephens
Chioldo	Hansen	Millen	Stromer
Clark, B.J.	Harbor	Miller, O.L.	Svoboda
Clark, J.H.	Hargrave	Monroe	Tauke
Conlon	Higgins	Newhard	Thompson
Connors	Hines	Nielsen	Tofte
Crabb	Hinkhouse	Norland	Varley
Crawford	Hoffmann	O'Halloran	Walter
Cusack	Horn	Oxley	Welden
Daggett	Howell	Patchett	Wells
Danker	Hullinger	Pavich	West
Davitt	Husak	Pellett	Woods
Den Herder	Jesse	Pelton	Wulff
Dieleman	Jochum	Perkins	Wyckoff
Doyle	Junker	Poncy	Mr. Speaker
Dunton	Koogler	Rinas	

The nays were, none.

Absent or not voting, 9:

Branstad	Evans	Harper	Miller, K.D.
Brockett	Griffee	Harvey	Spencer
Byerly			

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 4

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 4, providing for the compensation of officers and employees of the general assembly, filed on January 13, 1977 and found on pages 69 through 80 of the House Journal.

Schroeder of Pottawattamie offered amendment H-3001 filed by Schroeder, Scheelhaase, Jesse, Dunton, Crawford, Tauke and Koogler from the floor. Division was requested as follows:

H-3001

- 1 Amend Senate Concurrent Resolution 4, as amended,
- 2 passed, and reprinted by the Senate, as follows:

H-3001A

- 3 1. Page 4, line 19, by striking the numeral "23"
- 4 and inserting in lieu thereof the numeral "25".
- 5 2. Page 4, line 20, by striking the numeral "18"
- 6 and inserting in lieu thereof the numeral "20".
- 7 3. Page 4, line 21, by striking the numeral "16"
- 8 and inserting in lieu thereof the numeral "18".
- 9 4. Page 5, line 27, by striking the numeral "23"
- 10 and inserting in lieu thereof the numeral "25".
- 11 5. Page 5, line 28, by striking the numeral "18"
- 12 and inserting in lieu thereof the numeral "20".
- 13 6. Page 5, line 29, by striking the numeral "16"
- 14 and inserting in lieu thereof the numeral "18".
- 15 7. Page 8, line 30, by striking the words "or
- 16 the equivalent".

H-3001B

- 17 8. Page 8, by striking lines 31 and 32 and
- 18 inserting in lieu thereof the words "80 words per
- 19 minute using shorthand, speed writing, recording de-
- 20 vices or any similar method of transcribing."

Schroeder of Pottawattamie moved the adoption of amendment H-3001A.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 49, nays 40.

Amendment H-3001A was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H-3001B.

Amendment H-3001B was adopted.

O'Halloran of Black Hawk moved the adoption of the resolution.

Roll call was requested by O'Halloran of Black Hawk and Connors of Polk.

On the question "Shall the resolution be adopted?"

The ayes were, 85:

Anderson	Egenes	Krause	Rinas
Avenson	Fitzgerald	Krewson	Scheelhaase
Baker	Garrison	Lageschulte	Schnekloth
Bennett	Gentleman	Lindeen	Schroeder
Bina	Gilloon	Lipsky	Shimanek
Binneboese	Gilson	Loneragan	Small
Brandt	Halvorson	Menke	Spear
Brunow	Hansen	Middleswart	Stromer
Chiodo	Harbor	Millen	Svoboda
Clark, B.J.	Hargrave	Miller, O.L.	Tauke
Clark, J.H.	Higgins	Monroe	Thompson
Conlon	Hines	Newhard	Tofte
Connors	Hoffmann	Norland	Varley
Crabb	Horn	O'Halloran	Walter
Crawford	Howell	Oxley	Welden
Cusack	Hullinger	Patchett	Wells
Daggett	Husak	Pavich	West
Davitt	Jesse	Pellett	Woods
Den Herder	Jochum	Pelton	Wulff
Dieleman	Junker	Perkins	Wyckoff
Dunton	Koogler	Poncy	Mr. Speaker
Dyrland			

The nays were, 3:

Danker	Smalley	Stephens
--------	---------	----------

Absent or not voting, 12:

Branstad	Doyle	Harper	Miller, K.D.
Brockett	Evans	Harvey	Nielsen
Byerly	Griffee	Hinkhouse	Spencer

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

HOUSE FILE 1, by Junker, Doyle, Scheelhaase, Binneboese and Rinas, a bill for an act relating to the payment of special assessments.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 2, by Harvey, a bill for an act relating to the characteristics required of electronic voting systems.

Read first time and referred to committee on COMMERCE.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 13, 1977, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, providing for a joint convention of the senate and house of representatives on Friday, January 14, 1977, for the Governor's budget message.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster, the House adjourned at 3:20 p.m. until 8:30 a.m., Friday, January 14, 1977.

JOURNAL OF THE HOUSE

Fifth Calendar Day -- Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 14, 1977

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

Prayer was offered by the Reverend Scott Hall, pastor of the Altoona United Methodist Church, Altoona, Iowa.

The Journal of Thursday, January 13, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. J. Walter, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Speaker Cochran of Webster.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee the following: Husak of Tama, Gilson of Guthrie and Gentleman of Polk.

ADOPTION OF REPORT OF COMMITTEE ON MILEAGE

Wells of Linn called up for consideration the report of the committee on mileage filed on January 10, 1977, and found on pages 23 through 25 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order, President Neu presiding.

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

Senator Kinley of Polk moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Robert D. Ray that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Rush of Linn, Bisenius of Dubuque and Slater of Pottawattamie, on the part of the Senate, and Representatives Dunton of Keokuk, Wells of Linn and Varley of Adair, on the part of the House.

The committee waited upon Governor Robert D. Ray and escorted him to the Speaker's station.

President Neu then presented Governor Robert D. Ray who delivered the following budget message:

Mr. President, Mr. Speaker, Senators and Representatives, State Officials, Distinguished Guests, Ladies and Gentlemen:

This is my second message in less than a week. With a longer term for the Governor, there is no inaugural. Something good comes from that. First, it saves the state money, and second, it saves you from listening to a third speech.

On Tuesday, I reported on the condition of the state and submitted my legislative recommendations. A major theme was that of living within our means. This struck a responsive chord with many legislators. I want to thank the people of both parties who expressed their support for my proposals.

I know there are a number of you who relish detail. Today's message should satisfy even the most ravenous appetite.

This is the first time in modern Iowa history the legislature has received the Governor's budget during its first week. I hope this will aid your prompt start with committee work.

To begin, I will discuss the premises used in developing this budget, followed by a review of our financial condition today. I will then present program priorities which will be followed by our anticipated financial condition at the end of the biennium.

I will define a starting point, the rules of the road and a final destination. That destination is a balanced budget, yet one that meets our needs. Like an overland journey, it is likely that if you and I take paths that are too far apart and travel at speeds that are too different, we will end up at different destinations. I doubt that would be to your liking or mine.

* * *

The fundamental duty of government is to serve the public — doing neither more nor less than what the public wants, and is willing to pay for.

Like the average homeowner, that means doing the best we can with what we have. A family recognizes its financial limits and often cannot afford that new car, that new TV, or that new toy. These same limits apply to state government.

Accordingly, this budget is based on three premises:

—First, there will be no increase in sales and income taxes.

—Second, we will live within our resources. . . we will have a balanced budget.

—And third, we will get the maximum value for each hard-earned tax dollar.

The notion of no new taxes is a simple one. The public has told us, again and again, they do not want new taxes. In short, it might be said that the one thing the public likes less than new taxes is the politician who raises them.

The concept of living within one's resources is basic to good management. Smart businessmen and women keep a careful watch on their inventories. Astute farmers try to anticipate the weather and changing markets. Government must also look ahead, avoiding unnecessary burdens on our limited resources.

Getting the best for one's money is also easily understood. No one wants to pay for the toaster that doesn't work, the shampoo that doesn't lather, or the suit that doesn't fit.

Consumer value creates consumer confidence. Government value creates citizen confidence.

* * *

PROPERTY TAX

Before discussing the budget, I will address a very major issue. The issue affects every property-owner in Iowa. That issue is obviously property taxes.

New stories, opinion polls, and questionnaires you have answered, list property taxes as the single most important topic of this session. That issue is a lightning rod for discussion in main street cafes across Iowa.

The 1975 equalization of property assessments across 99 counties triggered alarms that the tax levies would skyrocket. They did.

And, early indications from Iowa State University and the Department of Revenue indicate that similar large increases in valuations are still ahead for farmers and homeowners.

I addressed the problem one year ago with a five-part package that, among other things, was designed to cap the amount of property taxes collected and thus, curb spending.

The 1976 legislature wrestled with the problem. It finally mustered the

votes to pass legislation which was not only unacceptable to me, but even to some legislators who voted for it! The first year of that tax package was not vetoed because of the approaching deadline for tax collections.

Time was also a problem for our citizens' Task Force that looked at property taxes. I had hoped the Task Force would have sufficient time to do a complete job. It didn't. Nonetheless, its findings were most helpful in defining the problem. And I want to thank the members of the Task Force, especially Lieutenant Governor Art Neu who chaired it.

It is clear that large jolts in property valuations must be mitigated. Property owners deserve better than to be shocked by the abrupt and immense increases in the taxes they have to pay. Both rural and urban Iowans are asking for tax stability.

Even after the increase in agricultural property assessments that ranged up to 78%, and 53% for residential property, there is the very real possibility that large increases are in store for farmers and homeowners again. Something must be done.

State government doesn't collect or spend a dime of property taxes. That is the activity of local government, yet since the state allows property to be taxed, we have a responsibility for affecting the extent that it can be taxed.

Therefore, we must get to the core of this tax problem, which is the rapidly increasing assessments.

I am submitting to you a plan with 15 parts which will address this major issue. Let me mention several key ones.

- We restrict the growth in assessments of agricultural land and residential properties in an assessing district to not more than 5% a year.
- We continue to provide for uniform procedures for assessing property as well as equalizing property to achieve greater equity in assessments within taxing districts. Yet taxes would be levied only against the limited assessed value of property, not against the full market value.
- We retain the \$4500 homestead tax credit and also continue the \$42 million for agricultural land tax credits.
- We allow the property tax spending limitations imposed by the last legislative session to expire.

There are significant advantages to this proposal:

- It blocks sharp increases in property assessments.

- It offers predictability and stability.
- It gives local governments budget freedom and a stable growth rate in their tax base.

* * *

Cities, counties, and other local jurisdictions face many heavy demands. It is my belief that if the people of a community so desire, they should have the authority to seek other revenue sources. In the spirit of home rule, I recommend that local governments be allowed to have a local option sales tax if the people vote to have it.

Cities and counties can also benefit by a hotel—motel tax. . . similar to what our Iowans pay when they travel out of state. Local officials should decide if they want that source of new income.

You can read the specific proposals of this plan in the addendum to my remarks that will be handed out to you today. As a package, my plan can help resolve the property tax difficulties that beset Iowans.

I ask that you pass — a good bill — early this session!

* * *

CORPORATE TAX

Another matter of concern is the uncertainty that hangs over Iowa's corporation tax law. The recent district court ruling has confused business and government alike, and has raised the specter of refund claims.

We await final court action. Pending that outcome, we remain convinced there are advantages to our single—factor formula. It has encouraged business to locate and to expand in our state — creating new jobs for Iowa workers and broadening the tax base.

However, we should not disregard the possibility of an adverse court decision. Specifically, to protect against the contingency of refunds — I am advocating a change in corporate tax payment schedules from annual payments to quarterly payments — consistent with federal corporate income tax collection.

As a result of this change, the state will have a "windfall" of approximately \$35 million. Of this amount, it is imperative that the sum of \$25 million be set aside in a special reserve account, designated for the payment of refunds. . . if the court ultimately orders it.

If we have learned anything, it is that caution should be used when a

matter of substantial importance is pending before our courts. I urge you not to take hasty, ill-advised action. We do not need further disruptions in our business climate.

Iowa industry should be allowed to focus on its task—that of being productive and competitive. Iowa jobs are at stake.

* * *

Now, to the current financial condition of the state.

On July 1, 1977, the beginning of the new biennium, we expect a treasury balance of \$106 million. For those who had hoped this surplus might be larger, you should remember the last General Assembly appropriated, on a recurring basis, some \$30 million over and above my budget.

I have just mentioned our beginning point. Now I want to tell you about the projected revenue for the next two years and what I recommend for appropriations. That will bring us to our destination of a positive balance at the end of this biennium. That is what the challenge of budget balancing is all about.

I would like you to know how we assembled this budget — a biennial budget required by law and one which I believe saves time and dollars as we look ahead beyond just one year.

First, we sought the most accurate revenue projections. We pooled many predictions — especially those from the Comptroller's office, the state economist, university computer models, and from the Governor's Economic Advisory Council. And this was important because it gave us the best possible projections available.

Projections are not an absolute science. It is important that you know the origins of our forecast because they are far superior to a "roll of the dice" or poor projections.

Second, we followed "modified-base" program budgeting.

Third, we again held open budget hearings. This time, we specifically expanded our open hearing process to solicit comment from the general public.

When we put the budget together, it totaled \$400 million in appropriation requests over and above revenue estimates. Some suggested their program could be met by adding one little penny to the sales tax. In fact, I've heard that suggestion so many times during the past eight years in which I have served as Governor that we could have easily added one cent each year. . . giving you an eleven cent sales tax, and — a new Governor.

Believe me, we didn't go through the agony of removing taxes on food and drugs just to start adding them back under a different name, when we don't have to.

Since we couldn't print money, my only alternatives were to raise taxes or to slash the requests. I thought of our essential needs that had to be met, and I thought of Iowan's pocketbooks. The choice was clear and I cut \$400 million!

And today, I submit to you a balanced budget.

To keep it in balance you must not spend more than our available resources. And, you must not engage in wild spending schemes.

Still, we must maintain the momentum achieved in so many areas. My budget sets the course. Let me highlight some of our priorities. . .

EDUCATION

It has been said that, "What sculpture is to a block of marble, education is to the human soul." We Iowans are committed to good education, from kindergarten through graduate school. Indeed, over half of our state budget goes for education.

The school foundation plan furnishes funds for local schools and stabilizes local taxes. Begun in 1971, and modified since, this plan is working. It has earned the deserved respect of many early skeptics. And, it is being continued in this budget.

The Regents' institutions have been stunned by the loss of nearly \$2 million in federal funds, this school year alone. This budget will offset some of those losses.

This budget also provides:

- Funds to open \$44 million worth of new campus facilities recently constructed.
- Money for the long-delayed Lindquist Center at the University of Iowa.
- Nearly \$1 million to remove campus barriers so handicapped young Iowans can get the same education as other students.
- And, \$500,000 for an innovative continuing education program in western Iowa.

Rural Iowa communities need family doctors. Last June, we graduated our first full class from the recently established Family Practice program of the University of Iowa. Ten communities have new doctors from this class. One hundred seventy medical students are now enrolled in this program, and my budget gives it strong support.

Programs at the area vocational—technical schools will again receive strong support.

In addition, we will add \$500,000 to our novel tuition grant program which helps young Iowans who could not otherwise afford an education. This welcome assistance to students has steadied enrollments at thirty—one Iowa schools and should be increased to the extent we can.

We all know the financial value of education. What we often overlook is its value to the individual and the contribution he or she makes to society.

Good education remains a top priority in Iowa!

HUMAN RESOURCES

People programs have consistently been a priority during my eight years in office. It is a priority again during this biennium.

We think it is important to continue to provide care, support and assistance for those who truly need our help. We know also that it is becoming more costly to provide that care. And, one big reason is the withdrawal of federal support funds.

We find ourselves with little choice but to shoulder much of that burden — and we will.

My budget recommendations for Human Resource programs include:

- Sufficient funding to support the planned conversion of two of our mental retardation institutions to full intermediate care facilities.
- A reasonable increase in aid to dependent children.
- Additional funds for senior volunteer and employment programs such as RSVP, Green Thumb, and our RICEP program, which you might be interested in knowing, during its first nine months of operation, found jobs for 1000 workers over the age of 55.
- A renewal of funding for the foster care program.
- And, continued support for our Area Educational Agencies which serve our handicapped children.

* * *

Finally, I ask you to extend our community—based corrections system. This is a program which I have steadfastly backed.

Even though this approach will not, nor can it, solve all of our corrections problems, it is a good alternative for many offenders. The Fort Des Moines

facility is a prime example of what can be done, and it is a model for twenty-three other states.

Community-based corrections are relatively new and contemporary, and much remains to be learned by experience. I am, nonetheless, convinced that success or failure will depend heavily upon a commitment on the part of local communities.

We have seen enough success to have hope.

We also await the forthcoming report from the Blue-Ribbon Task Force on Corrections. Their recommendations should be helpful as we look ahead for answers to crowded conditions at our penal institutions.

* * *

You should know that headway is being made in policing the welfare system to keep it honest. Our Child Support Recovery Unit is making collections of about \$6 million per year properly due for the support of children. And, the error rate in welfare payments has been cut in half.

It is easy to talk tough about welfare — and it sounds popular in most circles. But who among you would raise your hand if I were to ask if you would be willing to turn out an elderly patient from a nursing home because she could not make this month's payment on her own and had no other place to go?

Raise your hand if you could leave a fatherless child to fend for herself because her working mother can't be home to care for her.

Raise your hand if you can — I cannot. I don't think you could either.

As we examine human needs and their costs, we find evidence that the problems in Iowa, as difficult as they are, are more manageable than in most states. We are 25th in population yet we rank 38th in overall crime and 37th in the percentage of people on welfare. We can feel good about those numbers, but we can never be satisfied.

To maintain our current pace — and to cover lost federal dollars, inflation and increased caseloads — will cost an additional \$52 million.

The money is in my budget, and I ask that you keep it there.

CONSERVATION AND NATURAL RESOURCES

On Tuesday, I again asked you to approve land use legislation to protect our soil. Today, I ask your continued support for our first-in-the-nation soil conservancy cost-sharing program.

This budget also includes \$1 million to preserve undeveloped Iowa land. And, this budget supports our soil survey and topographic mapping projects, and the statewide water study, slated to be finished in 1979.

Even though it is not currently a budgetary item, I want it to be known that the idea of a Rathbun Lodge offers a unique opportunity for the people of this state and we are hopeful the business community will recognize the potential.

Our soil and our forests and our lakes and rivers are so very valuable. We must protect our natural resources so that future Iowans can share their wonder.

TRANSPORTATION

A bright spot in state government is our Department of Transportation. Our unified approach to air, water, rail and highway transportation has achieved national recognition in just two years.

Successful programs such as railroad branch line assistance are continued in this budget. I am pleased to report that funds are beginning to come back from the railroads, enabling us to pare my request from the last biennium. The program is moving into a configuration where it can, to some extent, become financially self-sustaining.

The Great River Road in eastern Iowa has long been sought and has finally been funded by the federal government. My request and departmental funds will utilize all available federal monies, and allow construction to begin.

Finally, adequate funding of the state's roads is a problem, and so is the distribution of those funds. Substantial inequities exist because that distribution under which we are operating today is based on fifteen-year old needs studies.

The cities deserve a larger share of the Road Use Tax Fund and the counties should not receive less money than at present.

The implementation of functional classification awaits the resolution of both issues.

For two years I have been suggesting a percentage user fee for fuel. I have also urged changes in the distribution formula and those changes still have merit. So far, nothing has happened.

I would be interested in hearing your ideas on this problem. It needs attention, and I will await your recommendations.

Our road system moves food, people, and manufactured goods. It is critical to Iowa's health. We must act this session to preserve that system.

CITIES, TOWNS, COUNTIES

Our local units of government are under pressure. We are offering ways to ease that pressure:

—Adjustment of the Road Use Tax formula just mentioned could make a substantial contribution to cities and towns without adversely affecting counties. Further, we provide for transit assistance which will benefit both.

—Local option taxes, noted earlier in my remarks, could provide both cities and counties with additional flexibility and so could the hotel—motel tax. The extent to which they take advantage of these revenue opportunities will be up to them.

—Even though our federal revenue sharing has been trimmed, this budget continues the local revenue sharing from the state which began in 1969.

—And, this budget provides \$6 million in construction grants to help local governments build adequate sewage treatment facilities. This is an integral part of our state's environmental protection.

The above budgetary items add up to significant assistance for our Iowa cities and counties.

OTHER PRIORITIES

My budget also includes specific requests for other worthwhile programs which are in the best interest of the public. I would like to mention a few:

—Iowans pay over \$1 billion annually in utility bills. Our small Commerce Commission staff ensures that rates are based on legitimate costs. Increased manpower here will be real consumer protection.

—Expanded law enforcement efforts will continue as state administrators scramble to replace lost federal funds. Failure to replace these funds is to invite increases in crime in Iowa.

—Restaurant inspection is important when you consider that one out of three meals is eaten away from home. Additional restaurants, sanitation, and consumer confidence demand that government step up its level of inspection. My budget provides for that.

—The National Guard responds whenever we need them during crises such as floods and tornadoes. Their strength and preparedness are invaluable to the strength and security of this state. The \$150,000 that would provide a small tuition incentive would be money wisely spent so that our Iowa Guard can remain competitive with neighboring states in recruiting volunteers.

—I request that you restore the \$250,000 appropriation for our exciting solar hearing facility project which was reverted. I can't believe you lawmakers wanted to "sunset" our solar initiative.

—\$375,000 is requested to fund the new Appeals Court.

—The special fund that you gave us for volunteer committees, used so effectively by our Council for Children, is still needed. New long-range energy research will begin soon and a temporary Iowa Paperwork Commission will be created. These are two resourceful initiatives.

—Finally, details concerning capital requests, such as the new vocational-rehabilitation building, are contained in a separate appendix to this message.

* * *

If this budget is followed, our financial condition at the end of the biennium will be satisfactory. We will have a balance of \$86 million, less the cost of salary adjustments. And keep in mind, that balance does not include the \$25 million reserve we will have set aside for the corporate tax question.

A positive financial condition should be the goal of all managers of public funds. We in Iowa can achieve this goal if we exercise discipline in our financial planning.

In concluding my remarks, I want to share two brief observations.

First, there is reason for concern over federal-state programs. We often become willing participants, only to later become unwilling victims when funding is halted and programs dumped in our laps.

As much as we might like to, we will not be able to always replace federal funds in the future. A wise course might be to thoroughly explore our entanglements with Washington before they boomerang.

Second, there are sound reasons for a conservative budget. If the dollars become available, it is always easy to spend them. On the other hand, if we

have another dry year, farm income stands to drop. You can be sure if that happens, we will then be thankful for our cautious budgetary approach.

Last year I declared eighteen counties disaster areas because of drought. An over-blown budget could create a financial drought in all ninety-nine.

* * *

In the coming days of this session, should you begin to weaken in your resolve, I would ask you to recall what Winston Churchill said when he spoke about the role of government in people's lives in Great Britain.

"I do not believe in the power of the state to plan and enforce, no matter how numerous are the committees they set up or the ever growing hordes of officials they employ. . . set the people free. Get out of their way and let them make the best of themselves."

That is a sobering thought as you consider the financial conditions of England where the government tried to do everything for everyone and lost.

We cannot let Iowa get caught in that trap. This budget does not try to provide everything for every Iowan.

Recall the three premises I outlined at the beginning of my remarks.

- No increase in sales and income taxes.
- Living within our resources and balancing our budget.
- Getting maximum value for each tax dollar.

I am personally committed to those tenets and so are all members of my administration.

I hope that my two messages this week will encourage you to think about the challenge we share — that of giving Iowans no more government than they need, want, or can afford.

Thank you.

GOVERNOR'S RECOMMENDATIONS

Recommendations on property taxes submitted to the Sixty-seventh General Assembly, 1977 Session:

The recent experience with the reassessments and equalization that occurred in 1975 remains fresh in our memories. Two classes of property —

agricultural and residential — received jolting increases in valuations. The increase in agricultural property assessments ranged up to seventy-eight percent in one county and fifty-three percent for residential property in another county.

There is a very real prospect that large increases in valuations for farmers and home owners are again in store when reassessment and equalization are required for January 1, 1978.

Having just been hit by one large increase in assessments, Iowa home owners and farmers face the prospect of equally unsettling increases a year from now. Large jolts in property valuations must be alleviated. We must cease the shocking of our property owners. At a time when rural and urban Iowans are yearning for stability in their taxes, we need to design a method that will moderate large increases in property valuations.

State government doesn't collect or spend a dime of property taxes. That is the activity of local government. Yet since the state allows property to be taxed, we have a responsibility for affecting the extent to which it is taxed. Within the limited resources available to state government, what can we do?

We can and should direct our attention to the core of the property tax problem — rapidly increasing assessments. We have a workable approach that will provide an answer to this nagging and difficult problem.

The recommendations that follow in the areas of assessment practices, assessment mechanics and local budgets and finances are a comprehensive response to the property tax question. The adoption of these measures will reassure Iowans that they will not be clobbered by staggering increases in valuations as a common occurrence and help insure fair and equitable assessments for farmers and home owners.

* * *

I. Assessment Practices

- A. Implement a regulated assessment method which limits the growth of aggregate assessments of agricultural land and residential properties in an assessing district to no more than five percent a year. This is to be implemented January 1, 1978, to correspond with the required reassessment and equalization.
- B. Continue uniform procedures for assessing property. Values must be equalized on market value and productivity, as used in the case of agricultural property. Yet taxes would be levied only against the assessed value, not the market value.
- C. Retain the present \$4,500 homestead tax credit and establish a standing limited appropriation for the \$42,000,000 currently being spent on agricultural land tax credits.

D. Retain productivity (50%) for agricultural land valuations.

E. Tax buildings on agricultural land in cities at the full city levy rate yet leave the agricultural land itself at the present reduced tax rate.

II. Assessment Mechanics

A. Require the full disclosure, by affidavit, of the terms of sale of all real estate.

B. Establish a state revolving fund to provide loans to counties and cities which are ordered by the Department of Revenue to do a revaluation of real estate.

C. Require assessors to physically reinspect all real estate every four years.

D. Mandate recertification of all assessors.

III. Local Budgets and Finances

A. Let the property tax spending limitations imposed during the 1976 legislative session expire according to law. Make no change in the traditionally established levy limitations of local governments, such as the \$8.10 per \$1,000 assessed valuation for a city's general fund.

B. Enable cities and counties by a vote of the people to extend property taxes beyond the limits.

C. Permit local governments to take advantage of a local option sales tax, if and when the voters approve.

D. Permit local governments to take advantage of a local option transient guest (hotel—motel) tax without a referendum as is done in so many other states where Iowans travel.

IV. Research

A. Continue and intensify the research efforts that were initiated by the Local Government Task Force.

B. Establish a major research effort to explore the needs and requirements of local services and alternative ways of effectively and efficiently meeting the necessary services in cities, counties, and school districts.

Governor Robert D. Ray was escorted from the House chamber by the committee previously appointed.

Fitzgerald of Webster moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Cochran in the chair.

MOTIONS TO RECONSIDER
(Senate Concurrent Resolution 4)

I move to reconsider the vote by which Senate Concurrent Resolution 4 was adopted by the House on January 13, 1977.

SCHROEDER of Pottawattamie

I move to reconsider the vote by which Senate Concurrent Resolution 4 was adopted by the House on January 13, 1977.

CONNORS of Polk

(Amendments H-3001A and H-3001B
to Senate Concurrent Resolution 4)

I move to reconsider the vote by which amendments H-3001A and H-3001B to Senate Concurrent Resolution 4 were adopted by the House on January 13, 1977:

WYCKOFF of Benton

REPORT OF THE COMMITTEE ON RULES

Nielsen of Polk, chair of the committee on rules, submitted the following report from the committee on rules:

- 1 Amend the temporary House Rules as follows:
- 2 1. House Rule 1 is amended to read as follows:
- 3 **RULE 1**
- 4 **CALL TO ORDER**

5 The Speaker shall take the chair ~~every day precisely~~
 6 at the hour to which the House shall have adjourned,
 7 and shall immediately call the members to order, and
 8 ~~on appearance of a quorum shall cause the journal~~
 9 ~~of the preceding day to be corrected.~~

10 2. House Rule 2 is amended by striking the rule
 11 and inserting in lieu thereof the following:

12 RULE 2

13 QUORUM CALL AND TIME OF CONVENING

14 The presiding officer may call for roll to be taken
 15 to determine those present and absent.

16 On any day to which the House shall have adjourned,
 17 unless otherwise ordered, the House shall convene
 18 at 9:00 a.m. and adjourn not later than 10:00 p.m.

19 3. House Rule 5 is amended by striking the rule
 20 and inserting in lieu thereof the following:

21 RULE 5

22 ORDER OF BUSINESS

23 The following order of business shall govern:

- 24 1. Correction of the journal.
- 25 2. Bills to be introduced.
- 26 3. Resolutions.
- 27 4. Business pending at last previous adjournment.
- 28 5. Reports in possession of the House.
- 29 6. Bills on their passage.
- 30 7. Messages and communications on the Speaker's
 31 table.

32 4. House Rule 8 is amended to read as follows:

33 RULE 8

34 AMENDMENT AND SUSPENSION OF RULES 35 APPOINTMENT OF STEERING COMMITTEE

36 A motion to change or rescind a standing rule or
 37 order of the House requires one day's notice. A
 38 motion to suspend a rule, to table or take from the
 39 table, a matter requires an affirmative vote of at
 40 least a constitutional majority. Postponing or
 41 changing the order of business requires an affirmative
 42 vote of at least a constitutional majority except
 43 that the steering committee which may be appointed
 44 by the Speaker of the House on or after the final
 45 date for filing bills as provided in Rule 29 ninetieth
 46 calendar day of the first session and the seventieth
 47 calendar day of the second session and which committee
 48 shall have charge of all bills that are on the
 49 calendar, and shall daily arrange the bills for
 50 consideration of the House, except budget bills and

Page 2

1 ways and means bills and bills that have passed the
2 House and Senate in different forms.

3 The Steering Committee shall place regular calendar
4 bills on a steering calendar and steering non-
5 controversial calendar. When the steering committee
6 is appointed, the weekly and daily debate calendars
7 shall consist of bills on the steering calendar,
8 steering non-controversial calendar, budget and ways
9 and means calendars, and all bills having passed the
10 House and Senate in different forms.

11 5. House Rule 10 is amended by striking the rule.

12 6. House Rule 16 is amended by striking the rule
13 and inserting in lieu thereof the following:

14 RULE 16

15 REFERRAL OF RULE VIOLATIONS

16 The Speaker shall, upon complaint of a member,
17 or upon the Speaker's own motion, refer any alleged
18 violation of House or joint rules by House members,
19 employees or staff to the House Ethics Committee upon
20 an initial finding that an investigation is warranted.

21 The Ethics Committee shall investigate such
22 allegations and report them back to the House with
23 a recommendation.

24 7. House Rule 17 is amended by striking the rule
25 and inserting in lieu thereof the following:

26 RULE 17

27 CHIEF CLERK OF THE HOUSE

28 The Chief Clerk of the House shall serve as
29 parliamentary and chief administrative officer for
30 the House. He shall have charge of the Chief Clerk's
31 desk; be responsible for the custody and safekeeping
32 of all bills, resolutions, and amendments filed,
33 except when they are in the custody of a committee;
34 have charge of the daily journal; have control of
35 all rooms assigned for the use of the House; check
36 all bills as to proper form prior to introduction;
37 keep a detailed record of house action thereon; process
38 the handling of amendments when filed and during the
39 floor consideration of bills; insert adopted amendments
40 into bills before transmitted to the Senate and prior
41 to final enrollment; supervise legislation printing
42 and the distribution of printed material; and perform
43 all other duties pertaining to the office of Chief
44 Clerk.

45 RULE 17.1

46 LEGAL COUNSEL

47 The Legal Counsel shall be a House employee under

48 the guidance of the Chief Clerk. The Legal Counsel
 49 shall serve as chief legal officer of the House;
 50 supervise the Legal Counsel's office; clear all bills,

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1 resolutions, and amendments as to proper form prior
 2 to introduction; and provide assistance to House
 3 committees.

4 **RULE 17.2**

5 **SERGEANT—AT—ARMS**

6 It shall be the duty of the Sergeant—at—Arms to
 7 execute all orders of the House or of its presiding
 8 officer; to perform all duties that may, from time
 9 to time, be assigned to him connected with the policing
 10 and good order of the House; to exercise supervision
 11 over the ingress and egress of all persons to and
 12 from the Chamber; to see that all messages, etc.,
 13 are promptly executed; and that the hall is properly
 14 ventilated and open for the use of the members; and
 15 to perform all other services pertaining to the office
 16 of Sergeant—at—Arms.

17 8. House Rule 20, unnumbered paragraph five (5),
 18 is amended to read as follows:

19 Notwithstanding the provisions of this rule
 20 regarding admission to the floor of the House, a
 21 registered lobbyist shall not be admitted to the floor
 22 of the House on any day when the House is in session
 23 or committees are scheduled to meet from one-half
 24 hour before the House convenes or 9:00 a.m. which—
 25 ever is earlier until one-half hour after the House
 26 adjourns or until 4:30 p.m., whichever is later,
 27 except to gain access to a committee room, or when
 28 the House is not in session upon the invitation of
 29 a member or members of the House for the purpose of
 30 visiting only with that member or members of the
 31 House.

32 9. House Rule 22, unnumbered paragraph one (1),
 33 is amended to read as follows:

34 **RULE 22**

35 **DISTRIBUTION OF LITERATURE**

36 No person not a member of the ~~General Assembly~~ House
 37 of Representatives shall distribute or cause to be
 38 distributed any pamphlets, material, or other printed
 39 literature in the House without the express permission
 40 of the Chief Clerk. Each piece of literature shall
 41 bear its source of distribution.

42 10. House Rule 27 is amended to read as follows:

43 **RULE 27**

44 FORMS OF BILLS AND JOINT RESOLUTIONS

45 Every House bill shall be introduced by one or
46 more members or by any standing or specially authorized
47 committee of the House or interim study committee
48 of the Sixty-sixth General Assembly. All bills and
49 joint resolutions introduced shall be of typewritten
50 copy with title, enacting clause, and body of bill

Page 4

1 as directed by the Chief Clerk of the House. One
2 copy of each bill shall be presented in a bill cover
3 and be accompanied by ~~three correct copies thereof,~~
4 ~~and by three copies of the title alone on separate~~
5 ~~sheets of paper by the number of copies of the bill~~
6 ~~and the title as shall be directed by the Chief Clerk.~~
7 No bill shall be introduced nor shall the Chief Clerk
8 accept the same unless an adequate explanation thereof
9 is included at the end of each bill.

10 11. House Rule 29 is amended to read as follows:

11 RULE 29

12 TIME OF INTRODUCTION OF BILLS

13 The final day for the introduction of individually
14 sponsored bills shall be the sixty-first calendar
15 day of the first regular session of a General Assembly
16 unless a written request for drafting the bill has
17 been filed with the Legislative Service Bureau before
18 that time. After adjournment of the first regular
19 session, bills may be prefiled at any time before
20 the convening of the second regular session. No bill
21 shall be filed after the fifteenth calendar day of
22 the second regular session of a General Assembly
23 unless a written request for drafting the bill has
24 been filed with the Legislative Service Bureau before
25 that time. ~~However, standing committees may introduce~~
26 ~~bills at any time when not in conflict with Rule 37.~~

27 12. House Rule 30 is amended to read as follows:

28 RULE 30

29 INTRODUCTION AND READING OF BILLS

30 All bills and joint resolutions to be introduced
31 in the House shall be typed into proper form by the
32 Legislative Service Bureau and shall be filed with
33 the Chief Clerk not later than 4:30 p.m. on the
34 preceding legislative day preceding its introduction.
35 When the time for introducing bills is reached in
36 the regular order of business, the Chief Clerk will
37 proceed in the same manner as if the bills were
38 introduced from the floor. This rule does not deny
39 a member the right to introduce a bill from the floor

40 if the bill has previously been typed in proper form
41 by the Legislative Service Bureau.

42 Every bill shall receive two readings but no bill
43 shall receive its first and last readings on the same
44 day.

45 A "reading of a bill" as required by these rules
46 shall consist of a reading of the title and enacting
47 clause unless otherwise demanded by a House member.

48 13. House Rule 31 is amended by striking the rule
49 and inserting in lieu thereof the following:

50 **RULE 31**

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1 **FIRST READING, COMMITMENT AND AMENDMENT**

2 31.1. A bill is introduced into the House by an
3 initial or "first reading of the bill".

4 31.2. When the House is in session the first
5 reading shall consist of a "reading" as is provided
6 in Rule 30.

7 31.3. Upon a first reading of the bill, the Speaker
8 shall state that it is ready for commitment or
9 amendment; and the Speaker shall commit it to the
10 standing or select committee, or to a committee of
11 the whole House. If to a committee of the whole
12 House, the House shall determine on what day.

13 31.4. On a day when the House is not in session,
14 the Speaker shall cause a statement, which shall
15 consist of the title, enacting clause, bill number
16 and committee to which the bill is referred to be
17 published in the House Journal. This publication
18 shall constitute a first reading and commitment and
19 shall contain the notation "read and committed under
20 Rule 31.4".

21 31.5. All amendments offered to bills on file
22 or on the calendar shall be accompanied by such copies
23 as the Chief Clerk shall direct.

24 31.6. Such amendments shall give the number of
25 the bill sought to amend and the Chief Clerk shall
26 designate each such amendment thus: Amendment to
27 House File, or Senate File, by
28

29 31.7. A bill reported out by committee shall go
30 to the Speaker who shall direct that the bill be
31 placed on the calendar unless it covers subject matter
32 more properly within the jurisdiction of some other
33 standing committee, in which case the Speaker shall
34 refer the bill to the proper standing committee.
35 However, it shall require an affirmative vote of a

36 majority of the total committee members to authorize
37 the introduction of any bill.
38 31.8. No amendment to the Rules of the House,
39 to any resolution, bill or amendment to a bill, shall
40 be considered by the membership of the House without
41 a copy of said amendment to rule, resolution, bill
42 or amendment to a bill being on the desks of the
43 entire membership of the House prior to consideration.
44 14. House Rule 37 is amended by striking the rule.
45 15. House Rule 41 is amended by striking the rule.
46 16. House Rule 45 is amended by striking the rule
47 and inserting in lieu thereof the following:
48 **RULE 45**
49 **STATUS OF BILLS FOLLOWING**
50 **FIRST REGULAR SESSION**

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1 Except as provided in Rule 3 of the Joint Rules
2 all bills introduced in the first regular session
3 of a General Assembly which have not been withdrawn,
4 defeated, or indefinitely postponed, shall at the
5 opening of the second regular session be rereferred
6 to a committee.
7 17. House Rule 50 is amended by striking the rule
8 and inserting in lieu thereof the following:
9 **RULE 50**
10 **COMMITTEE PROCEDURES AND REPORTS**
11 50.1. — Referral to Subcommittee.
12 When a bill has been assigned to a subcommittee,
13 the chairman shall report to the House the bill number
14 and the names of the subcommittee members and such
15 reports shall be reported in the journal of the last
16 legislative day of each week.
17 50.2. — Final Disposition.
18 Standing, sifting and steering committee meetings
19 shall be open and voting by secret ballot shall be
20 prohibited.
21 50.3. — Quorum Call.
22 At the convening of each committee meeting the
23 roll of the committee shall be called listing those
24 present and absent.
25 50.4. — Reports of Assignment of Bills to
26 Subcommittees.
27 Referral of bills to subcommittees as provided
28 in Rule 50.1 shall be reported to the House. The
29 report shall list the bill number and the names of

30 the subcommittee members. The report shall be included
 31 in the journal on the last legislative day of the
 32 week in which the bill was referred.

33 50.5. — Time of Filing Report and Contents.

34 A report shall be filed with the Chief Clerk no
 35 later than 10:00 a.m. of the legislative day
 36 immediately following the day of the committee meeting.

37 The committee report shall be of public record and
 38 shall be published in the journal. The report shall
 39 include the following information:

40 a. The time the meeting was scheduled to convene.

41 b. The time the meeting convened.

42 c. The members present at time of convening.

43 d. The time the meeting adjourned.

44 If any bills are finally disposed of in committee
 45 the report shall also include the ayes and the nays
 46 of the committee on such disposition.

47 50.6. — Minority Recommendation.

48 The minority of the members of any committee may
 49 present its recommendations on the final disposition
 50 of any bill to the House by attaching such

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1 recommendation to the committee report and the same
 2 shall be printed in the journal with the committee
 3 report.

4 50.7. — Committee Amendment.

5 Whenever a committee amendment is proposed which
 6 would amend a committee amendment previously adopted,
 7 the amendment shall be drafted in the form of a
 8 substitute amendment and shall be considered as such.

9 18. House Rule 55 is amended by striking the rule.

10 19. House Rule 63 is amended to read as follows:

11 **RULE 63**

12 **ORDER AND PRECEDENCE OF MOTIONS**

13 When a question is under debate, no motion will
 14 be received except the following:

15 1. A motion to adjourn.

16 2. A motion to lay on the table.

17 3. A motion for the previous question.

18 4. A motion to postpone action until a certain
 19 day.

20 5. A motion to amend the bill under consideration
 21 by striking the enacting words.

22 6. A motion to commit or amend.

23 7. A motion to amend by committee.

24 8. A motion to amend by an individual.

25 7.9. A motion to postpone indefinitely.
26 These motions have precedence as listed.
27 A motion to postpone to a certain day, to commit,
28 or to postpone indefinitely a particular question
29 will not be considered more than once in the same
30 day.
31 If a motion to amend a bill by striking the enacting
32 words is adopted, the action is equivalent to rejection
33 of the bill.

34 20. House Rule 64 is amended to read as follows:

35 RULE 64

36 MOTIONS NOT DEBATABLE

37 Motion to lay on the table, to adjourn, and for
38 the previous question, and appeals of a ruling of
39 the presiding officer shall be decided without debate.

40 21. House Rule 68 is amended by striking the rule
41 and inserting in lieu thereof the following:

42 RULE 68

43 RECONSIDERATION

44 The floor manager of a measure or a person voting
45 on the prevailing side of a question may move to
46 reconsider the question which has been decided. The
47 floor manager of the measure shall have the prior
48 right to the motion of the motion is made on the day
49 the legislative action was taken and is printed in
50 the journal of that days action. If the floor manager

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1 does not exercise that right, then any representative
2 voting on the prevailing side may, on the same or
3 succeeding legislative day, move for a reconsideration
4 of the measure. Thereafter any representative may
5 call the motion up.

6 If the motion is made within the last six days
7 of the session it shall be disposed of when made.

8 The motion to reconsider shall take precedence
9 over all questions except the consideration of a
10 conference report, a motion to fix the day to which
11 the House shall adjourn, a motion to adjourn, and
12 to recess.

13 A motion to reconsider any vote by which a bill
14 or joint resolution has passed or failed to pass the
15 House shall require a constitutional majority to be
16 sustained. If the motion to reconsider the vote on
17 a bill or joint resolution prevails, the motion to
18 reconsider the vote on a bill or joint resolution
19 prevails, the motion to reconsider amendments thereto

20 shall be in order and shall be disposed of without
21 delay.

22 A motion that the motion to reconsider be laid
23 upon the table shall be a single and indivisible
24 motion which, if carried, shall have the effect of
25 preventing reconsideration unless a motion to take
26 from the table prevails.

27 22. House Rule 69, numbered paragraphs one (1)
28 and two (2), are amended to read as follows:

29 1. An original vote on any bill question may be
30 recorded any time within ten minutes after the vote
31 has been announced, providing the vote does not change
32 the outcome of the vote on that bill question. The
33 Speaker-presiding officer shall announce the names
34 of persons so recorded after the ten minute period.

35 2. Members meeting in a conference committee at
36 the time a vote is taken on a bill question may have
37 their vote recorded any time prior to 4:30 p.m. or
38 adjournment, whichever is later, of that same
39 legislative day, providing the vote does not change
40 the outcome of the vote on that bill.

41 23. Amend the House Rules by adding the following
42 new proposed rules:

43 PROPOSED NEW RULE

44 COMMITTEE NOTICE AND AGENDA

45 Each committee shall prepare and publish a notice
46 and agenda of each committee meeting at least one
47 session day prior to the meeting.

48 The notice shall contain the committee name, the
49 date, time and location of the meeting.

50 The agenda shall contain the matters to be

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1 discussed, including a list of bills, joint resolutions
2 and study bills by number. The agenda should contain
3 the names of individuals who are scheduled to appear
4 before the committee and the organization which they
5 represent.

6 A bill, joint resolution or study bill may not
7 be reported out of committee if the bill was not
8 included in the published notice and agenda unless
9 this rule is suspended by a majority of the total
10 membership of the committee.

11 PROPOSED NEW RULE

12 DEBATE CALENDAR

13 The members of the majority floor leadership shall

14 cause a weekly debate calendar to be prepared and
15 distributed to the House members by the Chief Clerk.
16 Said calendar shall be available by noon on the last
17 session day of any week when floor action by the House
18 is scheduled for the next week. Any bill not listed
19 on the debate calendar shall not be considered by
20 the House during the week covered by the debate
21 calendar.

22 The majority floor leadership shall cause to be
23 prepared and distributed to the members at the opening
24 of each session day when floor action is scheduled,
25 a daily calendar setting forth the number, title,
26 and order of consideration of bills for the next
27 session day that floor action is scheduled.

28 A bill listed on the daily calendar which is not
29 taken up in proper order shall be deleted from the
30 debate calendar and be placed on the regular calendar.

31 PROPOSED NEW RULE

32 STUDY BILLS

33 A study bill is any matter which a member of the
34 House wishes to have considered by a standing
35 committee, other than appropriations, and which has
36 not been included in a previously introduced bill.
37 Upon taking possession of, or taking committee action
38 on, a study bill, whichever is earlier, the committee
39 chairperson shall submit three copies of such bill
40 to the Chief Clerk's office for numbering.

41 A study bill which has not been assigned a number
42 by the Chief Clerk's office prior to the report of
43 the bill to the House shall be rereferred to a
44 committee.

45 PROPOSED NEW RULE

46 AMENDMENTS TO SPECIAL ORDER BILLS

47 All amendments, except corrective amendments, to
48 bills special ordered more than seven session days
49 in advance of the date set for debate shall be filed
50 prior to the close of the daily clip sheet of the

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1 session day three session days prior to the date set
2 for debate.

3 Amendments to amendments, except corrective
4 amendments, shall be filed prior to the close of the
5 daily clip sheet preceding the date set for debate.

6 Any amendments not so filed shall not be in order.

7 A corrective amendment is an amendment which does
8 not substantively change the amendment or the bill.

- 9 The daily clip sheet shall close one hour after
10 adjournment or 4:30 p.m. whichever is later.
11 The time limits set for the filing of amendments
12 on specially ordered bills shall not apply to bills
13 special ordered for less than seven session days.
14 24. The Chief Clerk is hereby directed to insert
15 the new proposed rules in proper order to fit the
16 rules and to renumber the temporary rules.
17 25. The Chief Clerk is hereby directed to change
18 the name of the Appropriations Committee to the Budget
19 Committee wherever it appears and is deemed necessary
20 in the temporary rules.

COMMITTEE ON RULES
NIELSEN of Polk, chair

On motion by Fitzgerald of Webster, the House adjourned at
9:43 a.m. until 10:00 a.m., Monday, January 17, 1977.

JOURNAL OF THE HOUSE

Eighth Calendar Day--Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 17, 1977

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

Prayer was offered by the Reverend Henry Thomas, pastor of the Union Baptist Church, Des Moines, Iowa.

The Journal of Friday, January 14, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Foster, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Speaker Cochran of Webster.

QUORUM CALL

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

PRESENTATION OF IOWA HEART PRINCESS

Nielsen of Polk escorted to the Speaker's station and presented to the House Miss Sally Briggs, Iowa Heart Princess, and Representative Bill Harbor, State Heart Fund Chair.

Sally, who is a junior at East High School in Des Moines and the daughter of Mrs. Carol Briggs, underwent heart surgery in 1975 and is now able to lead a normal life. She represents 40,000 heart fund volunteers in Iowa this year.

Miss Briggs addressed the House briefly urging everyone to support the Heart Association.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 13, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 6, providing for the committee operation for the 1977 session of the sixty-seventh general assembly.

STEVEN C. CROSS, Secretary

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

The House resumed session, Speaker Cochran in the chair.

MOTION TO RECONSIDER (Senate Concurrent Resolution 4)

Connors of Polk called up for consideration the motion to reconsider Senate Concurrent Resolution 4, filed on January 14, 1977, and moved to reconsider the vote by which Senate Concurrent Resolution 4, providing for the compensation of officers and employees of the general assembly, was adopted by the House on January 13, 1977.

The motion prevailed and the House reconsidered Senate Concurrent Resolution 4.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion to reconsider Senate Concurrent Resolution 4 filed on January 14, 1977.

Wyckoff of Benton called up for consideration the motion to reconsider amendment H-3001A to Senate Concurrent Resolution 4, filed on January 14, 1977, and moved to reconsider the vote by

which amendment H-3001A was adopted by the House on January 13, 1977.

A non-record roll call was requested.

The ayes were 61, nays 30.

The motion prevailed and the House reconsidered amendment H-3001A.

Schroeder of Pottawattamie moved the adoption of amendment H-3001A.

Amendment H-3001A lost.

Wyckoff of Benton called up for consideration the motion to reconsider amendment H-3001B to Senate Concurrent Resolution 4, filed on January 14, 1977, and requested unanimous consent that it be withdrawn.

Objection was raised.

Wyckoff of Benton moved that the motion to reconsider amendment H-3001B be withdrawn.

A non-record roll call was requested.

The ayes were 51, nays 41.

The motion prevailed and the motion to reconsider amendment H-3001B was withdrawn.

O'Halloran of Black Hawk moved the adoption of Senate Concurrent Resolution 4.

A non-record roll call was requested.

The ayes were 80, nays 13.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

O'Halloran of Black Hawk asked and received unanimous consent that Senate Concurrent Resolution 4 be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 6

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 6 received from the Senate as follows:

SENATE CONCURRENT RESOLUTION 6
By Rules and Administration Committee

1 *Whereas*, the Sixty-seventh General Assembly convened on January 10, 1977; and,

2 *Whereas*, the committee system provides the basic
3 forum for the perfection of legislation; and

4 *Whereas*, it is necessary to provide sufficient time
5 for the committees of the senate and house of representatives to carry out their work; and,

6 *Whereas*, providing sufficient time for committee
7 operation can insure rapid and effective completion
8 of the work of the 1977 Session of the Sixty-seventh
9 General Assembly;

10 *Now Therefore*,

11 *Be It Resolved by the Senate, The House of Representatives Concurring that:*

12 1. The period from January 10, 1977 through
13 February 18, 1977, shall be known as "committee time".

14 2. During committee time the senate and house of
15 representatives may adjourn to a time certain which may
16 be of periods longer than three days. By adoption
17 of this resolution each house consents, without further
18 authorization, to adjournments of the other pursuant to
19 Article III, Section 14, of the Constitution of Iowa.

20 3. Notwithstanding the provisions of paragraph two (2)
21 of this resolution, during committee time the senate shall
22 convene at a time earlier than that set at the prior
23 adjournment upon the call of the majority leader and the
24 house of representatives shall convene at a time earlier
25 than that set at the prior adjournment upon the call of the
26 speaker. Before issuing a call, the majority leader or
27 speaker shall notify the minority leader of their respective
28
29
30

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1 intention to issue the call. A call is issued by the majority
2 leader filing it with the secretary of the senate and the speaker
3 filing it with the chief clerk of the house. The secretary and
4 chief clerk shall exercise their best efforts to ensure that all
5 members of their respective houses are personally notified of
6 the call and the date and time set in it.

7 4. During the committee time the senate and house of repre-
8 sentatives are not in session, the speaker of the house and
9 majority leader of the senate shall schedule meetings of the
10 standing committees of their respective bodies.

11 5. During committee time standing committees shall give
12 priority to consideration of bills and resolutions for con-
13 sideration on the floor during the remainder of the 1977 Session.

14 6. During committee time the secretary of the senate and
15 chief clerk of the house shall receive for filing bills, amend-
16 ments, reports or other matters of legislative business and
17 print and distribute them as soon as possible. Filings shall
18 be recorded by the secretary and chief clerk on the date they
19 are actually received.

20 7. During committee time the journal of the proceedings of
21 the senate and house shall be published each day standing com-
22 mittees are scheduled to meet. Journals published for days in
23 which the senate or house of representatives are not in session
24 on the floor shall reflect filings, referrals, reports, messages
25 and all other business.

26 8. Each day commencing with the first day of the legislative
27 session and ending with the day of final adjournment of the 1977
28 regular session shall constitute a session for the purposes of
29 section two point ten (2.10), paragraph one (1), Code 1975.

Nielsen of Polk moved the adoption of Senate Concurrent Resolution 6.

The motion prevailed and the resolution was adopted.

COMMUNICATION FROM THE STATE BOARD OF REGENTS

There is on file in the office of the Chief Clerk the State Board of Regents Ten-Year Building Program, 1977-1987, submitted in accordance with Chapter 262A.3, Code of Iowa.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

COMMUNICATION FROM THE IOWA DEPARTMENT OF TRANSPORTATION

The following communication has been received and placed on file in the office of the Chief Clerk:

IOWA DEPARTMENT OF TRANSPORTATION ADMINISTRATIVE RULES

IN THE MATTER OF
SPECIAL RULES GOVERNING
THE LENGTH OF A
COMBINATION OF THREE
VEHICLES

REPORT OF
THE DEPARTMENT
OF TRANSPORTATION

To the 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa.

Section 1. Pursuant to the authority of Section 307.10(5) of the Code and in accordance with the special rulemaking provisions of that section, the Iowa Transportation Commission in public session December 14, 1976, adopted the following motion:

That staff submit a rule showing sixty feet to be the maximum length for double bottom truck combinations.

By virtue of the adoption of this rule, the Commission hereby rescinds the proposed rule previously approved by it on January 13, 1976, and filed with the legislature on January 16, 1976.

Section 2

PROPOSED RULE:

TRANSPORTATION DEPARTMENT (820)

07 MOTOR VEHICLE DIVISION

ARTICLE F
OPERATING AUTHORITYCHAPTER 6
LENGTH OF THREE VEHICLE COMBINATIONS

820—(07,F)6.1(307) Length. Sixty feet is established as the maximum legal length of a combination of three vehicles coupled together, one of which is a motor vehicle, inclusive of front and rear bumpers which may operate on Iowa highways.

Respectfully submitted,

Iowa Department of Transportation

VICTOR PREISSER,
Director of Transportation

ACKNOWLEDGMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on this 17th day of January, 1977, of the foregoing report of the Iowa Department of Transportation pertaining to the length of three vehicle combinations.

DAVID L. WRAY,
Chief Clerk of the House

CONSIDERATION OF AMENDMENTS TO THE

TEMPORARY RULES OF THE HOUSE

Nielsen of Polk asked and received unanimous consent for the immediate consideration of the report of the committee on rules filed on January 14, 1977 and found on pages 103 through 114 of the House Journal.

Schroeder of Pottawattamie offered amendment H-3019 filed by him from the floor and requested division as follows:

H-3019

- 1 Amend the Report of the Committee on Rules, filed
- 2 January 14, 1977 as follows:

H-3019A

- 3 1. Page 1, line 14, by inserting after the word
- 4 "officer" the words "or any member".
- 5 2. Page 1, lines 39 and 40, by striking the words
- 6 "at least" and inserting in lieu thereof the words
- 7 "at least".
- 8 3. Page 1, line 40, by inserting after the word
- 9 "majority" the words "of the members".
- 10 4. Page 1, line 42, by striking the words "at
- 11 least" and inserting in lieu thereof the words "at
- 12 least".
- 13 5. Page 1, line 42, by inserting after the word
- 14 "majority" the words "of the members".

H-3019B

- 15 6. Page 2, line 19, by inserting after the word
- 16 "Committee" the words ", established in section sixty-
- 17 eight B point ten (68B.10) of the Code,".

H-3019C

- 18 7. Page 3, by inserting after line 41 the
- 19 following:
- 20 "___ House Rule 26 is amended by striking the
- 21 rule."

H-3019D

- 22 8. Page 5, by striking lines 29 through 37 and
- 23 inserting in lieu thereof the following:
- 24 "31.7 A bill reported out by committee shall be
- 25 placed on the regular calendar. The speaker may
- 26 reassign any bill on the regular calendar to a
- 27 standing committee other than the standing committee
- 28 which reported it out if the speaker believes that
- 29 the bill covers a subject matter more properly within
- 30 the jurisdiction of another standing committee. The
- 31 speaker shall announce any reassignments from the
- 32 chair. The question of reassignment may be called
- 33 by any member and a constitutional majority of the

34 members may block the reassignment."

H-3019E

35 9. Page 9, line 14, by inserting after the word
36 "prepared" the words "from the bills on the regular
37 calendar".

H-3019F

38 10. Page 9, line 21, by inserting after the word
39 "calendar" the words "except that a two-thirds
40 majority of the members may vote to list bills from
41 the regular calendar on the debate calendar".

H-3019G

42 11. Page 10, by inserting after line 13 the
43 following:

44 "PROPOSED NEW RULE
45 DISTRIBUTION OF MATERIALS
46 PRINTED BY THE STATE

47 A member of the House shall not distribute mater-
48 ials which have been printed by the state of Iowa
49 and upon which the name of the member of the House
50 has been affixed unless the member has purchased the

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1 materials or unless the member has affixed the words
2 "Paid for by the citizens of Iowa and distributed by
3 Representative (member's name)."

Schroeder of Pottawattamie moved the adoption of amendment
H-3019A.

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-3019A lost.

Schroeder of Pottawattamie moved the adoption of amendment
H-3019B.

A non-record roll call was requested.

The ayes were 39, nays 51.

Amendment H-3019B lost.

Schroeder of Pottawattamie moved the adoption of amendment H-3019C.

Amendment H-3019C lost.

Schroeder of Pottawattamie moved the adoption of amendment H-3019D.

A non-record roll call was requested.

The ayes were 37, nays 47.

Amendment H-3019D lost.

Harbor of Mills offered the following amendment H-3003 filed by him from the floor and moved its adoption:

H-3003

- 1 Amend the Report of the Committee on Rules as
- 2 follows:
- 3 1. Page 5, by striking all of lines 30 and 31
- 4 and inserting in lieu thereof the words, "to the
- 5 calendar. If the bill covers subject matter".
- 6 2. Line 33 by striking the words " , in which
- 7 case".

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment H-3003 lost.

Schroeder of Pottawattamie moved the adoption of amendment H-3019E.

Amendment H-3019E lost.

Schroeder of Pottawattamie moved the adoption of amendment H-3019F.

Amendment H-3019F lost.

Schroeder of Pottawattamie moved the adoption of amendment H-3019G.

Roll call was requested by Schroeder of Pottawattamie and Varley of Adair.

On the question "Shall amendment H-3019G be adopted?"

The ayes were, 82:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Rinas	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Woods
Wulff	Wyckoff		

The nays were, 11:

Baker	Crabb	Garrison	Hargrave
Howell	Husak	Middleswart	Poncy
Svoboda	Wells	Mr. Speaker	

Absent or not voting, 7:

Byerly
Doyle

Harper
Hines

Hullinger
Newhard

Scheelhaase

Amendment H-3019G was adopted.

Stromer of Hancock offered the following amendment H-3004 filed by him from the floor and moved its adoption:

H-3004

- 1 Amend the report of committee on rules as
- 2 follows:
- 3 1. Page 1, line 18, by striking the numerals
- 4 "10:00" and inserting in lieu thereof the numerals
- 5 "9:00".

A non-record roll call was requested.

The ayes were 45, nays 49.

Amendment H-3004 lost.

Higgins of Scott offered the following amendment H-3021 filed by Higgins and Middleswart of Warren from the floor and moved its adoption:

H-3021

- 1 Amend the report of the Committee on Rules,
- 2 beginning on page 103 of the House Journal, as
- 3 follows:
- 4 1. Page 2, by inserting after line 44 the
- 5 following:
- 6 "The Chief Clerk of the House shall cause the
- 7 floor action of each session day to be taped.
- 8 The tapes of each session days floor action shall
- 9 be permanently stored in the office of the Chief
- 10 Clerk."

Amendment H-3021 lost.

Tauke of Dubuque asked and received unanimous consent to withdraw amendment H-3008 filed by Tauke and Husak of Tama from the floor.

Nielsen of Polk offered the following amendment H-3018 filed by him from the floor and moved its adoption :

H-3018

- 1 Amend the report of the Committee on Rules beginning
- 2 on page 103 of the House Journal as follows:
- 3 1. Page 6, line 11 by striking the word "Referral"
- 4 and inserting in lieu thereof the words "Assignments".
- 5 2. Page 6, line 17 by striking the words "Final
- 6 Disposition" and inserting the words "Open Meetings".
- 7 3. Page 6, by striking lines 25 through 32.

Amendment H-3018 was adopted.

Junker of Woodbury offered the following amendment H-3016 filed by him from the floor and moved its adoption:

H-3016

- 1 Amend the report of the Committee on Rules,
- 2 beginning on page 103 of the House Journal, as
- 3 follows:
- 4 1. Page 6, line 16, by striking the words
- 5 "each week" and inserting in lieu thereof the
- 6 words "the week in which the bill is assigned".

Amendment H-3016 was adopted.

Lipsky of Linn offered the following amendment H-3011 filed by her from the floor:

H-3011

- 1 Amend the Report of the Committee on Rules beginning
- 2 on page 103 of the House Journal as follows:
- 3 1. Page 7, by striking all of lines 23 and 24 and
- 4 inserting in lieu thereof the following:
- 5 "7. A motion to amend."

Avenson of Fayette in the chair at 5:43 p.m.

Lipsky of Linn moved the adoption of amendment H-3011.

Roll call was requested by Nielsen of Polk and Bennett of Ida.

On the question "Shall amendment H-3011 be adopted?"

The ayes were, 42:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Miller, K.D.	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff		

The nays were, 52:

Anderson	Baker	Bina	Binneboese
Brandt	Brunow	Chiodo	Cochran
Connors	Cusack	Davitt	Dieleman
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hargrave
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Lonergan	Middleswart
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker (Avenson)

Absent or not voting, 6:

Byerly	Doyle	Harper	Krause
O'Halloran	Patchett		

Amendment H-3011 lost.

Speaker Cochran in the chair at 5:57 p.m.

Tauke of Dubuque offered the following amendment H-3009 filed by Tauke, Welden and Tofte from the floor and moved its adoption:

H-3009

- 1 Amend the report of the Committee on Rules,
- 2 beginning on page 103 of the House Journal, as
- 3 follows:
- 4 "Page 7, by inserting after line 33 the
- 5 following:
- 6 Thirty percent of the membership of a
- 7 committee may file a minority committee amendment.
- 8 which shall be treated for purposes of order and
- 9 precedence of motions as a committee amendment."

Roll call was requested by Welden of Hardin and Tofte of Winneshiek.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3009 be adopted?"

The ayes were, 38:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Schroeder	Shimaneck
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff		

The nays were, 53:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Dieleman
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hargrave
Higgins	Hines	Hinkhouse	Horn

Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Loneragan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Svoboda
Walter	Wells	Woods	Wyckoff
			Mr. Speaker

Absent or not voting, 9:

Byerly	Crabb	Den Herder	Doyle
Harper	Krause	Patchett	Schnekloth
Spencer			

Amendment H-3009 lost.

Nielsen of Polk offered the following amendment H-3017 filed by him from the floor and moved its adoption:

H-3017

- 1 Amend the report of the Committee on Rules,
- 2 beginning on page 103 of the House Journal, as
- 3 follows:
- 4 1. Page 8, by striking lines 3 through 5
- 5 and inserting in lieu thereof the following:
- 6 "the succeeding legislative day, move for a
- 7 reconsideration of the measure.
- 8 Any representative may call the motion up
- 9 two legislative days after the action to be
- 10 reconsidered is taken."

Amendment H-3017 was adopted.

Menke of O'Brien offered the following amendment H-3005 filed by him from the floor and moved its adoption:

H-3005

- 1 Amend the Report of the Committee on Rules as
- 2 follows:
- 3 1. Page 8, by inserting after line 40 the
- 4 following:
- 5 "23. House Rule 75, unnumbered paragraph two
- 6 (2) is amended to read as follows:
- 7 During the casting of the vote with the voting

8 machine, the individual votes and the vote totals
9 shall not be shown on the display boards. Before the
10 voting machine is closed, the presiding officer shall
11 inquire of the House, "Have you all voted?". The
12 votes and vote totals shall be displayed on the board
13 at the time the presiding officer announces the result
14 of the vote. The announcement of the vote shall be
15 made no later than three minutes after the call for
16 the vote."

Amendment H-3005 lost.

Nielsen of Polk offered the following amendment H-3012 filed by him from the floor and moved its adoption:

H-3012

1 Amend the report of the Committee on Rules,
2 beginning on page 103 of the House Journal, as
3 follows:
4 1. Page 8, line 47, by striking the word
5 "session" and inserting in lieu thereof the
6 word "legislative".

Amendment H-3012 was adopted.

Egenes of Story offered the following amendment H-3013 filed by her from the floor and moved its adoption:

H-3013

1 Amend the Report of the Committee on Rules filed
2 January 14, 1977 as follows:
3 1. Page 9, line 32, by inserting after the word
4 "BILLS" the words "AND PROPOSED BILLS".
5 2. Page 9, by inserting after line 44 the follow-
6 ing:
7 . "Proposed bills may be introduced by one or more
8 members of the House in the same manner as bills.
9 The number of copies required shall be the same as
10 the number of bills required. The proposed bill shall
11 contain a title and the proposal expressed in informal
12 language setting forth the purpose of the proposal,
13 the statutes affected if known, the estimated time
14 of preparation of a bill to carry out the proposal,
15 and research which may be required to develop the

16 bill proposed. The chief clerk of the House shall
 17 print sufficient quantities of the proposed bill
 18 to provide individual members and committees with
 19 a copy of the proposal as well as interested citi-
 20 zens of this state. The proposed bill shall be
 21 prepared by the legislative service bureau and
 22 shall be numbered and referred to a standing com-
 23 mittee in the same manner as a bill. If a commit-
 24 tee approves a proposed bill and introduces a
 25 bill based on the proposed bill, the bill shall
 26 retain the same number as the proposed bill.
 27 Proposed bills shall be treated in the same
 28 manner as bills, except the only reading shall
 29 be the reading at the time of introduction, and
 30 except as otherwise provided by rules of the
 31 House.

Roll call was requested by Egenes of Story and Tauke of Dubuque.

On the question "Shall amendment H-3013 be adopted?"

The ayes were, 40:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hines	Hoffmann	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, O.L.	O'Halloran	Pellett
Pelton	Rinas	Schroeder	Shimanek
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	West	Wulff

The nays were, 51:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Dieléman
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hargrave
Higgins	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Lonergan	Middleswart	Miller, K.D.
Monroe	Newhard	Nielsen	Norland
Oxley	Pavich	Perkins	Poncy

Scheelhaase
Spencer
Woods

Small
Svoboda
Wyckoff

Smalley
Walter
Mr. Speaker

Spear
Wells

Absent or not voting, 9:

Byerly
Harper
Welden

Crabb
Krause

Den Herder
Patchett

Doyle
Schnekloth

Amendment H-3013 lost.

Tauke of Dubuque offered the following amendment H-3010 filed by him from the floor and moved its adoption:

H-3010

- 1 Amend the Report of the Committee on Rules,
- 2 beginning on page 103 of the House Journal, as follows:
- 3 1. Page 9, line 47, by striking the word "All"
- 4 and inserting in lieu thereof the word "Committee".
- 5 2. Page 10, line 1, by striking the word "three"
- 6 and inserting in lieu thereof the word "four".
- 7 3. Page 10, by inserting after line 2, the
- 8 following:
- 9 "Individually sponsored amendments, except
- 10 corrective amendments, shall be filed prior to the
- 11 close of the daily clip sheet of the session day
- 12 three session days prior to the date set for debate."

A non-record roll call was requested.

The ayes were 36, nays 41.

Amendment H-3010 lost.

Horn of Linn offered the following amendment H-3024 filed by Horn and Jesse of Polk from the floor and moved its adoption:

H-3024

- 1 Amend the Report of the Committee on Rules
- 2 on page 103 of the House Journal as follows:
- 3 1. Page 10, line 1, by striking the word
- 4 "three" and inserting the word "two".
- 5 2. Page 10, by striking lines 3 through 6

6 and inserting in lieu thereof the following:
7 "Amendments, to a special ordered bill, not
8 timely filed as provided in this rule shall not
9 be in order."

A non-record roll call was requested.

The ayes were 67, nays 21.

Amendment H-3024 was adopted.

Schroeder of Pottawattamie offered the following amendment H-3020 filed by Schroeder and Lipsky of Linn from the floor and moved its adoption:

H-3020

1 Amend the Report of the Committee on Rules by
2 adding the following new rule:
3 _____. The Speaker when desiring to convene the
4 House at a time prior to the time announced at ad-
5 journment shall notify the Chief Clerk no later than
6 twenty-four hours in advance of implementing numbered
7 paragraph 3 of Senate Concurrent Resolution 6. The
8 Chief Clerk shall notify all members of this decision
9 via mail or telephone.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 40, nays 51.

Amendment H-3020 lost.

Nielsen of Polk moved to reconsider the vote by which amendment H-3019G was adopted by the House on January 17, 1977.

The motion prevailed.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3019G.

Nielsen of Polk moved the adoption of the report of the committee on rules, as amended.

Roll call was requested by Harbor of Mills and Varley of Adair.

Rules 69 and 70 were invoked.

On the question "Shall the report be adopted

The ayes were, 60:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Connors	Crawford
Cusack	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Lonergan
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Welden
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 32:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Daggett	Danker	Egenes	Gentleman
Halvorson	Hansen	Harbor	Hoffmann
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	West	Wulff

Absent or not voting, 8:

Byerly	Crabb	Den Herder	Doyle
Harper	Krause	Patchett	Schneklath

The motion prevailed and the report of the committee on rules was adopted.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 17, 1977, amended the House amendment, concurred in the House amendment as amended, and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 4, providing for the compensation of the officers and employees of the sixty-seventh general assembly.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT CONSIDERED (Senate Concurrent Resolution 4)

O'Halloran of Black Hawk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 4, providing for compensation of the officers and employees of the general assembly, amended by the Senate as follows :

H-3022

- 1 Amend S-3063, the House amendment to Senate
- 2 Concurrent Resolution 4 as amended, passed and reprinted
- 3 by the Senate, as follows :
- 4 1. By striking lines 3 through 8 and insert in
- 5 lieu thereof the following:
- 6 "1. Page 8, by striking lines 30 through 32 and
- 7 inserting in lieu thereof the words "a stenographic
- 8 performance examination of 80 words per minute using
- 9 either manual or machine dictation which will be
- 10 transcribed with 80% accuracy."

O'Halloran of Black Hawk moved that the House concur in the Senate amendment H-3022.

The motion prevailed.

O'Halloran of Black Hawk moved the adoption of Senate Concurrent Resolution 4.

A non-record roll call was requested.

The ayes were 82, nays 8.

The motion prevailed and the resolution was adopted.

EXPLANATION OF VOTE

I was absent from the House Chamber on January 13, 1977. Had I been present, I would have voted "aye" on amendment H-3002 and Senate Concurrent Resolution 1 and "nay" on Senate Concurrent Resolution 4.

BRANSTAD of Winnebago

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 23 State Government

Relating to regulating, licensing, and inspecting food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

On motion by Fitzgerald of Webster, the House adjourned at 7:37 p.m., until 3:30 p.m., Thursday, January 20, 1977.

JOURNAL OF THE HOUSE

Ninth Calendar Day--Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 18, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 12, 1977 and is on file in the office of the Chief Clerk:

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
L O C A L

Dear Mr. Wray:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 148 claims of a general nature that have been denied by the State Appeal Board during the year 1976.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,

MAURICE E. BARINGER
Chairman
State Appeal Board

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
83-63-25	Ralph E. McElhanev/ Remac Company Morristown, Tennessee License fee refund	6.00	Disapproved
87-64-25	Gilbert F. Hotz Lone Tree, Iowa Gax tax refund	65.03	Disapproved
2409-64-25	Thompson Livestock Comm. Co. Lamoni, Iowa Prorate license fee refund	60.00	Disapproved
2695-64-25	Don Hood Rolfe, Iowa License fee refund	207.83	Disapproved
2911-64-25	T. A. Kirchner Thoman, Missouri Reciprocity refund	195.70	Disapproved
344-65-25	H. A. Salzman Co. Rock Island, Illinois Prorate license fee refund	37.91	Disapproved
382-65-25	Valley Supply & Equipment Co. Ottumwa, Iowa Registration fee refund	75.00	Disapproved
558-65-25	Winters & Merchant South Sioux City, Nebraska Registration fee refund	275.00	Disapproved
682-65-25	Peavey Co. Dealer Service Sioux City, Iowa License fee refund	30.62	Disapproved
758-65-25	Artic Transport, Inc. Council Bluffs, Iowa License fee refund	663.85	Disapproved
762-65-25	Artic Transport, Inc. Council Bluffs, Iowa License fee refund	663.85	Disapproved
763-65-25	Artic Transport, Inc. Council Bluffs, Iowa License fee refund	663.85	Disapproved
765-65-25	Riverside Transfer & Storage Riverside, California Decal refund	2.00	Disapproved
823-65-25	Atlantic Bottling Co. Atlantic, Iowa License fee refund	22.08	Disapproved
826-65-25	Bray Lines, Inc. Cushing, Oklahoma Registration fee refund	250.00	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
857-65-25	William Gless Blue Grass, Iowa License fee refund	517.36	Disapproved
873-65-25	Hyman Freightways, Inc. Plymouth, Minnesota Registration fee refund	238.17	Disapproved
891-65-25	Hamm's Des Moines, Inc. Des Moines, Iowa License fee refund	52.92	Disapproved
955-65-25	Albin DePue d/b/a DePue Hay Co. Lakeside, Iowa License fee refund	65.19	Disapproved
1017-65-25	Warren Transport, Inc. Waterloo, Iowa License fee refund	2,070.54	Disapproved
1050-65-25	Edgerton & Sons Produce, Inc. Hubbard, Iowa License fee refund	919.80	Disapproved
2071-65-25	William Granstra Sheldon, Iowa License fee refund	88.52	Disapproved
2095-65-25	Harvey H. Pearson St. Paul, Minnesota Fine refund	15.00	Disapproved
2221-65-25	Livestock Transport Ossian, Iowa License fee refund	456.71	Disapproved
2227-65-25	Ken D. Johnson Amity, Missouri Permit fee refund	41.00	Disapproved
2459-65-25	Anderson Trucking Service, Inc. St. Cloud, Minnesota License fee refund	668.08	Disapproved
2499-65-25	Bueltel Truck Rental, Inc. Carroll, Iowa License fee refund	1,027.85	Disapproved
(6)2719-66-25	Fehrle Trucking Cedar Rapids, Iowa License fee refund	507.28	Disapproved
166-66-25	Ellsworth Hospital Iowa Falls, Iowa Outdated invoice	1,241.70	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
241-66-25	Ottawa Cartage, Inc. Ottawa, Illinois Fine & permit fee refund	40.35	Disapproved
434-66-25	Myron R. Swanson Royal, Iowa License fee refund	788.70	Disapproved
454-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	285.34	Disapproved
456-66-25	H & M Transport, Co., Inc. Rudd, Iowa License fee refund	1,048.83	Disapproved
459-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	171.21	Disapproved
470-66-25	Tyler Truck Lines Kelley, Iowa License fee refund	796.49	Disapproved
478-66-25	Merit Baking Co. Boone, Iowa License fee refund	483.40	Disapproved
485-66-25	H. R. Neece Sigourney, Iowa License fee refund	638.82	Disapproved
495-66-25	Myron R. Swanson Royal, Iowa License fee refund	142.33	Disapproved
995-66-25	Powers Transportation Co.	10,295.62	Disapproved
1010-66-25	Vitalis Truck Lines, Inc. Des Moines, Iowa License fee refund	2,072.54	Disapproved
1374-66-25	Saunders Leasing System, Inc. Des Moines, Iowa Permit fee, court costs and fine refund	20.00	Disapproved
1525-66-25	Mau Trucking Early, Iowa License fee refund	101.79	Disapproved
1545-66-25	Arthur J. Silversmith Sioux City, Iowa License fee refund	56.93	Disapproved
1567-66-25	Page County Clarinda, Iowa Patient care reimbursement	163.40	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1575-66-25	Charles Van Hofwegen Orange City, Iowa License fee refund	139.08	Disapproved
1590-66-25	Max & Mark Princehouse Montour, Iowa License fee refund	660.00	Disapproved
1635-66-25	Sun Oil Co. Waterloo, Iowa License fee refund	17.50	Disapproved
1685-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	36.00	Disapproved
1714-66-25	Processed Beef Express, Inc. Dakota City, Nebraska License fee refund	854.15	Disapproved
1735-66-25	Wilson & Co., Inc. Omaha, Nebraska License fee refund	475.96	Disapproved
1784-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	24.00	Disapproved
1788-66-25	Dallas Co. Home-Health Aide Service, Inc. Adel, Iowa Outdated invoice	500.51	Disapproved
1789-66-25	Shoemaker Trucking Co. Boise, Idaho Trip permit refund	60.76	Disapproved
1815-66-25	Hope Haven Rock Valley, Iowa Invoice reimbursement	11.31	Disapproved
1845-66-25	Viking Pump Division of Houdaille Cedar Falls, Iowa License fee refund	347.40	Disapproved
1873-66-25	Leo C. Snyder Eau Claire, Wisconsin Trip permit & fine refund	25.00	Disapproved
1888-66-25	Transport, Inc. of South Dakota Sioux Falls, South Dakota	119.40	Disapproved
1903-66-25	Williams Truck Line Audubon, Iowa License fee refund	666.71	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1905-66-25	Russell & Janet Stickel Davenport, Iowa Burial expense reimbursement	2,456.75	Disapproved
1909-66-25	Dwight Short d/b/a Shorts Feed & Grain Cantril, Iowa License fee refund	560.72	Disapproved
1936-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	12.00	Disapproved
1990-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	32.00	Disapproved
1993-66-25	Devereux Foundation Devon, Pennsylvania Outdated invoice	2,247.37	Disapproved
2009-66-25	Feld Internal Management Corp. Kansas City, Missouri License fee refund	225.50	Disapproved
2023-66-25	U.S. Agri-Controls (Big Dutchman) Zeeland, Michigan License fee refund	1,367.52	Disapproved
2043-66-25	Rebecca Jo Anne-Dea Woodward, Iowa Personal injury	200.00	Disapproved
2062-66-25	International Transport, Inc. Rochester, Minnesota License fee refund	388.35	Disapproved
2063-66-25	Lucius B. Liddy West Des Moines, Iowa Outdated claim for vacation pay	2,846.00	Disapproved
2068-66-25	Hope Haven School Rock Valley, Iowa Outdated invoice	292.50	Disapproved
2086-66-25	Hope Haven School Rock Valley, Iowa Outdated invoice	5,114.51	Disapproved
2100-66-25	Ace Lines, Inc. Des Moines, Iowa License fee refund	1,557.10	Disapproved
2119-66-25	Victor H. Ruckman Neola, Iowa Reimbursement of legal fees	213.75	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2120-66-25	Victor H. Ruckman Neola, Iowa Property damage	75.00	Disapproved
2141-66-25	Family & Children's Services Davenport, Iowa Outdated invoice	360.60	Disapproved
2170-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	313.90	Disapproved
2172-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	31.67	Disapproved
2175-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	285.34	Disapproved
2177-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	285.34	Disapproved
2180-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	285.34	Disapproved
2222-66-25	Robert J. Elliott, Inc. Des Moines, Iowa License fee refund	243.52	Disapproved
2235-66-25	Adapt, Inc. Des Moines, Iowa Outdated invoice	2,118.10	Disapproved
2236-66-25	Adapt, Inc. Des Moines, Iowa Outdated invoice	1,579.60	Disapproved
2271-66-25	Trojan Seed Co. Olivia, Minnesota License fee refund	20.29	Disapproved
2277-66-25	Newton Trucking Hornick, Iowa License fee refund	919.80	Disapproved
2288-66-25	Rock Island Motor Transit Co. Des Moines, Iowa License fee refund	5,712.00	Disapproved
2308-66-25	Jeanone McClure Perry, Iowa Broken eyeglasses	45.50	Disapproved
2309-66-25	Devern Wilson Woodward, Iowa Broken eyeglasses	16.50	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2418-67-25	Stanfield Trucking Co. Union, Iowa License fee refund	841.86	Disapproved
2481-67-25	Hope Haven School Rock Valley, Iowa Outdated invoice	155.43	Disapproved
2528-67-25	Dr. T. L. McKee Lincoln, Nebraska Outdated invoice	120.00	Disapproved
2536-67-25	Iowa Better Trucking Bureau Sioux City, Iowa Trip permit refund	10.00	Disapproved
2537-67-25	Jacobsma Transport Co. Sioux City, Iowa License fee refund	157.40	Disapproved
2541-67-25	Sharon Kirk Ogden, Iowa Personal property reimbursement	200.00	Disapproved
2542-67-25	Gerald M. Donahue d/b/a Donahue Farms & Tri State New Albin, Iowa License fee refund	711.80	Disapproved
2552-67-25	J. W. Kerslake Construction Co. Sioux Falls, South Dakota Prorate expenses reimbursement	142.50	Disapproved
2574-67-25	Opal Bielman Clarinda, Iowa Outdated invoice	33.87	Disapproved
2593-67-25	Spencer Foods, Inc. Spencer, Iowa Permit fee refund	5.00	Disapproved
2598-67-25	Lester J. Johannsen, Inc. Dixon, Iowa Prorate refund	485.83	Disapproved
2604-67-25	Cedar Rapids Radiologists, P.C. Cedar Rapids, Iowa Outdated invoice	40.00	Disapproved
2606-67-25	William A. Miller Dubuque, Iowa License fee refund	10.00	Disapproved
2614-67-25	Arthur Tiefenthaler Breda, Iowa License fee refund	39.12	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2620-67-25	Pyramid Van Lines, Inc. San Francisco, California License fee refund	364.80	Disapproved
2630-67-25	System Reefer Service, Inc. Cypress, California Trip permit refund	101.10	Disapproved
2633-67-25	International Multifoods Corp. Minneapolis, Minnesota License fee refund	64.00	Disapproved
2640-67-25	Brown Truck Leasing Corp. Des Moines, Iowa Prorate refund	197.44	Disapproved
2644-67-25	Huckfeldt Trucking Co. Torrington, Wyoming Fine & permit refund	50.00	Disapproved
2648-67-25	Gerald C. Larson, President Super Centers, Inc. Waterloo, Iowa Filing fee refund	185.00	Disapproved
2653-67-25	Duane H. Rhamy Villisca, Iowa License fee refund	281.70	Disapproved
2657-67-25	Penn-Dixie Steel Corp. Kokomo, Indiana License fee refund	1,127.49	Disapproved
2660-67-25	Max Hansen d/b/a Hansen Trucking Gilbert, Arizona Trip permit refund	100.00	Disapproved
2662-67-25	Greenfield Medical Clinic Dr. Baker Greenfield, Iowa Outdated invoice	20.00	Disapproved
2673-67-25	Max Dockendorff Danville, Iowa License fee refund	90.00	Disapproved
2718-67-25	Ralston Purina Co. Omaha, Nebraska License fee refund	582.42	Disapproved
2725-67-25	Olsen Implement Huron, South Dakota Fine & trip permit refund	40.00	Disapproved
2733-67-25	Ellsworth Freight Lines, Inc. Eagle Grove, Iowa License fee refund	409.03	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
2734-67-25	Ellsworth Freight Lines, Inc. Eagle Grove, Iowa License fee refund	409.03	Disapproved
2741-67-25	Cerro Gordo County Dept. of Social Services Mason City, Iowa Foster care reimbursement	1,675.43	Disapproved
2792-67-25	Midwest Victorian Marble Shawnee Mission, Kansas License fee refund	34.35	Disapproved
2796-67-25	Hope Haven School Rock Valley, Iowa Duplicate outdated invoice	342.80	Disapproved
2799-67-25	Hope Haven School Rock Valley, Iowa Outdated invoice	162.70	Disapproved
2849-67-25	B. F. Walker, Inc. Denver, Colorado License fee refund	12.00	Disapproved
2910-67-25	Baumgart Trucking Sioux Falls, South Dakota License fee refund	139.50	Disapproved
2931-67-25	Youngs Transfer Corning, Iowa Prorate refund	225.67	Disapproved
2936-67-25	Valerie Ann Hunter Des Moines, Iowa Merit pay adjustment	513.00	Disapproved
2940-67-25	Nelsen Brothers, Inc. Nebraska City, Nebraska Prorate refund	191.65	Disapproved
2941-67-25	Virco Manufacturing Co. Conway, Arkansas Prorate refund trip permits	20.00	Disapproved
2963-67-25	Linus J. Barloon Garner, Iowa Mobile home tax refund	85.00	Disapproved
2968-67-25	G.D. Squier d/b/a Dean's Truck Line Osage, Iowa License fee refund	90.00	Disapproved
2989-67-25	Leo D. Hutchens Des Moines, Iowa License fee refund	22.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2995-67-25	D.B. Ford, Inc. Omaha, Nebraska License fee refund	2,125.68	Disapproved
2996-67-25	D.B. Ford, Inc. Omaha, Nebraska License fee refund	350.11	Disapproved
3005-67-25	Everett F. Hedrick Forsyth, Montana Prorate refund	undetermined	Disapproved
3008-67-25	Kevin D. Luppen Iowa Falls, Iowa License fee refunded	undetermined	Disapproved
3020-67-25	Yellow Freight System, Inc. Shawnee Mission, Kansas Registration fee refund	9.00	Disapproved
3023-67-25	Virgil Martins Postville, Iowa License fee refund	70.00	Disapproved
3034-67-25	North Grand Care Center Ames, Iowa Outdated invoice	102.97	Disapproved
3044-67-25	Beatrice Foods Co. St. Joseph, Missouri Prorate refund	88.99	Disapproved
3055-67-25	D.B. Ford, Inc. Omaha, Nebraska Prorate refund	120.04	Disapproved
3061-67-25	Nichols Well & Pump Co. Sioux City, Iowa Prorate refund	50.61	Disapproved
3074-67-25	Jet Leasing, Inc. Sioux Falls, South Dakota License fee refund	686.12	Disapproved
3080-67-25	Eagle Hawk Corp. Eagle Grove, Iowa License fee refund	590.82	Disapproved
3100-67-25	John W. Ver Steeg Des Moines, Iowa Printing refund	2.00	Disapproved
3126-67-25	Omaha Happy Hogs CB Radio Club Omaha, Nebraska Printing Reimbursement	80.00	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
3158-67-25	Morris Budd, Lessor Westhoff, Inc., Lessee Sioux City, Iowa Prorate refund	220.83	Disapproved
3165-67-25	W-E-W Company McCook, Nebraska License fee refund	undetermined	Disapproved
3166-67-25	Iowa Dept. of Social Services Clay County Spencer, Iowa Foster care reimbursement	70.26	Disapproved
3182-67-25	The Huffman Manufacturing Co. Celina, Ohio License fee refund	undetermined	Disapproved
3197-67-25	James A. Schall Storm Lake, Iowa Outdated expense claim	57.20	Disapproved

COMMUNICATION FROM THE STATE COMPTROLLER

The following communication was received from the State Comptroller on January 12, 1977 and is on file in the office of the Chief Clerk:

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
L O C A L

Dear Mr. Wray:

In accordance with Section 25A.12, Code of Iowa, 1975, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, settlements and judgments paid during 1976 by the State Appeal Board under Chapter 25A.

The attached report shows ^{The attached report shows the name of each claimant, a brief description} the name of each claimant, a brief description of each claim, the amount claimed and the amount approved.

Very truly yours,

MARVIN R. SELDEN, JR.
State Comptroller

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

CHAPTER 25A GENERAL TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1976

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-203-66	Roger Thomson	Property damage	\$ 30.00	\$ 20.00
T-209-66	William H. Cash	Property damage	45.00	30.00
T-421-66	Marsha J. Cutty	Hand caught in elevator door	250.00	62.50
T-1985-66	Marjorie L. Knutson	Broken windshield	158.53	158.53
T-2143-66	State Farm Mutual Insurance Company	Auto damage	121.74	121.74
T-2256-66	Pearl M. Santee	Broken ankle	503.08	203.08
T-2283-66	Twyla Mae Rowley	Clothing loss	75.00	75.00
T-2337-66	Karole L. Fuller	Personal injury	185.50	185.50
T-2401-67	Ronald Good & State Farm Mutual	Paint damage to auto	77.25	77.25
T-2405-67	Hawkeye Security Insurance Company	Contribution store damages	764.52	764.52
T-2478-67	Sharon Sedore	Personal injury	373.88	200.00
T-2508-67	Harris Van Zante	Auto damage	269.56	283.30
T-2540-67	Jefferson County	Destruction of property	499.20	499.20
T-2575-67	Audrey Georgia Allard	Personal injury	Undetermined	189.65
T-2601-67	J. L. Pardock	Broken windshield	139.41	139.41
T-2602-67	Ellett B. Bond	Personal injury	2,000.00	500.00
T-2624-67	James R. W. Fane & Harriet I. Fane	Property loss	3,683.25	3,000.00
T-2634-67	Terry Allan Griffin	Property destroyed	35.00	35.00
T-2647-67	Wilbert A. Russell	Auto paint damage	99.39	99.39
T-2654-67	Joyce Farquharson	Personal injury	1,346.53	500.00
T-2656-67	Dorothy Hess	Auto paint damage	375.85	305.00
T-2697-67	Douglas M. Anderson	Property damage	100.00	100.00
T-2703-67	Minnie Wiese	Auto paint damage	406.00	285.00
T-2711-67	Gary W. Messersmith	Auto paint damage	250.00	309.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-2713-67	Mark Allison Raders	Auto paint damage	225.00	202.50
T-2720-67	Edward R. Burke	Auto paint damage	75.00	75.00
T-2722-67	James P. Kulis	Auto paint damage	275.00	250.00
T-2724-67	Bradley Alan Jones	Auto paint damage	200.00	175.00
T-2732-67	Eric Van Sickel	Auto paint damage	200.00	170.00
T-2735-67	Stephen Louis Koehn	Auto paint damage	250.00	240.00
T-2736-67	Robert E. Coffman	Auto paint damage	250.00	175.00
T-2742-67	Kevin J. Kochheiser	Auto paint damage	200.00	145.00
T-2743-67	Bruce Dean Huber	Auto paint damage	300.00	299.73
T-2744-67	Paul Robert Grell	Auto paint damage	250.00	123.60
T-2745-67	Brent E. Pulsipher	Clothing damage	12.00	12.00
T-2746-67	Mary C. O'Connor	Personal injury	443.05	443.05
T-2750-67	Bruce Dale Frink	Auto paint damage	82.40	82.40
T-2758-67	Tim Willcutt	Auto paint damage	406.70	370.00
T-2763-67	Kevin L. Launderville	Auto paint damage	269.86	245.00
T-2768-67	Darrell H. Burmeister	Auto paint damage	250.00	200.00
T-2769-67	Clayton David Laurie	Auto paint damage	236.90	215.00
T-2774-67	Scott Utterback	Auto paint damage	144.20	144.20
T-2779-67	Gale Eugene Bonsall	Auto paint damage	276.25	265.00
T-2790-67	Wilma De Bruin	Personal injury & property damage	50.00	50.00
T-2791-67	Bradley Trent Geerdes	Auto paint damage	439.40	418.00
T-2795-67	Donald Calvin Sexton	Auto paint damage	206.00	206.00
T-2800-67	Ruth Margaret Nietert	Auto damage	Undetermined	323.63
T-2801-67	Dale Henry Schmidt	Auto paint damage	295.00	295.00
T-2803-67	Michael C. Loughran	Auto paint damage	78.28	78.28
T-2808-67	Amy M. Dierks and Maurice E. Dierks	Auto paint damage	370.50	200.00
T-2826-67	Robert Leslie Reid	Auto paint damage	Undetermined	391.20
T-2838-67	Robert Thomas Mills	Auto paint damage	247.20	175.00
T-2839-67	Wesley Huisinga	Auto paint damage	507.28	301.28
T-2874-67	Patrick E. Hogan	Auto paint damage	250.00	125.00
T-2880-67	Daniel Martin Streit	Auto paint damage	527.63	395.72
T-2914-67	Michael E. Adamson	Auto paint damage	Undetermined	300.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-2921-67	Charles T. Gibbons	Auto paint damage	84.46	84.46
T-2947-67	William G. Fleming	Property damage (eye glasses)	32.00	32.00
T-2951-67	William Craigue Morse, Jr.	Auto paint damage	258.50	235.00
T-2952-67	James Fullerton	Auto damage	Undetermined	252.71
T-2955-67	Frank Joseph Boever	Auto paint damage	300.00	275.00
T-2959-67	Jack W. Maybee	Personal injury & property damage	4,589.40	800.00
T-2962-67	Jo Anne Vint	Auto paint damage	321.49	291.49
T-2976-67	Mary Passmore	Auto damage	Undetermined	31.93
T-2990-67	Brent Lee Jenkins	Auto paint damage	154.50	80.00
T-2991-67	Myra Kay Jenkins	Auto paint damage	154.50	125.00
T-3002-67	Butler Center Cemetery Association	Property damage	250.00	250.00
T-3018-67	John D. Stalberger	Auto paint damage	402.83	402.83
T-3025-67	Bill Bowman	Auto paint damage	412.00	247.26
T-3089-67	Marcel Frigard	Auto damage	59.64	59.64
T-3178-67	Julia Hiller	Stolen article	65.00	65.00
T-3213-67	Russell D. Wright	Auto damage	120.00	104.55

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1976

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-159-66-T	Theodore E. Dohrmann	Crop damage	\$ 7,974.25	\$ 1,125.00
H-169-66-T	Herbert D. Plagge	Crop loss	509.61	509.61
H-170-66-T	James Donald McVeigh	Damage to trees & bushes	100.00	100.00
H-172-66-T	Earl Johansen	Crop damage	480.00	480.00
H-180-66-T	Gerald Flemming	Crop loss	7,000.00	885.00
H-181-66-T	Fred Benedix	Crop loss	7,000.00	885.00
H-183-66-T	Russell Maynes	Ruined stock pond	4,000.00	2,000.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-189-66-T	Raymond Frana	Auto damage	293.30	221.10
H-192-66-T	Donald A. Lemke	Fruit crop loss	160.00	160.00
H-201-66-T	Gary D. Ratcliff	Auto damage	76.65	76.65
H-208-66-T	Vern Wray & Douglas Symens	Crop loss	5,809.50	1,125.00
H-212-66-T	Jack Steinberg	Tile damage	182.40	182.40
H-213-66-T	Helen C. Carnell	Auto damage	353.02	353.02
H-225-67-T	Lake Court Motel (Marian A. Hageman)	Loss of rentals	96.00	48.00
H-227-67-T	Vern E. Witt Estate	Crop loss	765.00	765.00
H-228-67-T	Glenn Howard Chrystal	Clean plugged tile	110.75	110.75
H-230-67-T	Francis W. Retz	Merit review date error	130.00	130.00
H233-67-T	Rev. E. Laon Schneider	Tire damage	25.00	25.00
H-235-67-T	Wayne Plagge	Crop loss	363.00	363.00
H-236-67-T	Maynard Henderson	Crop loss & repair tile	151.50	151.50
H-246-67-T	Doreen Mayberry	Tree & shrub damage	14.00	14.00
H-247-67-T	Vivian M. Steinbauer	Auto damage	245.31	245.31
H-253-67-T	Northwestern Bell	Property damage (severed cable)	120.51	120.51
H-257-67-T	Dennis E. Hall	Auto damage & medical bills	192.51	192.51
H-259-67-T	Paul Vincent Steinberg	Auto damage	66.59	66.59
H-260-67-T	Bernice Willer	Auto damage	169.05	169.05
H-261-67-T	Larry Charles Winegar	Auto damage	118.15	118.15
H-262-67-T	Leonard G. Mason	Property damage	350.02	25.00
H-265-67-T	Mrs. Larry D. Campbell	Auto damage	165.78	165.78
H-266-67-T	Ruan Transport Corp.	Trailer damage	140.43	140.43
H-277-67-T	Dean B. Siesseger	Auto damage	308.75	308.75
H-278-67-T	Milton L. Wilson	Water damage	2,425.00	470.00
H-282-67-T	Victor D. Williams	Auto damage, crop loss & tractor damage	1,745.48	1,745.48
H-287-67-T	Gerald J. Gisel	Crop loss	30,000.00	13,985.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-288-67-T	Jim White, Inc.	Property damage	118.00	118.00
H-299-67-T	Lois Jean Remmer	Tire loss	49.60	49.60
H-307-67-T	Marion Sinclair	Paint damage to auto	203.94	203.94
H-323-67-T	Lynn Marianne Prim	Auto damage	48.41	48.41

CHAPTER 25A — TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL — 1976

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-45-65-T	Thomas Hunt	Personal injury (Judgment on Appeal)	\$ 750,000.00	\$ 501,000.00
T-2532-65	Ruth Ann Davis and Harry Davis, Adm.	Personal injury (Judgment on Appeal)	1,000,000.00	233,823.94
T-1718-66	Harry Davis, Adm. of Estate of Wendy Davis, Deceased	Wrongful death (Judgment on Appeal)	160,000.00	48,477.00
T-515-65	James Speed	Personal injury (Sup. Ct. Judgment)	3,500,000.00	750,000.00 + Int.
T-2667-67	State Employees (Social Services)	Back wages (Judgment)	310,930.57	310,930.57
H-209-64-T	Carl Francis Ehlinger	Personal injury (Judgment)	1,250,000.00	638,000.00 + Int.
H-183-65-T	Charles Gabus & Charles Gabus Ford	Loss of sale of property (Judgment)	55,000.00	30,000.00 + Int.
Civil Suit	Sitzman vs Morrison	Personal injury (Settlement)	75,535.00	6,500.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
Civil Suit	Albert Boekelman vs State	Wrongful dismissal (Settlement)	50,000.00	13,500.00
T-457-65	Steven C. Goshon	Personal injury (Settlement)	50,000.00	3,500.00
T-499-65	Bonnie Dunagon	Personal injury (Settlement)	23,612.50	2,100.00
T-2300-65	Cathy Stowe	Wrongful death (Settlement)	450,000.00	84,000.00
T-2410-65	James Courtney	Personal injury (Settlement)	35,000.00	10,000.00
T-573-66	Michael Murray	Personal injury (Settlement)	20,000.00	3,000.00
T-1751-66	Billy W. Church and JoAnne Church, as Parents and sole heirs of Marc Church, Dec.	Wrongful death (Settlement)	60,000.00	16,500.00
T-1894-66	Miles Puhmann	Personal injury (Settlement)	181,000.00	4,000.00
T-1902-66	Kevin J. Graney	Personal injury (Settlement)	1,200,000.00	13,500.00
T-1928-66	Chris Ligoeki	Personal injury (Settlement)	10,110.00	2,755.00
T-1979-66	Lawrence Holderness	Personal injury (Settlement)	25,000.00	600.00
T-2338-66	Eva M. Boese	Personal injury (Settlement)	Undetermined	7,500.00
H-213-64-T	Gerald Ehlinger	Personal injury (Settlement)	78,809.06	20,000.00
H-176-64-T	John Rich, Adm. of Estate of Lucille Rich, Deceased	Wrongful death (Settlement)	160,000	3,000.00

Claim No.	Name of Claimant	Nature	Amount Claimed	Amount Approved
H-222-64-T	Joseph J. Rose	Personal injury (Settlement)	955.89	5,375.00
H-64-65-T			100,000.00	
H-17-65-T	Barry Miller	Personal injury (Settlement)	1,525.00	600.00
H-123-65-T	State Automobile & Casualty Underwriters	Property damage & personal injury (Settlement)	44,310.50	4,000.00
H-33-66-T	Donald Peters	Property damage & personal injury (Settlement)	100,070.00	1,000.00
H-101-66-T	Leonard Adams	Personal injury (Settlement)	20,199.67	11,000.00
H-102-66-T	Estate of Ida Adams		132,355.31	
H-108-66-T	Raymond Franker	Personal injury (Settlement)	13,000.00	3,000.00
H-109-66-T	Connie Franker		65,000.00	
H-115-66-T	Geraldine Van Cleave	Personal injury (Settlement)	103,766.00	4,500.00
H-116-66-T	Toney Haney	Wrongful death (Settlement)	50,927.23	2,000.00
H-188-66-T	Jerry L. Gooden	Property damage & personal injury (Settlement)	15,845.48	4,000.00

ASSIGNMENT OF SEATS IN PRESS GALLERY

The following named persons are accredited members of the press and are entitled to seats in the West Press Gallery:

WEST PRESS GALLERY

Ames Daily Tribune--Jerry B. Dickinson, John Epperheimer
 Associated Press--Don Beman, Bill Eberline, Jim Farrell
 The Cedar Rapids Gazette--Roger Munns, Frank Nye
 Des Moines Register and Tribune--James Flansburg, John Hyde,
 Paul Stanfield, Louise Swartzwalder, Jerry Szumski, Warren Taylor
 Steven Walters
 Iowa Daily Press Association--Jacqueline Strojan, Wayne Svoboda,
 Harrison Weber
 Iowa Press Association--Don Reid
 Legislative Bulletin Service--Otto Weber
 Quad-City Times--John W. McCormick, Tom Witosky
 Telegraph Herald--Adam Dawson
 United Press International--Pamela Huey, Roger Linehan
 Waterloo Courier--Robert Case

The following named persons represent accredited TV and radio stations and are entitled to seats in the East Press Gallery:

EAST PRESS GALLERY

Iowa Public Broadcasting Network--Robert Bradsell, Bill Hanley,
 John Leiendecker, Daniel Miller, Terry Sparks, Jacque Wonderly
 Iowa Radio Network--Don Silcott, Sam Zelden
 KCCI-TV--Roy Clark, Kevin Cooney, Kathie Grissom, Mollie King,
 Bob Lisk, Rick Prenger, Randy Schwager, Jim Worthington
 KCRG News--Dale Brodt, Gary Galvin, Larry Hightchew, Andy Smith
 KGLO-TV-AM--John Flanzer, Larry Huegli, Max Lee, Dave McCartney,
 Mark Plipps, Mark Siegrist
 KIOA/KMGK--Nancy Crowfoot
 KMA Radio--Bill Bone, Ned Dermody, Craighton Knau, Mark Munro
 KRNT Radio--Jackie Clark, Rob Davis, George Davison, Dave Johnston,
 John McCarroll, Chuck Seel
 Lee Town News--Russell Clingan
 WHO Radio News--Bill Brewer, Dave Busiek, Gem Meyer, Bob Wilbanks
 WMT-TV--Doug Brandt, Carroll Daringer, Dave Shay
 WOI AM/FM--David Feingold, Nancy Fushan, Richard Harris,
 Claudia Waterloo
 WOI-TV--Craig King, Jolene Satre, Richard Vohs, Bret Voorhees

INTRODUCTION OF BILLS

HOUSE JOINT RESOLUTION 1, by Spear and Dyrland, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow persons eighteen years of age or older to hold the office of state senator.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE JOINT RESOLUTION 2, by Spear and Dyrland, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide a method to determine if the governor is disabled or, if he has been declared disabled, to determine if the disability has been removed.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE JOINT RESOLUTION 3, by Krause, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that members of the general assembly shall assume office on the first Monday in December next after their election.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE JOINT RESOLUTION 4, by Krause, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide a means whereby the people may propose and enact legislation.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE JOINT RESOLUTION 5, by Spear, Brandt, Dieleman and Dyrland, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that the governor and lieutenant governor stand for election together on the ballot.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 3, by Svoboda, a bill for an act relating to reports of autopsy and postmortem examinations.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 4, by Horn and Nielsen, a bill for an act to provide for a sixty-five miles per hour speed limit on interstate highways.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 5, by Miller of Buchanan, a bill for an act relating to estimates of expenditure requirements submitted by state departments and establishments.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 6, by Miller of Buchanan, a bill for an act relating to use of funds made available to the state of Iowa under United States public law ninety-three dash six hundred forty-seven (93-647).

Read and committed under Rule 31.4 to committee on BUDGET.

HOUSE FILE 7, by Hansen, a bill for an act to exempt the sale of chicks intended for eventual consumption by the purchaser from the sales and use tax.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 8, by Junker and Scheelhaase, a bill for an act relating to motor vehicles and providing for certain weight limitations for farm tractors pulling trailers and vehicle

combination limitations.

Read and committed under Rule 31.4 to committee on **TRANSPORTATION.**

HOUSE FILE 9, by Schroeder, a bill for an act relating to the composition of the board of directors of an area education agency.

Read and committed under Rule 31.4 to committee on **EDUCATION.**

HOUSE FILE 10, by Krause, a bill for an act relating to the appointment of the superintendent of banking.

Read and committed under Rule 31.4 to committee on **STATE GOVERNMENT.**

HOUSE FILE 11, by Krause and Small, a bill for an act relating to the appropriation of county funds to local nonprofit historical societies.

Read and committed under Rule 31.4 to committee on **COUNTY GOVERNMENT.**

HOUSE FILE 12, by Junker, a bill for an act relating to attorney fees in a malpractice action.

Read and committed under Rule 31.4 to committee on **COMMERCE.**

HOUSE FILE 13, by Junker, a bill for an act to exempt admission fees to amusement and athletic events of elementary and secondary schools from the sales and use tax.

Read and committed under Rule 31.4 to committee on **WAYS AND MEANS.**

POLICE COMMUNICATIONS REVIEW COMMITTEE

Speaker Cochran announced the appointment of

Representatives Donald V. Doyle, James D. Wells and Frank Crabb to the Police Communications Review Committee.

IOWA LAW ENFORCEMENT ACADEMY COUNCIL

Speaker Cochran announced the appointment of Representatives Roger Halvorson and Lyle Scheelhaase to the Iowa Law Enforcement Academy Council.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rogers, Eldora, Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 24 State Government

To repeal the authority of the war surplus commodities board.

S.B. 25 State Government

Relating to the meeting of a public agency in a closed session and to any action taken at such meeting.

JOURNAL OF THE HOUSE

Tenth Calendar Day--Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 19, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. M. Collison, Oskaloosa, Iowa.

INTRODUCTION OF BILLS

HOUSE FILE 14, by Wyckoff, a bill for an act relating to holidays for state employees.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 15, by adult penal and correctional systems study committee, a bill for an act to change the term of one of the two new board of parole members provided for in the criminal code revision.

Read and committed under Rule 31.4 to committee on JUDICIARY & LAW ENFORCEMENT.

HOUSE FILE 16, by adult penal and correctional systems study committee, a bill for an act to automatically restore an inmate's right to vote and hold public office when he or she is discharged from parole or by expiration of sentence.

Read and committed under Rule 31.4 to committee on JUDICIARY & LAW ENFORCEMENT.

HOUSE FILE 17, by Welden, a bill for an act relating to teaching of the free enterprise economic system in high schools.

Read and committed under Rule 31.4 to committee on EDUCATION.

HOUSE FILE 18, by Krause, a bill for an act relating to appointees to county civil service commissions.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 19, by Doyle, a bill for an act to provide for a chauffeur's instruction permit.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 20, by Krause, a bill for an act relating to the establishment of a state shelter belt program and making an appropriation.

Read and committed under Rule 31.4 to committee on NATURAL RESOURCES.

HOUSE FILE 21, by Bina, a bill for an act to provide cost-of-living increases for retired members of the Iowa public employees retirement system and providing an appropriation.

Read and committed under Rule 31.4 to committee on BUDGET.

HOUSE FILE 22, by Spear, a bill for an act relating to the appointment of the secretary of agriculture.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 23, by Spear, a bill for an act to prescribe a minimum number of units of credit to be offered by approved high schools.

Read and committed under Rule 31.4 to committee on EDUCATION .

HOUSE FILE 24, by Brockett and Brunow, a bill for an act appropriating funds for a demonstration solar energy unit for the state capitol complex.

Read and committed under Rule 31.4 to committee on BUDGET .

HOUSE FILE 25, by road financing study committee a bill for an act to require that registration plates issued for Iowa highway safety patrol vehicles shall bear two stars.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 26, by road financing study committee a bill for an act to allow for numerical or alphabetical designation of the county on motor vehicle registration plates.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 27, by Walter and Pavich, a bill for an act to allow volunteer fire chiefs to use a siren when en route to fires and other emergencies.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 28, by Newhard, a bill for an act to legalize and validate leases, sales and conveyances of property by drainage or levee districts which occurred on or after July 4, 1963 but prior to July 1, 1970.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

**REREFERRED TO COMMITTEE ON STATE GOVERNMENT
(House File 2)**

The Speaker announced that House File 2 previously referred to the committee on commerce, was rereferred to the committee on state government.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 26 Transportation

Relating to the prohibition of studded tires on Iowa's streets and roads.

S.B. 27 Transportation

Removing the prohibition against use of social security numbers for operator's, motorized bicycle, or chauffeur's licenses and for motor vehicle registration.

S.B. 28 Transportation

Relating to excluding carpools and vanpools from the requirement of public convenience and necessity certification.

S.B. 29 Transportation

Relating to vehicle registration.

S.B. 30 Transportation

Relating to mailing of driver's license suspension notice, renewal of chauffeur's license, expiration of operator's license, exemption of nonresidents from Iowa chauffeur's license requirement, penalty for possession of blank driver's license forms, driver's training requirements for youths not attending school, and rescission of county sheriff's authority to issue temporary driving permits.

S.B. 31 Transportation

Rescission of an act for the construction of bikeway and walkway construction projects pursuant to the Highway Act of 1973.

S.B. 32 Labor and Industrial Relations

Relating to public employment relations, amending the Public Employment Relations Act, and providing penalties for violations.

S.B. 33 County Government

To raise the portion of the motor vehicle registration fee retained by each county.

S.B. 34 County Government

To provide recreational program activities for residents of county care facilities.

S.B. 35 County Government

Relating to the writing fee for the issuance of boat licenses.

S.B. 36 County Government

To allow the county recorder to deduct a writing fee for the issuance of fishing, hunting and trapping licenses.

S.B. 37 County Government

A joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

S.B. 38 County Government

To increase the interest penalty and interest on the amount to be paid to redeem real estate property sold at a tax sale.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., January 18, 1977

Convened: 8:05 a.m.

Adjourned: 9:00 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Evans, Griffee, Hullinger, Lindeen, Middleswart, Norland, Pellett, Pelton, Perkins, Svoboda and Varley.

Absent: Doyle and Hinkhouse.

Energy Policy Council Director and conservation officer presented information to the committee. Consumer incentives toward energy conservation, natural gas supply and energy efficiency standards in building construction were discussed. Agreed unanimously that energy conservation be number one priority this session.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 18, 1977

Convened: 9:00 a.m.

Adjourned: 9:35 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Nielsen, Oxley and Poncey.

Absent: Egenes and Pelton.

Organizational meeting.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 18, 1977

Convened: 9:10 a.m.

Adjourned: 11:15 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Hearing with the Medical Licensing Board. Joint House and Senate rules unanimously approved.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., January 18, 1977

Convened: 9:00 a.m.

Adjourned: 12:00 noon

Present: Perkins, chair; Evans, ranking member; Harvey, Howell, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Dyrland and Hullinger.

Presentations by two members of the Department on Transportation on behalf of the Mississippi River Parkway Commission; discussed Herbert Hoover Presidential Library Association and Midwest Nuclear Compact. Presentation by the Fair Board. Adopted joint budget subcommittee rules.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 18, 1977

Convened: 9:00 a.m.

Adjourned: 12:03

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen, Miller of Calhoun and Newhard.

Absent: None

Adopted joint subcommittee rules. Testimony by Penny Bjornsted and Chris Pattee and presentation by Commissioner Burns on Haskins and Sells, Medicaid and Title 19.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 18, 1977

Convened: 9:00 a.m.

Adjourned: 12:00 noon

Present: Wyckoff, chair; Junker, ranking member; Bina, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Byerly and Patchett.

Adopted joint subcommittee rules and conducted hearings with Academy of Science, Arts Council and Capitol Planning.

COMMITTEE ON AGRICULTURE

Scheduled: 1:30 p.m., January 18, 1977

Convened: 1:35 p.m.

Adjourned: 2:10 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Danker, Den Herder, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: Byerly, Davitt and Harper.

Discussed the possibility of drafting a bill with recommendations for appropriations, feed lot nuisance, need of a drug bill for vaccine, young farmer loans, irrigation permits, state water plan, lending institutions, Missouri River flow, farm well level adjoining irrigation farms and water level of small towns.

COMMITTEE ON CITIES

Scheduled: 1:30 p.m., January 18, 1977

Convened: 1:36 p.m.

Adjourned: 3:04 p.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Krewson, Newhard, Nielsen, Pavich, Perkins, Rinas, Schnekloth, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: None

Met with the following persons who described problems faced by urban areas: Robert Josten, Executive Director of the League of Iowa Municipalities; Barbara Koerber, council member from Ames; Dorothy Van Horn, council member from Jefferson; Frank Bowers, Communications Director of the League; Charles O'Connor, Finance Director of City of Des Moines; Betty Jo Harker, Finance Director of City of Ames; and Thomas Reinhard, City Administrator from Clive.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 3:30 p.m., January 18, 1977

Convened: 3:32 p.m.

Adjourned: 4:50 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Avenson, Bennett, Chiodo, Evans, Griffie, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Garrison, Jesse and O'Halloran.

Met with Fred Prewert, Director of the Iowa Conservation Commission. Discussed Gull Point project at Okoboji, road hunting and park user fees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., January 19, 1977

Convened: 8:00 a.m.

Adjourned: 8:20 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Byerly, Clark of Lee and Gilloon.

Organizational meeting to assign subcommittees and set agenda for next meeting.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 19, 1977

Convened: 9:00

Adjourned: 11:35 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Byerly and Patchett.

Discussed solar installation plan. Hearings on budget requests for Citizen's Aide, Executive Council, Governor's office, Lieutenant Governor and Uniform Laws Commission.

JOURNAL OF THE HOUSE

Eleventh Calendar Day--Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 20, 1977

The House met pursuant to adjournment, Speaker pro tempore Nielsen in the chair.

Prayer was offered by the Honorable James I. Middleswart, State Representative from Warren County.

The Journals of Monday, January 17; Tuesday, January 18; and Wednesday, January 19, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roger Boulden, Lenox, Iowa .

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cochran of Webster and Harper of Davis on request of Fitzgerald of Webster.

PETITIONS FILED

The following petitions were received and placed on file:

By Wulff of Black Hawk from two thousand five hundred ninety-seven constituents supporting the reinstatement of capital punishment.

By Hullinger of Decatur from two hundred nineteen Johnson County residents opposing the Initial Master Plan regarding the Lake MacBride land acquisition presented to the Johnson County Board of Supervisors on November 10, 1976.

INTRODUCTION OF BILLS

HOUSE FILE 29, by Wyckoff, Miller of Buchanan, Husak, Rinas, Harbor, Junker, Avenson, West, Koogler, Hullinger, Schroeder, Perkins and Tofte, a bill for an act relating to the installation of limited access diagonal highways and highway placement.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 30, by Miller of Buchanan, a bill for an act relating to the provisions of a farm liability insurance policy.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 31, by Miller of Buchanan, a bill for an act relating to the inspection of grain by the department of agriculture and providing penalties for violations.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 32, by Brockett and Brunow, a bill for an act relating to the membership, terms of office, and organization of the capitol planning commission.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 33, by Rinas, a bill for an act to require autopsies of children under the age of two years when the circumstances of death indicate that sudden infant death syndrome may be the cause of death, to require that the results of such autopsies be transmitted to a parent, to provide that the state shall pay for these autopsies, and making an appropriation.

Read first time and referred to committee on BUDGET.

HOUSE FILE 34, by Lipsky, a bill for an act relating to municipal tort claims and sovereign immunity from suit.

Read first time and referred to committee on JUDICIARY & LAW ENFORCEMENT.

HOUSE FILE 35, by Hansen, a bill for an act relating to the solicitation of public donations, and providing a penalty for violations.

Read first time and referred to committee on JUDICIARY & LAW ENFORCEMENT.

HOUSE FILE 36, by Millen, a bill for an act relating to prearranged funeral trust funds.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 37, by Small, a bill for an act relating to the maximum permissible finance charge which may be imposed in open-end consumer credit transactions.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 38, by Wyckoff, a bill for an act relating to a public access for property which has no access to a road.

Read first time and referred to committee on JUDICIARY & LAW ENFORCEMENT.

REREFERRED TO COMMITTEE ON BUDGET
(House File 20)

The Speaker announced that House File 20 previously referred to the committee on natural resources, was rereferred to the committee on budget.

EMPLOYEES OF THE HOUSE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, duly adopted, your committee on administration begs leave to submit the following list of pay grades and steps for the employees of the House:

Position	Name	Grade and Step	Class of Appointment
Assistant Chief Clerk and Legal Counsel II	Dan L. Dudley	33 - 4	Permanent Full time
Executive Secretary to Speaker	F. Ann Bausserman	22 - 6	Permanent Full time
Caucus Staff Director	Joseph J. O'Hern	30 - 4	Permanent Full time
Caucus Staff Director	Monty R. Bertelli	26 - 1	Intermittent Full time
Leader's Administrative Assistant	Catherine A. Sears	26 - 2	Permanent Full time
Leader's Administrative Assistant	Maryjo F. Welch	26 - 7	Permanent Full time
Leader's Administrative Assistant	Robert F. Davies	30 - 4	Permanent Full time
Research Analyst	Lynn M. Johnson	23 - 2	Permanent Full time
Research Analyst	Linda J. King	23 - 3	Permanent Full time
Research Analyst	William C. Maloney	23 - 3	Permanent Full time
Research Analyst	Kristine A. Bowser	23 - 1	Intermittent Full time
Research Analyst	Mark W. Brandsgard	23 - 1	Intermittent Full time
Research Analyst	N. Kay Markell	23 - 5	Intermittent Full time
Research Analyst	Mary F. Wegner	23 - 1	Intermittent Full time
Research Analyst	Michael L. Triggs	23 - 1	Permanent Full time
Research Analyst	Sandra L. Githens	25 - 4	Intermittent Full time
Research Analyst	Pamela J. Johnson	23 - 1	Intermittent Full time
Executive Secretary to Chief Clerk	M. Maxine Mann	22 - 7	Permanent Full time
Clerk to Chief Clerk	Cathy S. Kelly	14 - 2	Intermittent Full time
Public Information Office Director	Sharon R. Robinson	28 - 5	Permanent Full time

Position	Name	Grade and Step	11th Day
			Class of Appointment
Clerk to Public Information Office Director	Linda W. Elliott	18 - 4	Permanent Full time
Supervisor of Clerks	Evelyn K. Higginbottom	20 - 6	Intermittent Full time
Journal Editor	Elizabeth A. Isaacson	23 - 7	Permanent Full time
Assistant Journal Editor	Frances A. Stefani	18 - 3	Intermittent Full time
Compositor	Carol S. Edwards	16 - 2	Permanent Full time
Compositor	Vivian M. Anders	16 - 2	Intermittent Full time
Finance Clerk	Billie Jean Walling	20 - 8	Permanent Full time
Assistant Finance Clerk	Debra K. Rex	13 - 4	Permanent Full time
Recording and Amendment Clerk	Sally L. Blanton	18 - 4	Permanent Full time
Assistant to the Legal Counsel and Engrossing/Enrolling Clerk	Pauline E. Kephart	19 - 8	Permanent Full time
Assistant to the Legal Counsel	Elizabeth J. O'Connor	19 - 8	Permanent Full time
Chief Indexer	Juanita F. Swackhammer	18 - 7	Permanent Full time
Indexing Assistant	Wilma F. Zika	16 - 1	Intermittent Full time
Supply Clerk	Theresa L. Magnani	13 - 1	Intermittent Full time
Swing Clerk	Marilou Monteith	13 - 3	Intermittent Full time
Switchboard Operator	Betty C. Lawson	13 - 2	Intermittent Full time
Switchboard Operator	Virginia Semple	13 - 1	Intermittent Full time
Bill Clerk	Phyllis J. Fraizer	13 - 7	Intermittent Full time
Assistant Bill Clerk	Madeline E. James	12 - 5	Intermittent Full time
Postmaster	Ruth L. Spencer	10 - 1	Intermittent Full time
Sergeant-at-Arms	Ed S. McMillin	15 - 1	Intermittent Full time
Assistant Sergeant-at-Arms	John W. Russell	13 - 3	Intermittent Full time
Doorkeeper	Clarence O. Anderson	9 - 7	Intermittent Full time
Doorkeeper	Luman W. Bell	9 - 3	Intermittent Full time

Position	Name	Grade and Step	Class of Appointment
Doorkeeper	Frank L. Christen	9 - 5	Intermittent Full time
Doorkeeper	Donald R. Emanuel	9 - 2	Intermittent Full time
Doorkeeper	Kevin J. Putbresi	9 - 1	Intermittent Full time
Doorkeeper	A. Sam Vaughn	9 - 1	Intermittent Full time
Elevator Operator	Evelyn Seaney	8 - 5	Intermittent Full time
Cloakroom Attendant	Bessie J. Bagby	8 - 2	Intermittent Full time
Aide to Public Information Office	Deborah K. Simon	\$2.40 Per Hr.	Permanent Part time
Aide to Public Information Office	Kim E. Ross	\$2.40 Per Hr.	Permanent Part time
Aide to Public Information Office	Brad Kading	\$2.40 Per Hr.	Permanent Part time
Aide to Public Information Office	Megan Manning	\$2.40 Per Hr.	Permanent Part time
Aide to Chief Clerk	Catherine H. Engel	\$4.00 Per Hr.	Intermittent Part time
Aide to Chief Clerk	Leala A. Salter	\$4.00 Per Hr.	Intermittent Part time
Page	Ann Beattie	7 - 1	Intermittent Full time
Page	Therese L. Bernard	7 - 1	Intermittent Full time
Page	Christine K. Bishop	7 - 1	Intermittent Full time
Page	Joseph D. Brammer	7 - 1	Intermittent Full time
Page	Lorie Davis	7 - 1	Intermittent Full time
Page	Steven R. Dean	7 - 1	Intermittent Full time
Page	Cinda Lou Dierenfeld	7 - 1	Intermittent Full time
Page	Laure L. Donlon	7 - 1	Intermittent Full time
Page	Robert E. Foreman II	7 - 1	Intermittent Full time
Page	Joanne A. Griep	7 - 1	Intermittent Full time
Page	Anna Rose Hustedde	7 - 1	Intermittent Full time

Position	Name	Grade and Step	Class of Appointment
Page	Jodi Johannsen	7 - 1	Intermittent Full time
Page	Kim Kolanbrander	7 - 1	Intermittent Full time
Page	Charlotte A. Law	7 - 1	Intermittent Full time
Page	Gregg A. Lucken	7 - 1	Intermittent Full time
Page	Kathleen M. Maguire	7 - 1	Intermittent Full time
Page	Vincent E. Mauer	7 - 1	Intermittent Full time
Page	Dianna Lee Myers	7 - 1	Intermittent Full time
Page	Brenda Richter	7 - 1	Intermittent Full time
Page	John B. Sandage	7 - 1	Intermittent Full time
Page	Greg Schroeder	7 - 1	Intermittent Full time
Page	Michael D. Simpkins	7 - 1	Intermittent Full time
House Clerk	Julie A. Anderson	15 - 4	Intermittent Full time
House Clerk	Frances I. Andrew	13 - 2	Intermittent Full time
House Clerk	Diane M. Avenson	13 - 5	Intermittent Full time
House Clerk	Joyann Benoit	15 - 5	Intermittent Full time
House Clerk	Michael D. Bernatz	13 - 1	Intermittent Full time
House Clerk	Carmela M. Brown	13 - 6	Intermittent Full time
House Clerk	D. Joanne Brownell	13 - 6	Intermittent Full time
House Clerk	Florence D. Buhr	13 - 3	Intermittent Full time
House Clerk	Elna Byerly	13 - 3	Intermittent Full time
House Clerk	Dwan L. Carter	15 - 4	Intermittent Full time
House Clerk	Roberta M. Chapman	15 - 7	Intermittent Full time
House Clerk	Sharron Clemons	13 - 3	Intermittent Full time
House Clerk	R. Jeannene Cochran	13 - 6	Intermittent Full time

Position	Name	Grade and Step	Class of Appointment
House Clerk	Marjorie I. Connors	13 - 5	Intermittent Full time
House Clerk	Grace G. Copley	15 - 4	Intermittent Full time
House Clerk	Rita K. Courtney	15 - 4	Intermittent Full time
House Clerk	Phyllis R. Cowles	15 - 6	Intermittent Full time
House Clerk	Carol Crowfoot	15 - 4	Intermittent Full time
House Clerk	Mary E. Curtis	15 - 5	Intermittent Full time
House Clerk	Ruth A. Daggett	13 - 2	Intermittent Full time
House Clerk	Beverly A. Davis	13 - 3	Intermittent Full time
House Clerk	Jeraldine K. Davis	13 - 1	Intermittent Full time
House Clerk	Phyllis J. Den Hartog	15 - 2	Intermittent Full time
House Clerk	Christine Den Herder	13 - 7	Intermittent Full time
House Clerk	Mary K. Devin	13 - 1	Intermittent Full time
House Clerk	Colleen Dillon	15 - 6	Intermittent Full time
House Clerk	Janet E. Doyle	13 - 5	Intermittent Full time
House Clerk	Joan R. Eggen	13 - 5	Intermittent Full time
House Clerk	Alyce M. Elmitt	15 - 6	Intermittent Full time
House Clerk	Mary Jo Eveleth	13 - 1	Intermittent Full time
House Clerk	Margaret R. Falk	15 - 7	Intermittent Full time
House Clerk	M. Rosalie Flesher	15 - 3	Intermittent Full time
House Clerk	Debra Lynn Foglesong	13 - 3	Intermittent Full time
House Clerk	Virginia Garretson	15 - 5	Intermittent Full time
House Clerk	Elizabeth H. Gentry	13 - 3	Intermittent Full time
House Clerk	Audrey J. Gibson	13 - 5	Intermittent Full time

Position	Name	Grade and Step	Class of Appointment
House Clerk	Karen M. Gilloon	13 - 1	Intermittent Full time
House Clerk	Michelle J. Gorgas	13 - 3	Intermittent Full time
House Clerk	Joyce J. Green	13 - 1	Intermittent Full time
House Clerk	Doris M. Hammon	13 - 4	Intermittent Full time
House Clerk	Linda J. Handsaker	13 - 1	Intermittent Full time
House Clerk	Barbara J. Harrison	13 - 4	Intermittent Full time
House Clerk	Merlie Howell	13 - 3	Intermittent Full time
House Clerk	Mary Pamela Jochum	13 - 3	Intermittent Full time
House Clerk	Judy A. Jordan	15 - 4	Intermittent Full time
House Clerk	Linda Joslin	15 - 4	Permanent Full time
House Clerk	Linda S. Kimm	15 - 3	Intermittent Full time
House Clerk	Edith C. Kitchell	15 - 5	Intermittent Full time
House Clerk	B. June Kullander	13 - 7	Intermittent Full time
House Clerk	Karen M. Kusel	13 - 1	Intermittent Full time
House Clerk	Mary Kay La Bonia	13 - 1	Intermittent Full time
House Clerk	Janis P. Landess	13 - 3	Intermittent Full time
House Clerk	Terry Lee Larson	15 - 1	Intermittent Full time
House Clerk	Roberta A. Lee	13 - 1	Intermittent Full time
House Clerk	Joyce L. Lewis	13 - 3	Intermittent Full time
House Clerk	Carolyn R. Littrell	13 - 3	Intermittent Full time
House Clerk	Dona K. Lloyd	15 - 5	Intermittent Full time
House Clerk	Pamela M. Lovitt	13 - 3	Intermittent Full time
House Clerk	Janet D. Lyon	15 - 4	Intermittent Full time

Position	Name	Grade and Step	Class of Appointment
House Clerk	Sandra Lee Marion	15 - 4	Intermittent Full time
House Clerk	Ann McCarty	13 - 6	Intermittent Full time
House Clerk	Geraldine Middleswart	13 - 6	Intermittent Full time
House Clerk	Betty C. Millen	13 - 6	Intermittent Full time
House Clerk	Shirley M. Miller	13 - 4	Intermittent Full time
House Clerk	Vicky L. Muller	13 - 1	Intermittent Full time
House Clerk	Marjorie M. Musser	13 - 1	Intermittent Full time
House Clerk	Marilyn A. Nielsen	13 - 6	Intermittent Full time
House Clerk	Marilyn K. Osborn	15 - 1	Intermittent Full time
House Clerk	Velva Owen	13 - 3	Intermittent Full time
House Clerk	Haleen E. Pellett	13 - 5	Intermittent Full time
House Clerk	Kathleen Lee Peterson	15 - 3	Intermittent Full time
House Clerk	Catherine A. Piper	13 - 5	Intermittent Full time
House Clerk	E. Jean Robb	15 - 5	Intermittent Full time
House Clerk	Virginia A. Rowen	13 - 2	Intermittent Full time
House Clerk	LaVena M. Rucker	15 - 5	Intermittent Full time
House Clerk	Gerry L. Rydell	15 - 5	Intermittent Full time
House Clerk	Beverly A. Samuelson	15 - 4	Intermittent Full time
House Clerk	Anita M. Sand	13 - 1	Intermittent Full time
House Clerk	Norma J. Scheelhaase	13 - 4	Intermittent Full time
House Clerk	Jeanne A. Schmidt	15 - 5	Intermittent Full time
House Clerk	Mary Ann Scott	15 - 6	Intermittent Full time
House Clerk	Julie T. Simon	13 - 3	Intermittent Full time
House Clerk	Donna M. Smith	13 - 5	Intermittent Full time

Position	Name	Grade and Step	Class of Appointment
House Clerk	Patsy M. Soliday	15 - 2	Intermittent Full time
House Clerk	Helen M. Stejskal	13 - 6	Intermittent Full time
House Clerk	Mildred E. Stewart	15 - 6	Intermittent Full time
House Clerk	Margaret L. Stone	13 - 2	Intermittent Full time
House Clerk	Harriet J. Stromer	13 - 6	Intermittent Full time
House Clerk	R. Lugene Sydnes	15 - 7	Intermittent Full time
House Clerk	Jo Ann Thomas	15 - 3	Intermittent Full time
House Clerk	C. Verniece Thomsen	15 - 4	Intermittent Full time
House Clerk	Helen L. Wagner	15 - 5	Intermittent Full time
House Clerk	Bettie J. Wentz	15 - 4	Intermittent Full time
House Clerk	Jo Ann West	13 - 4	Intermittent Full time
House Clerk	Dawn M. White	13 - 1	Intermittent Full time
House Clerk	Mary Kay Whitfield	13 - 1	Intermittent Full time
House Clerk	Marsha C. Woodruff	13 - 3	Intermittent Full time
House Clerk	Linda A. Wyble	13 - 3	Intermittent Full time
House Clerk	Elizabeth Wasker	15 - 6	Intermittent Full time
House Clerk	Neva I. Wise	13 - 4	Intermittent Full time
Administrative Assistant II	Brent D. Rosenberg	15 - 1	Intermittent Full time

HOUSE CONCURRENT RESOLUTION No. 4

By Nielsen, Woods, Byerly, Krause, Schroeder, Baker, Koogler, Halvorson, Poncy, Miller of Buchanan, Garrison, Binneboese, Husak, Hinkhouse, Crabb, Lonergan, West, Millen, Harvey, Scheelhaase, Pavich, Danker, Daggett, Wells, Rinas, Conlon, Gilson, Perkins, Tofte, Dunton, Middleswart, Welden, Pellett, Hansen, Junker, Wyckoff, Chiodo, Davitt, Doyle, Harbor, Howell, Evans, Smalley, Connors, Stephens, Hullinger, Bennett, Wulff, Stromer, Jesse, Spencer, and Clark of Cerro Gordo.

- 1 *Whereas*, on January 17, 1977, the Iowa Department of
 2 Transportation filed a proposed rule establishing 60
 3 feet as the maximum legal length of a combination of
 4 three vehicles coupled together, one of which is a
 5 motor vehicle, inclusive of front and rear bumpers,
 6 which may be operated on the Iowa highways (See H.J. 120
 7 and S.J. 147, 67th G.A.); and
 8 *Whereas*, said action also purports to rescind a 65
 9 foot rule previously filed with the legislature on
 10 January 16, 1976;
 11 *Now Therefore, Be It Resolved by the House of*
 12 *Representatives, the Senate Concurring*, That the rule
 13 and rescission proposed by the Department of Transporta-
 14 tion on January 17, 1977, be, and the same hereby are,
 15 disapproved.

Laid over under Rule 25.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 39 Education

Relating to the procedures prescribed for school reorganization.

S.B. 40 Education

Relating to elementary and secondary education, providing for adoption of a uniform accounting system, accelerating the growth of the lowest ten percent of the districts in per pupil expenditure subject to approval by the school budget review committee, eliminating the adjustments to enrollment for certain districts, subject to review by the school budget review committee, and providing for a statewide uniform tax for allocation of the costs for media and other services.

S.B. 41 Education

Relating to the salaries of employees of the department of public instruction.

S.B. 42 Natural Resources

Relating to the form of fish and game licenses.

S.B. 43 Natural Resources

To repeal the requirement of a special permit tag to sell furs outside the state.

S.B. 44 Natural Resources

Relating to game license fees.

S.B. 45 Natural Resources

Relating to the use of artificial light on or in the waters of the state.

S.B. 46 Natural Resources

Relating to prohibited traps.

S.B. 47 Ways and Means

To conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act and making the Act retroactive.

S.B. 48 Ways and Means

Relating to the definition of homestead for purposes of filing a claim for the homestead tax credit.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 19, 1977

Convened: 9:02 a.m.

Adjourned: 11:40 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Brockett, Davitt, Nielsen, Oxley, Pelton and Poncy.

Absent: Branstad and Egenes.

Discussed Bonus Board and Commission for Blind.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 19, 1977

Convened: 9:10 a.m.

Adjourned: 11:30 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None

Discussed Nursing Board and Employment of the Handicapped.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., January 19, 1977

Convened: 9:00 a.m.

Adjourned: 12:08 p.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Jochum and Krause.

Presentations by Ron Riggs, Energy Policy Council; Dr. Stanley C. Grant, Director and State Geologist; Orville Van Eck, Associate State Geologist; Dr. Matthew J. Avcin, Chief - Coal Exploration Project and Don Gordon representing Iowa Geological Survey.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 19, 1977

Convened: 9:00 a.m.

Adjourned: 10:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen, Miller of Calhoun, and Newhard.

Absent: Hines.

Presentations by Bill Kranz from Haskins & Sells, Penny Bjournstead and Commissioner Kevin Burns of Social Service Council.

WAYS AND MEANS

Scheduled: 1:30 p.m., January 19, 1977

Convened: 1:35 p.m.

Adjourned: 3:30 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Clark, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff, and Wyckoff.

Absent: Cusack, Harvey and O'Halloran.

Presentation by Marvin Selden and Dr. Barnard, University of Iowa and Dr. Dent, University of Wisconsin.

HUMAN RESOURCES

Scheduled: 3:30 p.m., January 19, 1977

Convened: 3:30 p.m.

Adjourned: 5:00 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard, Schroeder and Tofte.

LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., January 19, 1977

Convened: 3:33 p.m.

Adjourned: 3:55 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: None.

Distributed study bill and assigned subcommittee.

On motion by Fitzgerald of Webster, the House adjourned at 4:00 p.m. until 10:00 a.m., Monday, January 24, 1977.

JOURNAL OF THE HOUSE

Twelfth Calendar Day--Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 21, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Thomas Viner, Leon, Iowa.

INTRODUCTION OF BILLS

HOUSE FILE 39, by legislative procedures study committee, a bill for an act relating to payment of per diem and expenses to certain persons elected to the general assembly.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 40, by Walter and Pavich, a bill for an act relating to estimates of expenditure requirements submitted by state departments and establishments.

Read and committed under Rule 31.4 to committee on BUDGET.

HOUSE FILE 41, by Brandt, Krause and Rinas, a bill for an act providing that all deputy sheriffs shall be approved by the board of supervisors.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 42, by Krause, a bill for an act relating to the jurisdiction of judicial magistrates.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 43, by Horn and Nielsen, a bill for an act to provide for a sixty-five miles per hour speed limit on interstate highways.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 44, by Bina, a bill for an act relating to certification of more than ten persons who received the highest standings on a city civil service examination in case of ties.

Read and committed under Rule 31.4 to committee on CITIES.

HOUSE FILE 45, by Gilloon, a bill for an act relating to the consolidation of county offices and the appointment of certain elected county officers.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 46, by Monroe, a bill for an act to allow movement of vehicles in excess of the length and weight limitations for operation on the highways.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 47, by Miller of Buchanan, a bill for an act relating to the use of accumulated leave of absence for medically-related disability.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 48, by Crabb, Scheelhaase, Danker and Husak, a bill for an act making an appropriation from the general fund of the state to the state conservation commission for the dredging of Blue Lake.

Read and committed under Rule 31.4 to committee on NATURAL RESOURCES.

HOUSE FILE 49, by committee on state government, a bill for an act to repeal the authority of the war surplus commodities board.

Read and committed under Rule 31.4 to THE CALENDAR.

HOUSE RESOLUTION 3

By: Jesse and Perkins

1. *Whereas*, the new page uniforms are ugly,
2. and
3. *Whereas*, the pages are bright and sensitive
4. persons, and
5. *Whereas*, it is embarrassing to the members
6. and degrading to the pages to require them to
7. wear such garments; *Now Therefore*,
8. *Be It Resolved by the House of Representa-*
9. *tives*, That the pages should not be required to
10. wear uniforms.

Laid over under Rule 25.

**APPOINTMENT OF MEMBERS OF THE ETHICS COMMITTEE IN THE
HOUSE OF REPRESENTATIVES OF THE IOWA GENERAL ASSEMBLY
BY THE CHIEF JUSTICE OF THE IOWA SUPREME COURT**

To the House of Representatives of the Iowa General Assembly:

Pursuant to the provisions of section 68B.10, Code 1975, the undersigned, Chief Justice of the Iowa Supreme Court, hereby reappoints Claire F. Carlson of Fort Dodge, and Robert E. Conley, of Des Moines, neither of whom is an employee of the General Assembly, as members of the Ethics Committee in the House of Representatives.

Done this 21st day of December, 1976.

C. EDWIN MOORE, Chief Justice
Iowa Supreme Court

The original and a true copy of this Order have been filed with the Chief Clerk of the House of Representatives of the Iowa General Assembly on this 21st day of December, 1976.

DAVID L. WRAY
Chief Clerk of the House of
Representatives

APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House ethics committee for the Sixty-seventh General Assembly: Representative Mattie Harper of Davis, Chair; Representative Terry Dyrland of Clayton, vice-chair; and Representative Rollin K. Howell of Floyd.

JEROME FITZGERALD
House Majority Leader

APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House ethics committee for the Sixty-seventh General Assembly: Representative Richard W. Welden of Hardin and Representative Julia Gentleman of Polk.

FLOYD H. MILLEN
House Minority Leader

SUBCOMMITTEE ASSIGNMENTS

House File 4
Transportation
Krause, chair
Schroeder
Rinas
Hullinger
Clark of Cerro Gordo

House File 25
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

House File 27
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

House File 8
Transportation
Krause, chair
Schroeder
Rinas
Hullinger
Clark of Cerro Gordo

House File 26
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

House File 29
Transportation
Rinas, chair
Harbor
Krause
Brunow
Egenes

House File 19
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 24
State Government
Shimanek, chair
Poncy
Middleswart

S.B. 33
County Government
Wyckoff, chair
Oxley
Junker

S.B. 36
County Government
Gilloon, chair
Gilson
Lindeen

S.B. 25
State Government
Griffie, chair
Brandt
West

S.B. 34
County Government
Brandt, chair
Baker
Pellett

S.B. 37
County Government
Baker, chair
Wells
Stromer

S.B. 32
Labor & Industrial
Relations
Connors, chair
Pavich
Poncy
Halvorson
Thompson

S.B. 35
County Government
Gilloon, chair
Gilson
Lindeen

S.B. 38
County Government
Hinkhouse, chair
Miller of Calhoun
Stephens

S.B. 42

Natural Resources
Spencer, chair
Bennett
Wyckoff

S.B. 43

Natural Resources
Pelton, chair
O'Halloran
Miller of Buchanan

S.B. 44

Natural Resources
Wyckoff, chair
Stephens
Shimanek

S.B. 45

Natural Resources
Avenson, chair
Halvorson
Perkins

S.B. 46

Natural Resources
Griffie, chair
Varley
Tofte

S.B. 49

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

S.B. 50

Transportation
Harper, chair
Lipsky
Woods
Hoffmann
Binneboese

S.B. 51

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

S.B. 54

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:00 a.m., January 20, 1977

Convened: 8:00 a.m.

Adjourned: 8:30 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Crawford, Dieleman, Hansen, Junker, Middleswart, Poncey, Shimanek, Tauke, Walter and West.

Absent: Avenson, Griffee, Higgins, Jesse, Patchett and Stromer.

S.B. 24, a bill for an act to repeal the authority of the war surplus commodities board.

Recommended DO PASS.

Aye: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Crawford, Dieleman, Hansen, Junker, Middleswart, Poncey, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Avenson, Griffee, Higgins, Jesse, Patchett and Stromer.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 20, 1977

Convened: 9:03 a.m.

Adjourned: 11:48 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Nielsen, Oxley, Pelton and Poncey.

Absent: None.

Discussed Higher Education Facilities Commission and Iowa Association of Private Colleges and Universities.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., January 20, 1977

Convened: 9:06 a.m.

Adjourned: 12:00 noon

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Secretary of Agriculture Robert Lounsberry presented the budget request for the Iowa Department of Agriculture for the fiscal year 1977-78.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 20, 1977

Convened: 9:00 a.m.

Adjourned: 11:52 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hargrave, Hines, Lindeen, Miller of Calhoun and Newhard.

Absent: Doyle

Heard reports from Harold Templeman, Aid to Indians; Norma Vance, Supplemental Aid to the Blind and Remedial Eye Care; and Bob Lippman on Work Incentive and Individual Education and Training Plan. Discussed State Supplement SSI.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 20, 1977

Convened: 9:05 a.m.

Adjourned: 11:00 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Byerly and Patchett

Hearings with Office for Planning and Programming and Pioneer Lawmakers Association regarding budget requests. Appropriated funds to Pioneer Lawmakers Association, Uniform Laws Commission, Lieutenant Governor's office and Capitol Planning Commission.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., January 20, 1977

Convened: 10:10 a.m.

Adjourned: 11:00 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Introductory meeting with the Department of Health.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., January 20, 1977

Convened: 1:40 p.m.

Adjourned: 3:15 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Poncy, Small, Spear, Thompson and Wulff.

Absent: Stromer.

View ISEA film concerning gifted and talented students and discussed Study Bill 5 and Study Bill 9.

Study Bill 5, a bill for an act relating to requirements for completion of driver's education courses.

Recommended DO PASS.

Aye: Patchett, Miller of Calhoun, Daggett, Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Koogler, Norland, Poncy, Small, Spear, Thompson and Wulff.

Nay: None.

Absent or Not Voting: Stromer.

Viewed ISEA film concerning gifted and talented students and discussed Study Bill 9.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:30 p.m., January 20, 1977

Convened: 1:35 p.m.

Adjourned: 3:25 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Chiodo, Evans, Garrison, Miller of Buchanan, Pelton, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Absent: Avenson, Griffee, Jesse, O'Halloran, Perkins and Varley.

Heard presentations from the Natural Resources Council Director, Jim Webb, and staff members as well as Department of Environmental Quality Director, Larry Crane, and assistant, Jim Brown.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:30 p.m., January 20, 1977

Convened: 1:30 p.m.

Adjourned: 1:45 p.m.

Present: Krause, chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Dunton, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Oxley, Rinas, Schnekloth and Woods.

Absent: Harper.

Assigned bills to subcommittee, distributed outline of originating house for major transportation legislation (either House or Senate) and distributed copies of proposed bills.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day -- Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 24, 1977

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

Prayer was offered by the Reverend Richard E. Oehring, pastor of the Galva and Silver Creek United Methodist Churches, Galva, Iowa.

The Journals of Thursday, January 20 and Friday, January 21, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Phil Price, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Fitzgerald of Webster; Junker of Woodbury on request of Millen of Van Buren; Higgins of Scott on request of Small of Johnson.

PRESENTATION OF VISITORS

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

Forty-five fifth grade students from Garton Elementary School, Des Moines, Iowa, accompanied by Mrs. Bolton. By Connors of Polk.

PETITION FILED

The following petition was received and placed on file:

By Danker of Pottawattamie from seventeen constituents asking for legislation to forbid the dissemination of obscene material.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Harvey of Scott to determine that a quorum was present. Rule 69 was invoked. The vote was:

Present, 86:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, O.L.	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimaneck	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

Absent, 14:

Avenson	Byerly	Cusack	Griffee
Harper	Higgins	Hines	Jesse
Junker	Miller, K.D.	Monroe	Small
Spencer	Walter		

**REREFERRED TO COMMITTEE ON BUDGET
(House File 48)**

The Speaker announced that House File 48 previously referred to the committee on natural resources, was rereferred to the committee on budget.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 4

Nielsen of Polk called up for consideration House Concurrent Resolution 4 filed on January 20, 1977 and found on page 183 of the House Journal.

Horn of Linn moved that action on House Concurrent Resolution 4 be deferred until the next convening day.

Small of Johnson moved as a substitute motion that House Concurrent Resolution 4 be referred to the committee on transportation.

The Speaker ruled the substitute motion not in order under Rule 63 of the House rules.

On the motion by Horn of Linn that House Concurrent Resolution 4 be deferred, roll call was requested by Small of Johnson and Harbor of Mills.

On the question "Shall House Concurrent Resolution 4 be deferred?"

The ayes were, 41:

Anderson	Avenson	Bina	Brandt
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Crawford	Den Herder	Dieleman	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Griffie	Hines
Horn	Jesse	Jochum	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Newhard	Norland	O'Halloran	Patchett
Pelton	Rinas	Schnekloth	Shimaneck
Small	Tauke	Thompson	Varley
Walter			

The nays were, 53:

Baker	Bennett	Binneboese	Branstad
Byerly	Chiudo	Conlon	Connors
Crabb	Daggett	Danker	Davitt
Doyle	Dunton	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Koogler	Krause	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Nielsen	Oxley	Pavich	Pellett
Perkins	Poncy	Scheelhaase	Schroeder
Smalley	Spear	Stephens	Stromer
Svoboda	Tofte	Welden	Wells
West	Woods	Wulff	Wyckoff
Mr. Speaker			

Absent or not voting, 6:

Cusack	Harper	Higgins	Junker
Monroe	Spencer		

The motion lost.

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

The House resumed session, Speaker Cochran in the chair.

Hargrave of Johnson moved to reconsider the vote by which the motion to defer House Concurrent Resolution 4 lost.

Byerly of Polk rose on a point of order that the motion was not in order under Section 456 of Mason's Manual of Legislative Procedure.

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

The House resumed session, Speaker Cochran in the chair.

(House Concurrent Resolution 4 and the Byerly point of order on the motion to reconsider the motion to defer pending at adjournment.)

MEMBER'S OATH OF OFFICE

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

(Signed) Mattie Harper
State Representative
90th District

I, Charles N. Poncy, duly qualified and acting member of the Sixty-seventh General Assembly of Iowa, do certify that the above oath of office was administered by me at West Grove, Iowa on January 22, 1977.

(signed) Charles N. Poncy

I, John Brunow, do certify that the above oath of office was administered at West Grove, Iowa on January 22, 1977.

(signed) John Brunow

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., January 18, 1977

Convened: 9:10 a.m.

Adjourned: 11:15 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Schroeder.

Absent: Spencer.

Adopted subcommittee rules as amended. Distributed proposed schedule. Presentation by Al Way, Director of the Iowa Crime Commission.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., January 19, 1977

Convened: 9:15 a.m.

Adjourned: 11:35 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Schroeder.

Absent: Spencer.

Presentation by Al Way, Director of the Iowa Crime Commission. Tentatively approved Governor's recommendations on A-2, B-1 and D-1.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., January 20, 1977

Convened: 9:10 a.m.

Adjourned: 10:55 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Schroeder.

Absent: Spencer

Scheduled tour of Department of Transportation headquarters in Ames for Friday, January 21, 1977, 9:00 a.m. Presentation of the Public Defense Budget by Colonel Maggert. Tentatively approved Military Division of the Department of Public Defense budget schedule A-4, A-5 and B-2.

AMENDMENTS FILED

H-3026	HCR-4	Horn of Linn
H-3027	HCR-4	Small of Johnson
H-3028	HCR-4	Tauke of Dubuque Gilloon of Dubuque
H-3029	HCR-4	Tauke of Dubuque Walter of Pottawattamie

On motion by Avenson of Fayette, the House adjourned at 12:30 p.m., until 1:00 p.m., Tuesday, January 25, 1977.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day -- Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 25, 1977

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

Prayer was offered by the Honorable Horace Daggett, State Representative from Adams County.

The Journal of Monday, January 24, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Hardinger, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Fitzgerald of Webster.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Bina of Scott to determine that a quorum was present. The vote was:

Present, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen

Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

Absent, 9:

Griffie	Harper	Jesse	Menke
Newhard	Oxley	Spencer	Stromer
Svoboda			

INTRODUCTION OF BILLS

HOUSE FILE 50, by Walter and Pavich, a bill for an act relating to medical treatment of indigent patients in university hospitals in bordering states and providing funds for such treatment.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 51, by Branstad, a bill for an act relating to information required on affidavits of candidates for election to public office.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 52, by Spear, Lindeen and Dyrland, a bill for an act relating to use, distribution, and dissemination of certain records by the state or its political subdivisions.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 53, by Koogler, a bill for an act to provide for disclosure of interests by candidates for election to statewide, local, or legislative offices and by certain persons appointed to office by the governor, and to provide a penalty.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 54, by Small and Krause, a bill for an act relating to requirements for storm sewer grates.

Read first time and referred to committee on CITIES.

HOUSE FILE 55, by Poncy, a bill for an act to provide optional membership in the Iowa public employees' retirement system for members of the general assembly.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 56, by Branstad, a bill for an act relating to safety glazing material in hazardous locations and providing a penalty.

Read first time and referred to committee on LABOR & INDUSTRIAL RELATIONS.

HOUSE FILE 57, by adult penal and correctional systems study committee, a bill for an act rewriting the requirement that all departments and officials of the state, counties, cities and certain other entities empowered to make purchase of supplies for public purposes purchase such supplies from Iowa state industries under certain circumstances.

Read first time and referred to committee on STATE GOVERNMENT.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 4

The House resumed consideration of House Concurrent Resolution 4 filed on January 20, 1977 and found on page 183 of the House Journal and the Byerly point of order on the motion to reconsider the motion to defer.

Hargrave of Johnson asked and received unanimous consent to withdraw his motion to reconsider the motion to defer.

The Speaker announced that pursuant to Section 456, Mason's Manual of Legislative Procedure, procedural motions will not be subject to reconsideration.

Small of Johnson offered the following amendment H-3027 filed by him:

H-3027

- 1 Amend House Concurrent Resolution 4, found
- 2 on page 183 of the House Journal, as follows:
- 3 1. By inserting after line 7 the following:
- 4 "Whereas, the Iowa Department of Transportation,
- 5 did condition its proposed 1976 rule legalizing 65
- 6 foot double bottom trucks upon legislative
- 7 approval of bills banning studded snow tires and
- 8 reclassifying Iowa's highway system; and
- 9 Whereas, neither bill has been passed by this
- 10 legislature; and".

Nielsen of Polk rose on a point of order that amendment H-3027 was not germane.

The Speaker ruled the point not well taken and amendment H-3027 germane.

Fitzgerald of Webster moved the previous question on House Concurrent Resolution 4 and all amendments and motions filed thereto.

A non-record roll call was requested.

The ayes were 54, nays 40.

The motion prevailed.

Tauke of Dubuque moved that House Concurrent Resolution 4 be referred to the committee on transportation.

Husak of Tama rose on a point of order that under the previous question the motion was not in order.

The Speaker ruled the point well taken and the motion to refer to committee not in order.

Small of Johnson moved the adoption of amendment H-3027.

Roll call was requested by Small of Johnson and Walter of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3027 be adopted?"

The ayes were, 32:

Bina	Brockett	Clark, J.H.	Crawford
Cusack	Den Herder	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Griffee	Hargrave	Higgins	Horn
Jochum	Krewson	Lageschulte	Lindeen
Lipsky	Newhard	O'Halloran	Patchett
Pelton	Shimanek	Small	Svoboda
Tauke	Thompson	Tofte	Walter

The nays were, 65:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Crabb	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Garrison
Gilson	Halvorson	Hansen	Harbor
Harvey	Hines	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jesse
Junker	Koogler	Krause	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Norland
Oxley	Pavich	Pellett	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Smalley	Spear	Spencer
Stephens	Stromer	Welden	Wells
West	Woods	Wulff	Wyckoff
Mr. Speaker			

Absent or not voting, 3:

Connors	Harper	Varley
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Amendment H-3027 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Varley of Adair for the remainder of the afternoon on request of Harbor of Mills.

Horn of Linn offered the following amendment H-3026 filed by him.

H-3026

- 1 Amend House Concurrent Resolution 4, found on
- 2 page 183 of the House Journal, as follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 *Whereas, the speed limit on certain highways*
- 6 *is now 55 miles per hour and should be 65 miles per*
- 7 *hour;*
- 8 *Now Therefore, Be It Resolved by the House of*
- 9 *Representatives, the Senate Concurring, That the*
- 10 *speed limit on fully-controlled-access, divided,*
- 11 *and multilaned highways within the state be*
- 12 *increased to sixty-five miles per hour; and*
- 13 *Be It Further Resolved by the House of"*.
- 14 2. Page 1, by striking line 11.

Nielsen of Polk rose on a point of order that amendment H-3026 was not germane.

The Speaker ruled the point well taken and amendment H-3026 not germane.

Tauke of Dubuque asked and received unanimous consent to withdraw amendment H-3028 filed by him and Gilloon of Dubuque on January 24, 1977 and amendment H-3029 filed by him and Walter of Pottawattamie on January 24, 1977.

Nielsen of Polk moved the adoption of House Concurrent Resolution 4.

Roll call was requested by Nielsen of Polk and Husak of Tama.

On the question "Shall the resolution be adopted?" (HCR-4)

The ayes, were, 57:

Baker	Bennett	Binneboese	Branstad
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Evans	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jesse
Junker	Koogler	Krause	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Nielsen	Pavich	Pellett	Perkins
Poncy	Rinas	Scheelhaase	Schroeder
Smalley	Spear	Spencer	Stephens
Stromer	Tofte	Welden	Wells
West	Woods	Wulff	Wyckoff
Mr. Speaker			

The nays were, 41:

Anderson	Avenson	Bina	Brandt
Brockett	Brunow	Clark, J.H.	Crawford
Cusack	Den Herder	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Griffie	Hargrave	Higgins	Hines
Horn	Jochum	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pelton	Schneklloth	Shimanek
Small	Svoboda	Tauke	Thompson
Walter			

Absent or not voting, 2:

Harper	Varley
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The motion prevailed and the resolution was adopted.

MOTION TO RECONSIDER LOST
(House Concurrent Resolution 4)

Nielsen of Polk moved to reconsider the vote by which House Concurrent Resolution 4 was adopted by the House.

Small of Johnson moved that action on the motion to reconsider be deferred until 2:00 p.m., Friday, January 28, 1977.

Stromer of Hancock rose on a point of order that the motion to defer was dilatory and not in order pursuant to Section 180, Mason's Manual of Legislative Procedure.

The Speaker ruled the point not well taken and the motion to defer in order.

On the Small motion to defer, the motion lost.

On the Nielsen motion to reconsider the resolution, the motion lost.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 49 Transportation

Relating to the movement of overdimensional loads and vehicles.

S. B. 50 Transportation

To change the vehicle width and axle limitations applicable to urban transit buses.

S. B. 51 Transportation

Relating to the application filing date required of Interstate Motor Carriers.

S. B. 52 Natural Resources

Relating to the designation of depositaries for the sale of hunting, fishing and trapping licenses.

S. B. 53 Transportation

Relating to motor vehicle inspection.

S. B. 54 Transportation

Relating to transfer of a certificate of convenience and necessity by a motor carrier.

S. B. 55 Education

To provide for the establishment of community school programs and to make an appropriation.

S. B. 56 County Government

To permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions.

S. B. 57 County Government

Relating to drainage connections across a highway.

S. B. 58 County Government

To increase the fee for recording instruments.

S. B. 59 County Government

To require the state board of examiners for nursing home administrators to recognize experience in a county care facility, on the same basis as experience in other licensed facilities, for licensing purposes.

S. B. 60 Ways and Means

To provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive.

S. B. 61 Natural Resources

To allow a fishing, hunting or trapping license to lapse at the end of the season.

S. B. 62 County Government

To provide for a fee for the collection of special city assessments.

S. B. 63 Natural Resources

Relating to water use regulation by the Iowa natural resources council.

S. B. 64 Natural Resources

To include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

S. B. 65 Agriculture

To permit severance of certain land from an established drainage or levee district if it is found that the land receives no material benefit from the district.

S. B. 66 Agriculture

Permitting drainage district boards to have repairs costing ten thousand dollars or less performed without obtaining an engineer's report.

S. B. 67 Agriculture

Relating to the prevention and eradication of disease communicated by breeding bulls and providing a penalty.

S. B. 68 Agriculture

Granting the owner of land acquired where eminent domain is available the option to repurchase the land not used for the project.

S. B. 69 Agriculture

Relating to certain department of agriculture trust funds.

S. B. 70 Agriculture

Relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., January 24, 1977

Convened: 1:08 p.m.

Adjourned: 2:55 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, Oxley, Pavich, Rinas, Schneklath, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: Cusack and O'Halloran.

Report to the committee of one-half of the Task Force appointed by Governor Ray to study the property tax relief issue.

COMMITTEE ON COMMERCE

Scheduled: 3:00 p.m., January 24, 1977

Convened: 3:10 p.m.

Adjourned: 4:50 p.m.

Present: Small, chair; Lonergan, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke, Walter, Welden and West.

Absent: Chiodo.

Assigned bills to subcommittee. Presentations by Maurice Van Nostrand, Commerce Commission; Herb Anderson, Insurance Commission; and Marshall Hunzleman, Securities Division on problem areas in their fields and possible solutions.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 3:00 p.m., January 24, 1977

Convened: 3:05 p.m.

Adjourned: 4:50 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Junker.

Discussed and assigned topics of township trustees and dog licensing to subcommittees. Scheduled review of S.B. 33 and S.B. 34 for January 26, 1977 meeting.

COMMITTEE ON JUDICIARY & LAW ENFORCEMENT

Scheduled: 3:00 p.m., January 24, 1977

Convened: 3:10 p.m.

Adjourned: 3:30 p.m.

Present: Jesse, chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Nielsen, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: Newhard and Higgins.

The committee amended the temporary rules and adopted permanent rules. Assigned bills to subcommittee and assigned standing subcommittees.

On motion by Fitzgerald of Webster, the House adjourned at 3:22 p.m., until 3:30 p.m., Thursday, January 27, 1977.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day -- Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 26, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Coddington, Humboldt, Iowa.

INTRODUCTION OF BILLS

HOUSE JOINT RESOLUTION 6, by Spear, Brandt and Dyrland, a joint resolution proposing an amendment to the Constitution of the State of Iowa allowing the general assembly to restrict by law the privilege of exercising the rights of an elector by one who is a convicted felon or who is mentally incompetent.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE JOINT RESOLUTION 7, by Spear and Dyrland, a joint resolution proposing an amendment to the Constitution of the State of Iowa to lower the age for serving in the house of representatives to eighteen years of age.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 58, by Small, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 59, by Small, a bill for an act relating to health care provider malpractice, and providing methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, arbitration as a method of resolving disputes arising from the delivery of health care services and for the practices and procedures to be used therein, and the entering of judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, and providing correlating and corrective amendments to the Code and providing penalties.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 60, by Monroe, a bill for an act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 61, by Spear, a bill for an act relating to the requirements for a minimum program in grades nine through twelve.

Read and committed under Rule 31.4 to committee on EDUCATION.

HOUSE FILE 62, by Miller of Buchanan, a bill for an act relating to the registration of motor vehicles.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 63, by Doyle and Wells, a bill for an act relating to maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

COMMUNICATIONS

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

IOWA ENERGY POLICY COUNCIL

A series of reports from the Iowa Energy Policy Council, pursuant to Section 93.7, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The "Highway Research and Development in Iowa" report for the period July 1, 1974 through June 30, 1976, submitted in accordance with Section 310.36, Code of Iowa.

OFFICE FOR PLANNING AND PROGRAMMING

Report of the Office for Planning and Programming for fiscal year 1976, as required by Section 7A.3.17, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 71 Ways and Means

To conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive.

S.B. 72 Natural Resources

Relating to lost and destroyed game licenses.

S.B. 73 Transportation

Relating to consent to testing for alcoholic content in one's blood.

S.B. 74 Transportation

Relating to fees for special mobile equipment, registration fees for motor trucks, truck tractors, road tractors, trailers, semitrailers, auxiliary axles and trip permits.

S.B. 75 Transportation

Prohibiting the use of deferred judgments in criminal actions based upon violations of the motor vehicle code.

S.B. 76 State Government

To amend the statutes relating to school district elections by permitting the school board secretary to designate an alternate person to receive nomination papers, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) and two hundred ninety-eight point twenty-two (298.22) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code.

S.B. 77 Natural Resources

Relating to the authority of the Iowa natural resources council.

S.B. 78 Natural Resources

To provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., January 25, 1977

Convened: 8:09 a.m.

Adjourned: 8:57 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Norland, Pellett, Pelton and Perkins.

Absent: Svoboda and Varley.

Stanley McCausland of General Services presented testimony concerning the proposed solar energy project for the capitol complex.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., January 25, 1977

Convened: 8:00 a.m.

Adjourned: 8:10 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Krewson, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Absent: Hargrave and Newhard.

Dispersed into subcommittee meetings.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., January 25, 1977

Convened: 8:03 a.m.

Adjourned: 8:52 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Lageschulte, Pavich, Poncy, Smalley and Thompson.

Absent: Hines, Horn, Small and Wells.

Met with Peter Pashler, Executive Director of Public Employment Relations Board; Vern Cook, Public Employment Relations Board member and Jeff Krausman, Hearing Officer and discussed S.B. 32.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 25, 1977

Convened: 9:04 a.m.

Adjourned: 12:00 noon.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Nielsen, Oxley and Poncy.

Absent: Pelton.

Discussed Educational Television.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 25, 1977

Convened: 9:08 a.m.

Adjourned: 11:50 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Presentations by The Commission of Spanish Speaking People and the Civil Rights Commission.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., January 25, 1977

Convened: 9:10 a.m.

Adjourned: 11:55 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Budget Request presentation by Mr. William H. Greiner, Director of Iowa Department of Soil Conservation.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 25, 1977

Convened: 9:07 a.m.

Adjourned: 12:00 noon.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Newhard.

Presentation and discussion on Work Incentive Program by Bob Lipman, Administrator and Pete Downie of Job Services.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 25, 1977

Convened: 9:05 a.m.

Adjourned: 12:00 noon.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Approved level of funding of \$414,237 to Governor's Budget Request.

Hearings: For Budget Requests: Historical Society, Historical Preservation, Historical Museum and Archives, Historical Board and Regional Library.

Hearing for Library Commission (Law, Medical & State Library) rescheduled for 9:00 — 10:00 a.m., Thursday, January 27, 1977.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., January 25, 1977

Convened: 9:00 a.m.

Adjourned: 11:00 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schneklath, Schroeder and Spencer.

Absent: None.

Don Hinman of the Public Defense Services continued presentation from previous meeting.

Presentation and discussion on standards and goals by Judy Cross and Rick George of the Iowa Crime Commission.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 3:30 p.m., January 25, 1977

Convened: 3:35 p.m.

Adjourned: 4:14 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Absent: Avenson and Varley.

Study Bill 42, a bill for an act relating to the form of fish and game licenses.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: None.

Study Bill 43, a bill for an act to repeal the requirement of a special permit tag to sell furs outside the state.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffie, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: Scheelhaase.

Absent or Not Voting: None.

COMMITTEE ON TRANSPORTATION

Scheduled: 3:30 p.m., January 25, 1977

Convened: 3:30 p.m.

Adjourned: 3:58 p.m.

Present: Krause, chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Egenes, Harbor, Hoffmann, Lageschulte, Lipsky, Oxley, Schnekloth and Woods.

Absent: Dunton, Harper, Hullinger, Monroe and Rinas.

Discussed S.B. 31 and recommended repealing an act passed in the previous session which prohibited construction of elevated bikeway or walkway structures joining or providing elevated access to or egress from private buildings.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day -- Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 27, 1977

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

Prayer was offered by the Honorable Ingwer Hansen, State Representative from O'Brien County.

The Journals of Tuesday, January 25, 1977 and Wednesday, January 26, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lynn Leibel, Council Bluffs, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of Fitzgerald of Webster; Dieleman of Marion on request of Howell of Floyd.

INTRODUCTION OF BILLS

HOUSE FILE 64, by Brandt and O'Halloran, a bill for an act providing for part-time career employment for state employees.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 65, by Higgins, a bill for an act providing for the determinative sentencing of persons who are sentenced to confinement for committing crimes.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 66, by Newhard, a bill for an act to amend the Iowa uniform controlled substances act to permit the board of pharmacy examiners to add to, delete from or alter the classification of the list of controlled substances established by that act.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 67, by Lipsky, Krause and Crawford, a bill for an act relating to bikeways.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 68, by Miller of Buchanan, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 69, by Miller of Buchanan, a bill for an act relating to the valuation of agricultural property for tax purposes.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 70, by Spear, Gilson and Middleswart, a bill for an act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 71, by Millen, a bill for an act relating to the amounts which may be paid by the state toward the cost of the funeral of a person who is receiving or has received or been authorized to receive assistance under certain programs.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE CONCURRENT RESOLUTION 5

By Crabb and Welden

1 *Whereas*, with each passing year this nation becomes
 2 more deeply in debt as its expenditures grossly and
 3 repeatedly exceed available revenues, so that the
 4 public debt now exceeds hundreds of billions of
 5 dollars; and
 6 *Whereas*, the annual federal budget continually
 7 demonstrates an unwillingness or inability of both
 8 the legislative and executive branches of the federal
 9 government to curtail spending to conform to available
 10 revenues; and
 11 *Whereas*, unified budgets do not reflect actual
 12 spending because of the exclusion of special outlays
 13 which are not included in the budget nor subject to
 14 the legal public debt limit; and
 15 *Whereas*, knowledgeable planning, fiscal prudence,
 16 and plain good sense require that the budget reflect
 17 all federal spending and be in balance; and
 18 *Whereas*, fiscal irresponsibility at the federal
 19 level, with the inflation which results from this
 20 policy, is the greatest threat which faces our nation,
 21 and constitutional restraint is necessary to bring
 22 the fiscal discipline needed to restore financial
 23 responsibility; and
 24 *Whereas*, Article V of the Constitution of the
 25 United States provides that amendments to the
 26 constitution may be proposed by the Congress whenever
 27 two-thirds of both houses deem it necessary, and we
 28 believe such action is vital; *Now Therefore*,
 29 *Be It Resolved by the House of Representatives*,
 30 *the Senate Concurring*, That Congress is urged to adopt

Page 2

1 a resolution proposing an amendment to the Constitution
 2 of the United States to require that, in the-absence

3 of a national emergency, the total of all federal
4 appropriations made by the Congress for any fiscal
5 year may not exceed the total of all federal revenues
6 for the previous fiscal year.

7 *Be It Further Resolved*, That the Chief Clerk of
8 the House is directed to send copies of this resolution
9 to the presiding officer of both houses of the
10 legislature of each of the other states in the union,
11 the Clerk of the United States House of
12 Representatives, the Secretary of the United States
13 Senate, and to all members of Congress from the State
14 of Iowa.

Referred to committee on budget.

HOUSE CONCURRENT RESOLUTION 6
By Patchett, Wyckoff, Small, Junker, Horn,
Newhard, Krewson, Hargrave and Svoboda

1 *Whereas*, chapter six hundred one C (601C) provides
2 that a government agency shall first attempt in good
3 faith to make an agreement with the commission for the
4 blind to operate a food service facility without pay—
5 ment of rent before offering or granting to any other
6 party a contract of concession to operate a food
7 service facility; and

8 *Whereas*, a food service agency, other than one oper—
9 ated by the commission for the blind, cannot be estab—
10 lished until it is determined in good faith that the
11 commission for the blind is not willing to or cannot
12 satisfactorily provide such food services; and

13 *Whereas*, it is determined by the General Assembly
14 that the commission for the blind is not satisfactorily
15 providing food service in the state capitol building,

16 *Now Therefore*,

17 *Be It Resolved by the House of Representatives, the*
18 *Senate Concurring*: That the director of the department
19 of general services is directed to negotiate with food
20 service agencies, including the commission for the blind,
21 to provide a food service facility which will be avail—
22 able to public officials, state employees, and members
23 of the general public and which will provide prompt,
24 courteous, and efficient service and provide diverse
25 menus of appetizing items and proper nourishment; and

26 *Be It Further Resolved*, that the director of the
27 department of general services shall execute a contract
28 with the food service agency which in his opinion sub—

- 29 mits the best bid based upon price, service, and quality
30 of food effective with the termination of the contract
31 with the commission of the blind which provides for food
32 service facilities for members of the general assembly.

Laid over under Rule 25.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 79 Natural Resources

Relating to the taking of minnows.

S.B. 80 County Government

Relating to ways condemned by landowners having no access to the property.

S.B. 81 County Government

Relating to the appointment of a full-time county weed commissioner.

S.B. 82 County Government

Relating to littering and providing penalties.

S.B. 83 County Government

Requiring a hunter to have written permission before hunting on the property of a landowner or tenant, and subjecting violators to a penalty.

S.B. 84 Transportation

Relating to vehicular murder.

S.B. 85 Natural Resources

Relating to the control of blackbirds and crows.

S.B. 86 Natural Resources

Relating to permissive fish catches.

S.B. 87 Judiciary and Law Enforcement

Relating to public defenders and assistant public defenders.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 8:00 a.m., January 26, 1977

Convened: 8:07 a.m.

Adjourned: 8:16 a.m.

Present: Small, chair; Lonergan, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Tauke, Walter, Welden and West.

Absent: Krause and Schroeder.

Subcommittees assigned.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., January 26, 1977

Convened: 8:05 a.m.

Adjourned: 8:46 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Byerly and Clark of Lee.

S.B. 34, a bill for an act to provide recreational program activities for residents of county care facilities.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann; Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or Not Voting: Byerly.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 26, 1977

Convened: 9:02 a.m.

Adjourned: 11:58 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Nielsen, Oxley, Pelton and Poncy.

Absent: Egenes.

Discussed Department of Public Instruction.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 26, 1977

Convened: 9:08 a.m.

Adjourned: 10:30 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Discussion of forms, procedures and agencies who have previously appeared.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., January 26, 1977

Convened: 9:10 a.m.

Adjourned: 12:00 noon.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Krause.

Met with Delmar Van Horn, Director; Roy Schlachtenhaufen, Executive Administrator; Dick Ranney, Director of Travel Development; Doug Snyder, Acting Director of the Agriculture Division; and Dick Powell, Director of the Industrial Development Division. Presentation on budget by the Iowa Development Commission.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 26, 1977

Convened: 9:00 a.m.

Adjourned: 12:00 noon.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Newhard.

Presentations by Gene Fitzsimmons on family and children services and Max Smith on child support recovery.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 26, 1977

Convened: 9:05 a.m.

Adjourned: 11:45 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Review of state department budget requests by Brenda Mack; held hearings with Walter Johnson of the Labor Bureau, Chief Justice C. Edwin Moore and William O'Brien, Supreme Court Administrator.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., January 26, 1977

Convened: 9:10 a.m.

Adjourned: 11:45 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Pavich, Schnekloth and Spencer.

Absent: Middleswart.

Discussed Schedule A-2 and funding thereof. Met with John Callaghan, Director of the Law Enforcement Academy, who presented brief summary.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:30 p.m., January 26, 1977

Convened: 1:42 p.m.

Adjourned: 3:21 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: None.

Met with Dennis Nagle, administrative assistant to Governor Ray, who presented the governor's proposal on how to deal with property tax and Mike Cox from the Department of Revenue.

COMMITTEE ON ENERGY

Scheduled: 3:30 p.m., January 26, 1977

Convened: 3:35 p.m.

Adjourned: 4:15 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Perkins, Svoboda and Varley.

Absent: Griffee and Norland.

Unanimously passed a committee resolution supporting the \$200,000 appropriation request by the department of general services for the construction of a solar energy unit for the state capitol complex; viewed an EPC slide show on energy conservation at the state and local level and announced subcommittee assignments.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 3:30 p.m., January 26, 1977

Convened: 3:30 p.m.

Adjourned: 3:45 p.m.

Present: Higgins, chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Absent: Walter and Newhard.

Adjourned to meet in subcommittees.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., January 26, 1977

Convened: 3:32 p.m.

Adjourned: 4:30 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: Gilloon.

Met with Vern Cook, Public Employment Relations Board member and Jeff Krausman, Hearing Examiner. Continued discussion of S.B. 32, assigned a bill to subcommittee and announced standing subcommittee on worker's compensation and unemployment insurance.

On motion by Fitzgerald of Webster, the House adjourned at 3:55 p.m., until 10:00 a.m., Monday, January 31, 1977.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day -- Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 28, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. A. Jongewaard, Sioux Center, Iowa.

REFERRED TO COMMITTEE ON STATE GOVERNMENT
(House Concurrent Resolution 6)

The Speaker announced that House Concurrent Resolution 6 previously laid over under Rule 25 is referred to the committee on state government.

SPONSOR ADDED
(House File 71)

Clark of Lee requested to be added as a sponsor of House File 71.

INTRODUCTION OF BILLS

HOUSE FILE 72, by energy resources study committee, a bill for an act providing an exemption from property taxation for solar and wind energy devices and methane gas production systems.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 73, by Walter, a bill for an act relating to the maximum finance charge permitted in open end consumer credit transactions.

Read and committed under Rule 31.4 to committee on **COMMERCE.**

HOUSE FILE 74, by committee on county government, a bill for an act to provide recreational program activities for residents of county care facilities.

Read and committed under Rule 31.4 **TO THE CALENDAR.**

HOUSE FILE 75, by energy resources study committee, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Read and committed under Rule 31.4 to committee on **ENERGY.**

HOUSE FILE 76, by Brandt, Cusack and Lipsky, a bill for an act relating to disability income insurance coverage for a homemaker.

Read and committed under Rule 31.4 to committee on **COMMERCE.**

HOUSE FILE 77, by Lipsky, a bill for an act relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code.

Read and committed under Rule 31.4 to committee on **JUDICIARY AND LAW ENFORCEMENT.**

HOUSE FILE 78, by Doyle, a bill for an act relating to the distribution of copies of Acts of the general assembly.

Read and committed under Rule 31.4 to committee on **STATE GOVERNMENT.**

HOUSE FILE 79, by Harvey, a bill for an act relating to the

withdrawal of a city from a county library district.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 80, by Stromer, a bill for an act to permit severance of certain land from an established drainage district if it is found that the land receives no material benefit from the district.

Read and committed under Rule 31.4 to committee on AGRICULTURE.

HOUSE FILE 81, by Brandt and O'Halloran, a bill for an act providing a person aggrieved by an unfair insurance practice a remedy.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 82, by energy resources study committee, a bill for an act creating a division of radiation protection within the state department of health, prescribing its powers and duties and providing penalties for violations.

Read and committed under Rule 31.4 to committee on ENERGY.

SUBCOMMITTEE ASSIGNMENTS

House Joint
Resolution 1

State Government
Higgins, chair
Poncy
Crawford

House Joint
Resolution 3

State Government
Dieleman, chair
Avenson
Stromer

House Joint
Resolution 5

State Government
Crawford, chair
Dieleman
Middleswart

House Joint
Resolution 2

State Government
Brandt, chair
Walter
West

House Joint
Resolution 4

State Government
Avenson, chair
Jesse
Hansen

House File 1

Ways and Means
Bina, chair
Junker
Jochum
Rinas
Clark of Lee

House File 2 State Government Harvey, chair Monroe Patchett	House File 13 Ways and Means Miller of Buchanan, chair Davitt Harvey	House File 30 Agriculture Byerly, chair Lageschulte Hinkhouse
House File 3 County Government Brandt, chair Wells Clark of Lee	House File 14 State Government Avenson, chair Monroe Crawford	House File 32 State Government Griffee, chair Junker West
House File 5 State Government Avenson, chair Woods Junker	House File 15 Judiciary and Law Enforcement Doyle, chair Garrison Newhard Clark of Cerro Gordo Lipsky	House File 34 Judiciary and Law Enforcement Nielsen, chair Connors Smalley
House File 7 Ways and Means Miller of Buchanan, chair Davitt Harvey	House File 16 Judiciary and Law Enforcement Doyle, chair Garrison Newhard Clark of Cerro Gordo Lipsky	House File 35 Judiciary and Law Enforcement Dyrland, chair Connors Conlon
House File 10 State Government Poncy, chair Patchett Shimanek	House File 18 County Government Miller of Calhoun, chair Gilloon Pellett	House File 36 Commerce Walter, chair Brunow Chiodo Evans Welden
House File 11 County Government Miller of Calhoun, chair Oxley Hoffmann	House File 22 State Government Patchett, chair Hansen Brandt	House File 37 Commerce Walter, chair Chiodo Evans Jochum Krause West
House File 12 Commerce Small, chair Bina Brockett Evans Krause Tauke Walter Welden	House File 28 Judiciary and Law Enforcement Pelton, chair Patchett Shimanek	House File 38 Judiciary and Law Enforcement Scheelhaase, chair Clark of Cerro Gordo Spencer

House File 39 State Government Dieleman, chair Avenson Stromer	House File 47 State Government Woods, chair Harvey Avenson	House File 55 State Government Tauke, chair Woods Poney
House File 41 County Government Wells, chair Wyckoff Danker	House File 51 State Government Monroe, chair Patchett Walter Crawford Tauke	House File 56 Labor and Industrial Relations Wells, chair Chiodo Crabb
House File 42 Judiciary and Law Enforcement Patchett, chair Pelton Shimanek	House File 52 State Government Jesse, chair Dieleman Hansen	House File 57 State Government Junker, chair Higgins Jesse
House File 45 County Government Spear, chair Gilson Stephens	House File 53 State Government Monroe, chair Patchett Walter Crawford Tauke	

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 47 Ways and Means Pavich, chair O'Halloran Wells Conlon Branstad	S.B. 52 Natural Resources Wyckoff, chair Stephens Shimanek	S.B. 58 County Government Gilloon, chair Gilson Lindeen
S.B. 48 Ways and Means Anderson, chair Gilloon Brandt Svoboda Husak West Schnekloth Clark of Lee Daggett	S.B. 56 County Government Wells, chair Gilloon Danker	S.B. 59 County Government Brandt, chair Spear Hoffmann
	S.B. 57 County Government Baker, chair Hinkhouse Stromer	S.B. 60 Ways and Means Anderson, chair Gilloon Brandt Svoboda Husak West Schnekloth Clark of Lee Daggett

S.B. 61

Natural Resources
Scheelhaase, chair
Chiodo
Shimanek

S.B. 62

County Government
Wyckoff, chair
Oxley
Junker

S.B. 63

Natural Resources
Perkins, chair
Evans
Varley

S.B. 64

Natural Resources
Garrison, chair
Pelton
Spencer

S.B. 65

Agriculture
Howell, chair
Gilson
Binneboese
Crabb
Bennett

S.B. 66

Agriculture
Howell, chair
Gilson
Binneboese
Crabb
Bennett

S.B. 67

Agriculture
Hinkhouse, chair
Pellett
Davitt

S.B. 68

Agriculture
Miller of Calhoun, chair
Lindeen
Byerly

S.B. 69

Agriculture
Husak, chair
Menke
Svoboda

S.B. 70

Agriculture
Krause, chair
Den Herder
Danker

S.B. 72

Natural Resources
Wyckoff, chair
Bennett
Spencer

S.B. 73

Transportation
Lageschulte, chair
Davitt
Clark of Cerro Gordo

S.B. 74

Transportation
Rinas, chair
Harbor
Krause
Brunow
Egenes

S.B. 75

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

S.B. 77

Natural Resources
Perkins, chair
Evans
Varley

S.B. 78

Natural Resources
O'Halloran and
Varley, co-chair
Perkins
Pelton
Avenson

S.B. 79

Natural Resources
Chiodo, chair
Miller of Buchanan
Tofte

S.B. 84

Transportation
Lageschulte, chair
Davitt
Clark of Cerro Gordo

S.B. 85

Natural Resources
Tofte, chair
Miller of Buchanan
Evans

S.B. 86

Natural Resources
Halvorson, chair
Avenson
Jesse

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the date indicated:

Chief Clerk of the House	David L. Wray	\$22,000.00
Research Analyst	Sandra L. Githens	Step 4 to Step 6 on 1/10/77
Chief Indexer	Juanita F. Swackhammer	Step 7 to Step 8 on 2/4/77
Switchboard Operator	Betty C. Lawson	Step 2 to Step 3 on 2/4/77
Postmaster	Ruth L. Spencer	Step 1 to Step 2 on 2/4/77
Swing Clerk	Marilou Monteith	Step 3 to Step 4 on 1/21/77
Indexing Assistant	Wilma F. Zika	Step 1 to Step 2 on 2/18/77
Sergeant-at-Arms	Ed S. McMillin	Step 1 to Step 2 on 2/4/77
House Clerk	Frances I. Andrew	Step 2 to Step 3 on 1/10/77
House Clerk	Mary K. Devin	Step 1 to Step 3 on 1/10/77
House Clerk	Audrey J. Gibson	Grade 13 to Grade 15 on 1/10/77
House Clerk	Joyce J. Green	Step 1 to Step 2 on 1/10/77
House Clerk	Marjorie M. Musser	Grade 13 to Grade 15 on 1/24/77
House Clerk	Julie A. Anderson	Step 1 to Step 2 on 2/18/77
House Clerk	Julie A. Anderson	Step 4 to Step 5 on 2/18/77
House Clerk	Diane M. Avenson	Step 5 to Step 6 on 5/27/77
House Clerk	Carmela M. Brown	Step 6 to Step 7 on 2/4/77
House Clerk	Florence D. Buhr	Step 3 to Step 4 on 3/4/77
House Clerk	Elna Byerly	Step 3 to Step 4 on 5/27/77
House Clerk	Dwan L. Carter	Step 4 to Step 5 on 2/18/77
House Clerk	Roberta M. Chapman	Step 7 to Step 8 on 6/10/77

House Clerk	Marjorie I. Connors	Step 5 to Step 6 on 5/27/77
House Clerk	Grace G. Copley	Step 4 to Step 5 on 5/27/77
House Clerk	Rita K. Courtney	Step 4 to Step 5 on 4/29/77
House Clerk	Carol Crowfoot	Step 4 to Step 5 on 3/18/77
House Clerk	Phyllis J. Den Hartog	Step 2 to Step 3 on 4/15/77
House Clerk	Alyce M. Elmitt	Step 6 to Step 7 on 2/4/77
House Clerk	Mary Jo Eveleth	Step 1 to Step 2 on 2/18/77
House Clerk	Margaret R. Falk	Step 7 to Step 8 on 3/18/77
House Clerk	Karen M. Gilloon	Step 1 to Step 2 on 2/18/77
House Clerk	Michelle J. Gorgas	Step 3 to Step 4 on 2/18/77
House Clerk	Linda J. Handsaker	Step 1 to Step 2 on 2/18/77
House Clerk	Barbara J. Harrison	Step 4 to Step 5 on 2/18/77
House Clerk	Mary Pamela Jochum	Step 3 to Step 4 on 3/4/77
House Clerk	Judy A. Jordan	Step 4 to Step 5 on 5/27/77
House Clerk	Linda Joslin	Step 4 to Step 5 on 6/24/77
House Clerk	Edith C. Kitchell	Step 5 to Step 6 on 2/4/77
House Clerk	Janis P. Landess	Step 3 to Step 4 on 3/4/77
House Clerk	Terry Lee Larson	Step 1 to Step 2 on 2/18/77
House Clerk	Joyce L. Lewis	Step 3 to Step 4 on 2/4/77
House Clerk	Janet D. Lyon	Step 4 to Step 5 on 5/27/77
House Clerk	Sandra Lee Marion	Step 4 to Step 5 on 3/4/77
House Clerk	Betty C. Millen	Step 6 to Step 7 on 3/18/77
House Clerk	Shirley M. Miller	Step 4 to Step 5 on 5/27/77
House Clerk	Marilyn A. Nielsen	Step 6 to Step 7 on 5/27/77

House Clerk	Marilyn K. Osborn	Step 1 to Step 2 on 2/18/77
House Clerk	Velva Owen	Step 3 to Step 4 on 2/18/77
House Clerk	Kathleen Lee Peterson	Step 3 to Step 4 on 2/18/77
House Clerk	Catherine A. Piper	Step 5 to Step 6 on 3/4/77
House Clerk	Virginia A. Rowen	Step 2 to Step 3 on 2/18/77
House Clerk	LaVena M. Rucker	Step 5 to Step 6 on 2/18/77
House Clerk	Beverly A. Samuelson	Step 4 to Step 5 on 5/27/77
House Clerk	Jeanne A. Schmidt	Step 5 to Step 6 on 3/18/77
House Clerk	Harriet J. Stromer	Step 6 to Step 7 on 1/21/77
House Clerk	Jo Ann Thomas	Step 3 to Step 4 on 6/10/77
House Clerk	C. Verniece Thomsen	Step 4 to Step 5 on 2/4/77
House Clerk	Helen L. Wagner	Step 5 to Step 6 on 4/1/77
House Clerk	Bettie J. Wentz	Step 4 to Step 5 on 5/27/77

James D. Wells, Chair
House Administration Committee

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Scheduled: 8:00 a.m., January 27, 1977

Convened: 8:06 a.m.

Adjourned: 8:25 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Byerly, Davitt, Den Herder, Howell, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: Crabb, Danker, Gilson, Harper, Husak and Krause.

Scheduled public hearings and joint agriculture committee meeting, distributed questionnaire on Emergency Feed Program in Minnesota for review by members and assigned subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:30 a.m., January 27, 1977

Convened: 8:30 a.m.

Adjourned: 9:00 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Hansen, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: Griffee, Higgins, Jesse and Patchett.

HOUSE FILE 2, a bill for an act relating to the characteristics required of electronic voting systems.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Crawford, Dieleman, Hansen, Junker, Middleswart, Poncy, Shimanek, Stromer, Walter and West.

Nay: Higgins and Tauke

Absent or Not Voting: Griffee, Jesse and Patchett.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 27, 1977

Convened: 9:10 a.m.

Adjourned: 12:05 p.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Lonergan, Miller of Buchanan, Monroe, Thompson and Tofte.

Absent: Krewson and Spear.

Budget hearings with the Parole Board, the Housing Authority and the Commission on the Status of Women.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., January 27, 1977

Convened: 9:10 a.m.

Adjourned: 11:55 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase and Shimanek.

Absent: Stephens.

Presentation by members of the Iowa Coal Research Project: Dr. Robert Hansen, Director; Dr. Sendlein; Dick Grieve; Dr. Hazen; James B. Gulliford and Michael Crow.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 27, 1977

Convened: 9:00 a.m.

Adjourned: 12:02 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Newhard.

Heard presentations by Jan Hart regarding services supplied by Homemaker Services; Commissioner Kevin Burns regarding Title 19 and Medicaid and Jim Rowan regarding "Comparison of Vendor Expenditures." Voted to appropriate eight million dollars to the Department of Social Services.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 27, 1977

Convened: 9:05 a.m.

Adjourned: 11:50 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett

Hearings with State Librarian and staff, Code Editor, and Attorney General's staff.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:10 a.m., January 27, 1977

Convened: 9:10 a.m.

Adjourned: 11:00 a.m.

Present: Crabb, ranking member; Chiodo, Conlon, Connors, Halvorson, Higgins, Lipsky, Small, Svoboda and West.

Absent: Griffee, chair; and Harper.

Hearings for budget requests by Ed Longnecker regarding IPERS and G. Lawrence Ragan, Executive Secretary, relating to OSHA.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:30 a.m., January 27, 1977

Convened: 9:35 a.m.

Adjourned: 11:10 a.m.

Present: Horn, chair; Menke, ranking member; Baker, Branstad, Brockett, Davitt, Egenes, Oxley, Pelton and Poncy.

Absent: Anderson and Nielsen.

Review of Bonus Board and Commission for the Blind presentations.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:30 p.m., January 27, 1977

Convened: 1:35 p.m.

Adjourned: 1:51 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Avenson, Bennett, Evans, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Chiodo, Garrison, Griffee and Jesse.

Discussed and assigned study bills. Adjourned for subcommittee meetings.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:30 p.m., January 27, 1977

Convened: 1:32 p.m.

Adjourned: 2:07 p.m.

Present: Krause, chair; Schroeder, ranking member; Binneboese, Clark of Cerro Gordo, Davitt, Doyle, Dunton, Egenes, Harbor, Hoffmann, Oxley, Schnekloth and Woods.

Absent: Brunow, Harper, Hullinger, Lageschulte, Lipsky, Monroe and Rinas.

Discussed S.B. 31 but final action deferred.

JOURNAL OF THE HOUSE

Twenty—second Calendar Day -- Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 31, 1977

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

Prayer was offered by the Reverend Albert Neufeld, pastor of the First Congregational Church, Edgewood, Iowa.

The Journals of Thursday, January 27, 1977 and Friday, January 28, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Harry Brom, Creston, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk and Branstad of Winnebago on request of Fitzgerald of Webster.

SPONSOR WITHDRAWN (House File 70)

Gilson of Guthrie requested that he be withdrawn as sponsor of House File 70.

INTRODUCTION OF BILLS

HOUSE FILE 83, by Miller of Buchanan, a bill for an act relating to the interest rate payable on nonstate public funds invested in bank time certificates of deposit.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 84, by Wyckoff, a bill for an act relating to office facilities for county conservation boards.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 85, by Doyle, a bill for an act relating to the number of times a person may change his or her name.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 86, by Doyle, a bill for an act relating to the time of filing mechanic's liens by subcontractors.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 87, by Baker, a bill for an act relating to approval standards for schools.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 88, by Schnekloth and Harvey, a bill for an act relating to attorney fees.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 89, by Husak, a bill for an act to prohibit the construction of a marina on West Okoboji Lake by the state conservation commission.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 90, by Miller of Buchanan, a bill for an act providing for the payment of interest on escrow accounts relating to real property.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 91, by Miller of Buchanan, a bill for an act relating to the definition of an officer of the court.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 92, by Spencer, a bill for an act to require certain elected public officials to provide orientation to their elected successors in office.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 93, by Brandt, Garrison, Wulff, Byerly, Nielsen, Bina and Horn, a bill for an act to extend the merged area tax authority from five to ten years.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 94, by Husak, Middleswart, Wyckoff, Brandt, Crabb, Menke, Krause, Schroeder, Pellett, O'Halloran and Stephens, a bill for an act to provide a moratorium on the issuance of water permits for irrigation purposes.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 95, by Gilloon, Dyrland, Jochum, Tauke, Halvorson, Tofte and Shimanek, a bill for an act appropriating funds for construction of an area vocational school attendance center in Dubuque county.

Read first time and referred to committee on BUDGET.

HOUSE FILE 96, by Middleswart, a bill for an act providing

low interest loans to lower income persons for single family dwelling thermal design improvements and making an appropriation.

Read first time and referred to committee on ENERGY.

HOUSE FILE 97, by energy resources study committee, a bill for an act making an appropriation from the general fund of the state to Iowa state university of science and technology to carry out a coal research project within the state.

Read first time and referred to committee on ENERGY.

HOUSE RESOLUTION 4

By Miller of Buchanan and Wyckoff

- 1 *Whereas*, the Archdiocesan Council of Catholic
- 2 Women of the Archdiocese of Dubuque annually ob-
- 3 serves a "Week of Prayer" for the members of the
- 4 General Assembly; and
- 5 *Whereas*, the Week of Prayer for this year is
- 6 being held from February thirteenth through Febru-
- 7 ary nineteenth; and
- 8 *Whereas*, many special services will be held
- 9 throughout the Archdiocese;
- 10 *Now Therefore*,
- 11 *Be It Resolved by the House of Representatives*,
- 12 That the members of the General Assembly express
- 13 their appreciation for the Week of Prayer and for
- 14 the special mass.

Laid over under Rule 25.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 88 County Government

Relating to the investment of certain funds in the custody of the clerk of the district court.

S.B. 89 County Government

Relating to the temporary transfer of funds from the county

general fund to the county conservation fund.

S.B. 90 State Government

Establishing a legislative oversight bureau.

S.B. 91 Judiciary and Law Enforcement

To clarify jurisdiction and venue provisions in cases of dissolution of marriage.

SPONSOR WITHDRAWN
(House Concurrent Resolution 6)

Junker of Woodbury requested that he be withdrawn as sponsor of House Concurrent Resolution 6.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 8:30 a.m., January 28, 1977

Convened: 8:50 a.m.

Adjourned: 11:48 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: Koogler.

Organizational and informational meeting. Jerry Rankin, director of the Legislative Fiscal Bureau gave a presentation and introduced staff members

who gave reports on each subcommittee.

On motion by Fitzgerald of Webster, the House adjourned at 10:30 a.m., until 3:30 p.m., Thursday, February 3, 1977.

JOURNAL OF THE HOUSE

Twenty—third Calendar Day -- Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 1, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Anderson, Boone, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Pellett of Cass from forty-three Lions of Iowa, including District Governors and Trustees of the Iowa Lions Sight Conservation Foundation strongly supporting programs for the blind of Iowa, particularly the rehabilitation program of the Iowa Commission for the Blind and projects supported by the Iowa Lions Sight Conservation Foundation.

By Danker of Pottawattamie from twenty—three constituents favoring legislation to rescind the Equal Rights Amendment.

INTRODUCTION OF BILLS

HOUSE FILE 98, by adult penal and correctional systems study committee, a bill for an act relating to the length of the workshift for correctional officers at the women's reformatory.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 99, by adult penal and correctional systems

study committee, a bill for an act relating to workmen's compensation for inmates who work in state penal or correctional facilities.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 100, by adult penal and correctional systems study committee, a bill for an act relating to the safeness and suitability of jails.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 101, by adult penal and correctional systems study committee, a bill for an act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 102, by adult penal and correctional systems study committee, a bill for an act to provide a midshift meal to employees of the correctional institutions.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 103, by adult penal and correctional systems study committee, a bill for an act relating to costs of patients at the Iowa security medical facility.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

REREFERRED TO COMMITTEE ON ENERGY
(House File 72)

The Speaker announced that House File 72, previously referred to the committee on ways and means is rereferred to the committee on energy.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 92 Energy.

Relating to cities; authorizing cities engaged in electric power distribution to secure electric power by individual or joint action; authorizing the creation of municipal power agencies; defining their powers and responsibilities; authorizing the issuance of bonds.

S.B. 93 Ways and Means

Relating to the definition of personal property.

S.B. 94 Ways and Means

Relating to the franchise tax, its imposition, the definition of net income, and making the Act retroactive.

S.B. 95 Ways and Means

Relating to the reporting of stock transfers for inheritance tax purposes.

S.B. 96 Ways and Means

Relating to the deduction of debts and property taxes for inheritance tax purposes.

S.B. 97 Budget, Regulatory and Finance

Making appropriations to certain funds for providing assistance to

local governing bodies including the municipal assistance fund and county government assistance fund.

S.B. 98 Budget, Regulatory and Finance

Making an appropriation to the moneys and credits replacement fund.

S.B. 99 Agriculture

To provide for the control of Aujeszky's disease in swine.

S.B. 100 Ways and Means

Relating to the authority of the director of revenue to sell cigarette stamps.

S.B. 101 Ways and Means

Providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

S.B. 102 Ways and Means

Revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders.

S.B. 103 Ways and Means

Relating to the imposition of the inheritance tax on a power of appointment.

S.B. 104 Ways and Means

Relating to the franchise tax, its imposition, and exempting interest income received from United States obligations from the tax and making the Act retroactive.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., January 27, 1977

Convened: 9:06 a.m.

Adjourned: 9:50 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schneklath and Spencer.

Absent: None.

Excused: Schroeder.

Approved Governor's recommendation for \$503,174 in schedule A-6, Law Enforcement Academy budget and announced next week's agenda.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., January 31, 1977

Convened: 8:00 a.m.

Adjourned: 8:06 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard, Schroeder and Tofte.

Absent: None.

Dispersed into subcommittees.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., January 31, 1977

Convened: 1:15 p.m.

Adjourned: 2:50 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: Branstad and Hines.

S.B. 71, a bill for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act and making the Act retroactive.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Clark of Lee, Conlon, Cusack, Davitt, Den Herder, Dieleman, Egenes, Gilloon, Harbor, Horn, Howell, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley and Wells.

Nay: Daggett, Dunton, Harvey, Husak, Wulff and Wyckoff.

Absent or Not Voting: Branstad and Hines.

Also adopted committee rules and distributed committee priority list. Presentation on franchise tax by Elliott Hibbs.

COMMITTEE ON COMMERCE

Scheduled: 3:00 p.m., January 31, 1977

Convened: 3:12 p.m.

Adjourned: 3:55 p.m.

Present: Small, chair; Lonergan, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke, Walter, Welden and West.

Absent: None.

Committee Bill (formerly H.F. 59 as amended), a bill for an act relating to health care provider malpractice, and providing methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, arbitration as a method of resolving disputes arising from the delivery of health care services and for the practices and procedures to be used therein, and the entering of judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, and providing correlating and corrective amendments to the Code and providing penalties.

Recommended DO PASS.

Aye: Small, Lonergan, Brockett, Anderson, Bina, Chiodo, Den Herder, Evans, Halvorson, Jochum, Koogler, Krause, Tauke, Walter, Welden and West.

Nay: Brunow and Dieleman.

Absent or Not Voting: Schroeder.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 3:00 p.m., January 31, 1977

Convened: 3:05 p.m.

Adjourned: 3:15 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Byerly.

Announcements made.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 3:00 p.m., January 31, 1977

Convened: 3:07 p.m.

Adjourned: 3:15 p.m.

Present: Newhard, vice-chair; Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Garrison, Lipsky, Nielsen, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: Jesse, chair; Gentleman and Higgins.

Excused: Branstad and Connors.

Assigned bills to subcommittee and assigned standing subcommittee for criminal code.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day -- Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 2, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIANS FOR THE DAY

Doctors Joe Veverka, Prairie City, Iowa and Dale Grunewald, Des Moines, Iowa.

INTRODUCTION OF BILLS

HOUSE JOINT RESOLUTION 8, by Krause, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the use of motor vehicle fees and fuel taxes.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 104, by Tofte, a bill for an act relating to the real estate transfer tax as it relates to family farm corporations.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 105, by Lipsky, a bill for an act relating to establishing bikeways and walkways and making an appropriation.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 106, by Spencer, Pelton, Hullinger, Scheelhaase, Hansen and Dunton, a bill for an act relating to the construction of a new marina or basin on West Okoboji Lake.

Read and committed under Rule 31.4 to committee on NATURAL RESOURCES.

HOUSE FILE 107, by Pavich, a bill for an act to provide that the mayor shall appoint the clerk of a city civil service commission under certain circumstances.

Read and committed under Rule 31.4 to committee on CITIES.

HOUSE FILE 108, by Pavich and Walter, a bill for an act relating to the exemption for a disabled dependent, under the Iowa income tax.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 109, by Branstad, a bill for an act relating to unlawful labor practices.

Read and committed under Rule 31.4 to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 110, by Schroeder and Danker, a bill for an act relating to the termination of leases of croppers who cultivate twenty-five acres or more.

Read and committed under Rule 31.4 to committee on AGRICULTURE.

HOUSE FILE 111, by Wyckoff, a bill for an act relating to the Iowa commission for the blind.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 112, by Pellett, Spencer, Hansen, Lindeen, Crabb, Wyckoff, Harbor, Koogler, Higgins, Shimanek, Daggett, Stephens, Danker, Menke, Dieleman, Miller of Calhoun, Wells, West, Brockett, Evans, Woods, Chiodo, Baker, Davitt, Griffie, Anderson, Den Herder, Halvorson, Welden, Dunton, Millen, Doyle, Lageschulte, Krause, Hinkhouse, Howell, Bennett, Schnekloth, Middleswart, Branstad, Hullinger, Clark of Cerro Gordo, Stromer, Tofte, Miller of Buchanan and Gilson, a bill for an act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 113, by Branstad, a bill for an act relating to the penalty provided for refusal to employ on the basis of union membership.

Read and committed under Rule 31.4 to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 114, by Branstad, a bill for an act relating to the use of force, violence, or threats to impede any person from engaging in lawful employment or educational pursuit and providing penalties.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 115, by Lipsky, a bill for an act relating to the composition of the general assembly.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 116, by Pavich and Walter, a bill for an act to exempt from the use tax tangible personal property used in interstate transportation and commerce.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 117, by Doyle, a bill for an act providing for separation of unconvicted and convicted prisoners in city and county jails.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 118, by Koogler, a bill for an act relating to the use of federal funds by metropolitan or regional planning commissions.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 119, by Doyle, a bill for an act relating to parking violations which are permitted to be penalized by notice of fine pursuant to city ordinance.

Read and committed under Rule 31.4 to committee on CITIES.

HOUSE FILE 120, by Dyrland, a bill for an act to establish a professional standards board and to prescribe its duties.

Read and committed under Rule 31.4 to committee on EDUCATION.

HOUSE FILE 121, by Spear, Lindeen, Evans and Middleswart, a bill for an act to provide that negotiating sessions in public employment collective bargaining shall be open to the public upon the request of the public employer or the employee organization.

Read and committed under Rule 31.4 to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 122, by adult penal and correctional systems study committee, a bill for an act relating to access to information by the citizens' aide.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 123, by Brandt, a bill for an act changing the manner of appointment and revising the duties of care review committees for health care facilities, imposing upon the commission on aging, area agencies on aging and health care facility administrators duties with respect to care review committees, providing for the removal of committee members, and requiring the submission of inspection findings for certain health care facilities to the county board of supervisors.

Read and committed under Rule 31.4 to committee on HUMAN RESOURCES.

HOUSE FILE 124, by adult penal and correctional systems study committee, a bill for an act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

Read and committed under Rule 31.4 to committee on HUMAN RESOURCES.

COMMUNICATION FROM THE CHIEF JUSTICE OF THE SUPREME COURT

There is on file in the office of the Chief Clerk reports filed on January 28, 1977 by the Honorable C. Edwin Moore, Chief Justice of the Supreme Court of Iowa, in the matter of Rules of Civil Procedure and Rules of Appellate Procedure, pursuant to Sections 684.18 and 684.19, Code of Iowa.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 31, 1977, adopted the following concurrent resolution in

which the concurrence of the House is asked:

Senate Concurrent Resolution 7, providing for recess in excess of three days.

Also: That the Senate has on January 31, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 32, a bill for an act to conform the provisions of the individual and corporate income tax and other taxes and making the Act retroactive.

STEVEN C. CROSS
Secretary

SUBCOMMITTEE OF COMMITTEE ON
JUDICIARY AND LAW ENFORCEMENT

Jesse of Polk, chair of the committee on judiciary and law enforcement, announced the following subcommittee assignment:

CRIMINAL CODE

Norman G. Jesse,
Chair

Scott D. Newhard
Julia B. Gentleman

Terry E. Branstad
Carl V. Nielsen

SUBCOMMITTEE OF COMMITTEE ON STATE GOVERNMENT

Monroe of Des Moines, chair of the committee on state government, announced the following subcommittee assignment:

OBSOLEScent AND/OR NON-FUNCTIONING STATE BOARDS,
COMMISSIONS, AGENCIES AND CODE SECTIONS

W.R. (Bill) Monroe,
chair

Donald D. Avenson
Reid W. Crawford

William B. Griffee
LaVern R. Harvey

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 105 Judiciary and Law Enforcement

Providing that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

S.B. 106 Energy

To regulate the sale and use of certain beverage containers and providing penalties.

S.B. 107 Human Resources

Relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

S.B. 108 Human Resources

To require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities adopt uniform accounting procedures and submit annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations.

S.B. 109 Budget Subcommittee on Social Services

Making a supplemental appropriation to the department of social services for medical assistance.

S.B. 110 Natural Resources

Relating to the registration certificates of vessels.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., February 1, 1977

Convened: 8:07 a.m.

Adjourned: 9:00 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Weldén, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Perkins and Varley.

Absent: Griffee, Norland and Svoboda.

State energy conservation officers presented information on energy management programs at the state government level; officials of the Iowa State coal research project reported on the project's achievement and proposals for the future; assignment of bills to subcommittee.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., February 1, 1977

Convened: 8:02 a.m.

Adjourned: 8:07 a.m.

Present: Connors, chair; Brockett, Crabb, Gilloon, Halvorson, Horn, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: Jochum, Egenes, Branstad, Chiodo, Hines and Lageschulte.

Met for regular scheduled meeting then broke into subcommittees for work.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 1, 1977

Convened: 9:03 a.m.

Adjourned: 11:45 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Oxley, Pelton and Poncy.

Absent: Nielsen.

Discussed Area Schools Budget (except capitals).

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 1, 1977

Convened: 9:05 a.m.

Adjourned: 11:10 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Loneragan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Hearing with the Iowa Mental Health Authority.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 1, 1977

Convened: 9:10 a.m.

Adjourned: 11:40 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Shimanek and Stephens.

Absent: Scheelhaase (excused-arrived 10:55 a.m.)

Budget request presentation by Larry E. Crane, Director of Department of Environmental Quality.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 1, 1977

Convened: 9:00 a.m.

Adjourned: 12:00 noon.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave; Hines, Lindeen, Miller of Calhoun and Newhard.

Absent: None.

Presentations by Harold Poore, Assistance to Day Care Centers; Russell Saunders, Governor's Youth Opportunity Program; Marvin Sammon, Subsidized Adoption and Bernita Jacobson, Foster Care.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 1, 1977

Convened: 9:05 a.m.

Adjourned: 12:00 noon.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Distributed material regarding General Services Priority Program and Senate bill appropriating funds to the Department of General Services for a demonstration solar energy unit. Presentation by Stan McCausland, General Services Director, regarding budget request. Due to limited time, hearing was rescheduled for 9:00 a.m., Thursday, February 3, 1977.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 1, 1977

Convened: 9:10 a.m.

Adjourned: 11:45 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Hinkhouse, Hoffmann, Middleswart, Pavich, Schneklath, Schroeder and Spencer.

Absent: Brant (arrived 9:20) and Clark of Lee (arrived 9:20).

Presentation by Victor Preisser, Director of the Department of Transportation, and introduction of Dick Johnson, Administration Division, and Barbara Dunn, Commissioner. Roll call at 10:30; all members present.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:10 a.m., February 1, 1977

Convened: 9:10 a.m.

Adjourned: 12:00 noon.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Connors, Halvorson, Harper, Higgins, Lipsky, Small, Svoboda and West.

Absent: None.

Budget presentations by Marvin Selden, State Comptroller, and Dale Nelson, Data Processing Division. S.B. 98 and S.B. 97 were distributed for study and discussion next week.

COMMITTEE ON ETHICS

Scheduled: 1:00 p.m., February 1, 1977

Convened: 1:00 p.m.

Adjourned: 1:30 p.m.

Present: Harper, chair; Dyrland, vice-chair; Carlson, Gentleman, Howell and Welden.

Absent: Conley.

Organizational Meeting.

COMMITTEE ON AGRICULTURE

Scheduled: 1:30 p.m., February 1, 1977

Convened: 1:35 p.m.

Adjourned: 2:00 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Howell, Husak, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: Krause.

Excused: Harper.

Subcommittee assigned. Discussed S.B. 99. Adjourned to work on study bills.

COMMITTEE ON CITIES

Scheduled: 1:30 p.m., February 1, 1977

Convened: 1:36 p.m.

Adjourned: 2:16 p.m.

Present: Bina, chair; Hines, vice-chair; Clark, ranking member; Connors, Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Krewson, Pavich, Perkins, Rinas, Schneklath, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Newhard and Nielsen.

Elliott Hibbs, Deputy Director and Richard Jacobs, Research and Statistics Director of the Revenue Department discussed local option taxes. Assigned subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:30 p.m., February 1, 1977

Convened: 1:30 p.m.

Adjourned: 1:50 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffiee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: Higgins.

Assigned bills to subcommittees.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 3:30 p.m., February 1, 1977

Convened: 3:36 p.m.

Adjourned: 5:05 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Avenson, Bennett, Chiodo, Evans, Garrison, Griffiee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: None.

S.B. 64: A bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Evans, Garrison, Griffiee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Stephens, Tofte, Varley and Welden.

Nay: Chiodo, Shimanek and Wyckoff.

Absent or Not Voting: None.

Tabled S.B. 85. Approved S.B. 45,72,79 to be incorporated into omnibus bill relating to Chapter 109 and 110 of the Code. Suspended rules to take up House File 94 -- will be continued next meeting.

COMMITTEE ON TRANSPORTATION

Scheduled: 3:30 p.m., February 1, 1977

Convened: 3:30 p.m.

Adjourned: 4:01 p.m.

Present: Krause, chair; Harper, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Egenes, Harbor, Hoffmann, Lageschulte, Lipsky, Oxley, Rinas, Schnekloth and Woods.

Absent: Hullinger and Monroe.

Excused: Dunton.

S.B. 31, a bill for an act relating to certain bikeway and walkway construction projects.

Recommended DO PASS.

Aye: Krause, Harper, Schroeder, Brunow, Clark of Cerro Gordo, Egenes, Harbor, Hoffmann, Lageschulte, Lipsky, Monroe and Rinas.

Nay: Binneboese, Davitt, Oxley, Schnekloth and Woods.

Absent or Not Voting: Doyle, Dunton and Hullinger.

AMENDMENT FILED

H-3030

HJR-4

Krause of Palo Alto

JOURNAL OF THE HOUSE

Twenty—fifth Calendar Day -- Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 3, 1977

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

Prayer was offered by the Honorable Mary O'Halloran, State Representative from Black Hawk County.

The Journals of Monday, January 31 ;Tuesday, February 1 and Wednesday, February 2, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Branstad of Winnebago from twenty—eight residents of Kossuth County opposing House Concurrent Resolution 6, relating to food service by the blind within the State House, as unwarranted criticism of efforts of the blind to be of service to society.

INTRODUCTION OF BILLS

HOUSE FILE 125, by committee on education, a bill for an act relating to requirements for completion of driver's education courses.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 126, by committee on ways and means, a bill for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976

federal tax reform act, providing penalties, and making the Act retroactive.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 127, by committee on natural resources, a bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 128, by committee on budget, a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

Read first time and PLACED ON THE CALENDAR .

HOUSE CONCURRENT RESOLUTION 7

By House Administration Committee

- 1 *Whereas*, certain positions within the Chief Clerk's
- 2 Office have been reorganized; and
- 3 *Whereas*, such reorganization necessarily involves the
- 4 reassignment of duties and responsibilities; and
- 5 *Whereas*, the duties and responsibilities of supervising
- 6 the page program and additional duties in the well would
- 7 more appropriately and efficiently be consolidated with the
- 8 duties and responsibilities of the Recording and Amendment
- 9 Clerk; and
- 10 *Whereas*, the result of that consolidation of duties and
- 11 responsibilities requires the establishment of a new posi-
- 12 tion; *Now Therefore*,
- 13 *Be It Resolved by the House of Representatives, the*
- 14 *Senate Concurring*, That a new position, Recording Clerk/
- 15 Supervisor of Pages, be established and that the position
- 16 be paid at grade 20; and
- 17 *Be It Further Resolved*, That in all respects the position
- 18 grade, step, and benefits conform with those provided for
- 19 employees in S.C.R. 4, as adopted.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 8
By Committee on Human Resources

1 *Whereas*, a joint interim subcommittee of the senate
2 and house committees on human resources has during the
3 1976 legislative interim considered the administrative
4 structure of agencies delivering mental health services
5 in Iowa; and

6 *Whereas*, the subcommittee in November, 1976 received
7 a staff report indicating that greater coordination
8 among agencies providing mental health services in Iowa
9 is desirable; and

10 *Whereas*, the subcommittee subsequently received from
11 the department of social services, the Iowa mental
12 health authority and the community mental health cen-
13 ters association of Iowa a proposal that planning for
14 continued development of an integrated mental health
15 delivery system be conducted by a consortium including
16 but not limited to these three agencies and the health
17 facilities division of the department of health; and

18 *Whereas*, such planning is desirable but should be
19 accompanied by concurrent research and planning efforts
20 by knowledgeable persons directly responsible to the
21 General Assembly and not affiliated with any of the
22 potentially affected agencies in the state of Iowa; and

23 *Whereas*, the governor has announced his intention to
24 appoint a task force including representatives of state
25 and local agencies responsible for delivering mental
26 health services in this state and also including interested
27 consumer members, and this task force should be informed
28 of and be given an opportunity for appropriate participa-
29 tion in research and planning relative to administration
30 and delivery of mental health services in Iowa; *Now*

Page 2

1 *Therefore,*

2 *Be It Resolved by the House of Representatives, the*
3 *Senate Concurring, That* a bipartisan joint select committee
4 composed of an equal number of members of the house and
5 senate, at least one member from each house who shall be
6 a member of the respective human resources standing committees,
7 be appointed by the speaker of the house and the majority
8 floor leader of the senate, respectively. The joint select
9 committee is authorized to expend the sum of seventy-five
10 thousand (75,000) dollars, or so much thereof as is necessary,
11 from funds appropriated pursuant to section two point twelve
12 (2.12) of the Code for the purpose of employing qualified
13 persons or a qualified business firm to conduct a study of

14 mental health. While the first session of the sixty—
15 seventh general assembly is in session the joint select
16 committee shall act as the policy-making body in regard to
17 the manner in which the study shall be conducted and coordi—
18 nate the efforts of the persons or firm selected to carry
19 out the study; and

20 *Be It Further Resolved*, That following the adjournment of
21 the first session of the sixty-seventh general assembly the
22 house and senate committees on human resources shall succeed
23 to and assume the responsibilities of the joint select
24 committee in regard to the study of mental health and may
25 appoint a joint subcommittee for such purposes; and

26 *Be It Further Resolved*, That if the governor appoints a
27 mental health task force, such task force shall review,
28 comment upon, and may recommend changes in the research design,
29 work, plan, findings, and tentative conclusions of the persons
30 or firm employed to carry out the study; and

Page 3

1 *Be It Further Resolved*, That members of the joint select
2 committee shall be eligible to be appointed as nonvoting members
3 to the governor's task force, and if not appointed may attend
4 meetings of the task force in order to answer questions, pro—
5 vide information, and aid the task force in judging the
6 results of the study; and

7 *Be It Further Resolved*, That the report of the persons or
8 firm employed to carry out the study shall be delivered to
9 either the joint select committee or the chairpersons of
10 the committees on human resources at a time to be agreed upon
11 but not later than March 1, 1978.

Referred to committee on BUDGET.

SENATE MESSAGES CONSIDERED

SENATE FILE 32, a bill for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 7
By Committee on Rules and Administration

- 1 *Be It Resolved by the Senate, the House Concurring,*
- 2 *that when adjournment is had on Thursday, April 7, 1977,*
- 3 *it shall reconvene on Monday, April 11, 1977 at 12:00*
- 4 *noon.*

Referred to committee on RULES.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Halvorson of Clayton offered the following House Memorial Resolution 1 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 1

Whereas, The Honorable John C. Mendenhall of Allamakee County, who was a member of the Sixty-third, Sixty-fourth and Sixty-fifth sessions of the General Assembly, passed away on October 18, 1976; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Halvorson of Clayton, Tofte of Winneshiek and Dyrland of Clayton.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 111 Natural Resources

Relating to the setting of seasons for game birds and animals.

S.B. 112 Natural Resources

To require the certification of operators of sanitary disposal projects and providing penalties for violations.

S.B. 113 County Government

To provide for the establishment of a county health fund and to authorize a tax levy.

S.B. 114 Education

To require the establishment of a school health program.

S.B. 115 Budget

To change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 8:00 a.m., February 2, 1977

Convened: 8:10 a.m.

Adjourned: 8:13 a.m.

Present: Small, chair; Lonergan, vice-chair; Anderson, Bina, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Schroeder, Tauke, Walter, Welden and West.

Absent: Brockett, ranking member; Brunow and Krause.

Dispersed into subcommittees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., February 2, 1977

Convened: 8:05 a.m.

Adjourned: 8:41 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Byerly, Gilson, Harvey, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Baker, Brandt (arrived 8:07), Clark of Lee, Gilloon (arrived 8:24), and Junker (arrived 8:24).

S.B. 38, a bill for an act to increase the interest penalty and interest on the amount to be paid to redeem real estate property sold at a tax sale.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Miller of Calhoun, Pellett, Stephens, Stromer and Wells.

Nay: Byerly, Lindeen, Oxley and Wyckoff.

Absent or Not Voting: Baker and Clark of Lee.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 8:00 a.m., February 2, 1977

Convened: 8:06 a.m.

Adjourned: 8:15 a.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Absent: Garrison, Higgins, Nielsen, Patchett and Spencer.

House File 15, a bill for an act to change the term of one of the two new board of parole members provided for in the criminal code revision.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen, Patchett and Spencer.

House File 77, a bill for an act relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen, Patchett and Spencer.

COMMITTEE ON BUDGET

Scheduled: 9:00 a.m., February 2, 1977

Convened: 9:09 a.m.

Adjourned: 9:58 a.m.

Present: Cusack, chair; Dunton, vice—chair; Den Herder, ranking member; Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: None.

S.B. 109, a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: None.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 2, 1977

Convened: 9:05 a.m.

Adjourned: 11:58 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Oxley, Pelton and Poncy.

Absent: Nielsen.

Board of Regents presentation.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 2, 1977

Convened: 9:08 a.m.

Adjourned: 11:45 a.m.

Present: Husak, chair; Bennett, ranking member; Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Excused: Crawford.

Hearing with the Department of Health.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 2, 1977

Convened: 9:08 a.m.

Adjourned: 12:08 p.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Budget presentation by the Conservation Commission.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 2, 1977

Convened: 9:05 a.m.

Adjourned: 11:50 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Newhard.

Bernita Jacobson returned to finish presentation on Foster Care. Committee recommended \$20,000.00, eye treatment and \$275,000.00, supplement, for aid to the blind.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 2, 1977

Convened: 9:10 a.m.

Adjourned: 12:00 noon.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Budget request presentations by Fran Van Winkle, Merit Deputy Director; Serge H. Garrison, Legislative Service Bureau; Jerry Rankin, Legislative Fiscal Bureau and Stan McCausland, General Services.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 2, 1977

Convened: 9:15 a.m.

Adjourned: 11:55 a.m.

Present: Rinas, chair; Tauke, ranking member; Brandt, Binneboese, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Spencer.

Absent: Clark of Lee

Excused: Schroeder

Presentation by Victor Preisser, Director, on capital requests and summary of Great River Road project. Summary of Transit Division budget by Director Fritz and Rail Division by Director Holland. Formally requested from the State Comptroller's office a report from the Governor outlining allocation of approximately \$50,000,000.00 additional funds if appropriated.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:10 a.m., February 2, 1977

Convened: 9:10 a.m.

Adjourned: 12:00 noon.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Connors, Halvorson, Harper, Higgins, Lipsky, Small, Svoboda and West.

Absent: None.

Budget hearings on Iowa Beer and Liquor Control Commission presented by Rolland Gallagher.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:30 p.m., February 2, 1977

Convened: 1:40 p.m.

Adjourned: 1:48 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: None.

Study bills assigned to subcommittees. Dispersed into subcommittee meetings.

COMMITTEE ON ENERGY

Scheduled: 3:30 p.m., February 2, 1977

Convened: 3:35 p.m.

Adjourned: 4:10 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Norland, Pellett, Pelton, Perkins, Svoboda and Varley.

Absent: None.

Assignment of bills to subcommittee; progress reports of subcommittees; discussion of energy conservation in state buildings.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 3:30 p.m., February 2, 1977

Convened: 3:35 p.m.

Adjourned: 5:10 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard, Schroeder and Tofte.

Absent: None.

Mental Health Concurrent Resolution to provide for a bipartisan joint select committee passed 19-1. Dispersed into subcommittees.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., February 2, 1977

Convened: 3:32 p.m.

Adjourned: 3:36 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Horn, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Hines, Lageschulte and Small.

Dispersed into subcommittee meetings to discuss S.B. 32 and Unemployment Insurance.

On motion by Fitzgerald of Webster, the House adjourned at 4:13 p.m., until 10:00 a.m., Monday, February 7, 1977.

JOURNAL OF THE HOUSE

Twenty—sixth Calendar Day -- Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 4, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Merlin Broers, Schleswig, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Krause of Palo Alto from twenty—eight constituents opposing House Concurrent Resolution 6, relating to the food service by the blind within the State House.

INTRODUCTION OF BILLS

HOUSE FILE 129, by Menke, a bill for an act relating to proof of motor vehicle financial responsibility.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 130, by Branstad, a bill for an act permitting drainage district boards to have repairs costing ten thousand dollars or less performed without obtaining an engineer's report.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 131, by Hansen, Avenson, Koogler, Scheelhaase, Perkins, Baker, Husak, Menke and Wyckoff, a bill for an act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 132, by Branstad, Harvey, Schnekloth, Perkins, Millen, Wyckoff, Crabb, West, Woods, Hansen, Menke, Lageschulte, Conlon, Hoffmann, Hullinger, Halvorson, Thompson and Daggett, a bill for an act relating to payment of legislative expenses during a recess or adjournment authorized by a resolution.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 133, by Doyle, a bill for an act relating to the payment of those costs which are assessed against cities in criminal actions to which they are party.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 134, by Brandt, a bill for an act relating to certain liens held by counties under section two hundred thirty point twenty-five (230.25), subsection two (2), of the Code.

Read and committed under Rule 31.4 to committee on HUMAN RESOURCES.

HOUSE FILE 135, by Lipsky, a bill for an act relating to the adoption of county charters.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 136, by Spear, a bill for an act relating to sick leave and personal leave for state employees.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE CONCURRENT RESOLUTION 9

By Halvorson, Bennett, Evans,
Pelton, Shimanek, Tofte
and Varley

- 1 *Whereas*, the general assembly finds that the demands for
2 surface and ground water are increasing rapidly, and
3 *Whereas*, the natural resources council has received an
4 unprecedented number of applications for irrigation permits,
5 and
6 *Whereas*, there is a lack of information available to
7 determine how much ground water may be used without damaging
8 other water users, and
9 *Whereas*, the Iowa Code does not provide adequate guidelines
10 concerning priority uses of water, potential conflicts between
11 water users, and water rights, and
12 *Whereas*, we must assure future generations of Iowans an
13 adequate water supply, *Now Therefore*,
14 *Be It Resolved by the House of Representatives, the Senate*
15 *Concurring*, that the legislative council is requested to create
16 a study committee which shall be composed of members of the House
17 of Representatives and members of the Senate representing both
18 political parties and which committee shall study water rights
19 and report to the Sixty—seventh General Assembly, 1978 Session;
20 and
21 *Be It Further Resolved*, that the general assembly urge the
22 natural resources council to establish a moratorium until a
23 state water plan is adopted on the issuance of irrigation
24 permits in areas where there is a question of long—term
25 detrimental effects of such irrigation on other water users.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 10

By Spencer and Hansen

- 1 *Whereas*, Acts of the Sixty—sixth General Assembly,
2 1976 Session, chapter one thousand two hundred five
3 (1205), section five (5), authorizes the Sixty—seventh
4 General Assembly to disapprove by resolution the plans
5 of the Iowa state conservation commission to construct

- 6 a marina or basin providing moorings for boats at
 7 Gull Point state park or any other point on or adjacent
 8 to West Okoboji Lake; and
 9 *Whereas, the Sixty-seventh General Assembly has*
 10 *determined that the last proposed recommendations*
 11 *of the commission for the location and description*
 12 *of such public boat docking facilities are*
 13 *inappropriate for the area; Now Therefore,*
 14 *Be It Resolved by the House of Representatives,*
 15 *the Senate Concurring, That the plans of the Iowa*
 16 *state conservation commission for a basin providing*
 17 *moorings for boats at West Okoboji Lake are*
 18 *disapproved.*

Laid over under Rule 25.

HOUSE RESOLUTION 5

By Schroeder

- 1 *Be It Resolved by the House of Representatives, that the*
 2 *House of Representatives disapproves the following grades and*
 3 *steps assigned the named individuals by the House Administra-*
 4 *tion Committee under the authority of Senate Concurrent Resolu-*
 5 *tion 4 and sets the grades and steps as follows:*
 6 Leader's Administrative Catherine A. Sears from grade 26, step
 7 Assistant 2, to grade 24, step 3.
 8 Leader's Administrative Maryjo F. Welch from grade 26, step 7,
 9 Assistant to grade 24, step 6.
 10 Leader's Administrative Robert F. Davies from grade 30, step
 11 Assistant 4, to grade 29, step 4.
 12 Research Analyst Lynn M. Johnson from grade 23, step 2,
 13 to grade 22, step 2.
 14 Research Analyst Linda J. King from grade 23, step 3,
 15 to grade 22, step 3.
 16 Research Analyst William C. Maloney from grade 23, step
 17 3, to grade 22, step 2.
 18 Research Analyst Kristine A. Bowser, from grade 23, step
 19 1, to grade 22, step 1.
 20 Research Analyst Mark W. Brandsgard from grade 23, step
 21 1, to grade 22, step 1.
 22 Research Analyst N. Kay Markell from grade 23, step 5,
 23 to grade 24, step 4.
 24 Research Analyst Mary F. Wegner from grade 23, step 1,
 25 to grade 22, step 1.
 26 Research Analyst Michael L. Triggs from grade 23, step
 27 1, to grade 22, step 1.

28	Research Analyst	Sandra L. Githens from grade 25, step 6, to grade 22, step 6.
29		
30	Research Analyst	Pamela J. Johnson from grade 23, step 1, to grade 22, step 1.
31		
32	Public Information	Sharon R. Robinson from grade 28, step 5, to grade 25, step 5.
33	Office Director	
34	Clerk to Public Informa—	Linda W. Elliott from grade 18, step 4, to grade 17, step 4.
35	tion Office Director	

Referred to Administration Committee.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 116 Natural Resources

Relating to the registration of vessels.

S.B. 117 Ways and Means

To provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels.

AMENDMENTS FILED

H-3031	HJR-2	Spear of Lee
H-3032	HCR-7	Schroeder of Pottawattamie
H-3033	S.F. 32	Norland of Worth
H-3034	S.F. 32	Baker of Buena Vista Perkins of Greene
H-3035	S.F. 32	Norland of Worth

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Scheduled: 8:00 a.m., February 3, 1977

Convened: 8:07 a.m.

Adjourned: 8:20 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Absent: Byerly, Krause and Svoboda.

Assigned bill to subcommittee. Adjourned to work on study bills.

COMMITTEE ON CITIES

Scheduled: 8:00 a.m., February 3, 1977

Convened: 8:04 a.m.

Adjourned: 8:11 a.m.

Present: Bina, chair; Hines, vice-chair; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Nielsen, Pavich, Perkins, Rinas, Schnekloth, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Clark of Lee (arrived at 8:12 a.m.), Hargrave and Newhard.

Dispersed into subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:30 a.m., February 3, 1977

Convened: 8:30 a.m.

Adjourned: 8:50 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Middleswart, Poncey, Shimanek, Stromer, Tauke, Walter and West.

Absent: Avenson, Higgins and Patchett.

S.B. 76, a bill for an act to amend the statutes relating to school district elections by permitting the school board secretary to designate an alternate person to receive nomination papers, by reenacting previous amendments to

sections two hundred seventy-nine point three (279.3) and two hundred ninety-eight point twenty-two (298.22) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Griffie, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Nay: None.

Absent or Not Voting: Avenson, Higgins and Patchett.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 3, 1977

Convened: 9:03 a.m.

Adjourned: 12:08 p.m.

Present: Horn, chair; Menke, ranking member; Anderson, Branstad, Brockett, Davitt, Nielsen, Oxley, Pelton and Poncy.

Absent: Baker (arrived 9:10) and Egenes (arrived 11:15).

Continuation of Board of Regents' presentation.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 3, 1977

Convened: 9:10 a.m.

Adjourned: 11:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Hearing with the Department of Health.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 3, 1977

Convened: 9:13 a.m.

Adjourned: 11:40 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Excused: Krause.

Budget request presentations: Iowa Natural Resources Council, Herbert Hoover Presidential Library Association and review of the Agriculture Marketing Trust.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 3, 1977

Convened: 9:05 a.m.

Adjourned: 11:50 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Newhard.

S.B. 115, a bill for an Act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

Recommended DO PASS.

Aye: Brunow, Hansen, Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Nay: None.

Absent or Not Voting: Newhard.

Committee recommended: \$3.8 million—Supplement to SSI, \$420,000—Homemaker Services, \$750,000—Governor's Youth Program, \$420,000—Work Incentive Program, \$500,000—Assistance to Child Care, \$240,000—Subsidized Adoption and \$283,000— Child Support Recovery.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 3, 1977

Convened: 9:10 a.m.

Adjourned: 11:40 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Conclusion of General Services presentation on budget request by Stan McCausland. Funded \$4,500 to Academy of Science, \$261,247 to Legislative Fiscal Bureau, \$559,993 to Legislative Service Bureau and \$15,000 for code updating. Approved motion for Merit study of position of Executive Secretary to Executive Council. Discussed Council of State Governments; staff to report back on study.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 3, 1977

Convened: 9:15 a.m.

Adjourned: 12:00 noon.

Present: Rinas, chair; Tauke, ranking member; Brandt, Binneboese, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schneklath, Schroeder and Spencer.

Absent: None.

Presentations by Victor Preisser, Director of Department of Transportation, Jim Lightsey, Aeronautics Division and Dick Johnson, Administration.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:10 a.m., February 3, 1977

Convened: 9:10 a.m.

Adjourned: 10:45 a.m.

Present: Griffee, chair; Crabb, ranking member; Conlon, Connors, Halvorson, Harper, Higgins, Lipsky and West.

Absent: Chiodo, Small and Svoboda.

Department of Revenue budget hearings presented by Mr. Bair.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:30 p.m., February 3, 1977

Convened: 1:35 p.m.

Adjourned: 3:04 p.m.

Present: Middleswart, chair; Halvorson, ranking member; Avenson, Chiodo, Evans, Garrison, Griffee, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Shimanek, Tofte, Varley, Welden and Wyckoff.

Absent: Spencer, vice-chair (arrived 1:39 p.m.), O'Halloran (arrived 1:39 p.m.) and Jesse.

Excused: Bennett and Stephens.

Approved S.B. 46 to be incorporated into omnibus bill relating to Chapter 109 and 110 of the Code. Continued discussion of H.F. 94. Met with Louis F. Gieseke of Iowa Natural Resources Council.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:30 p.m., February 3, 1977

Convened: 1:35 p.m.

Adjourned: 1:48 p.m.

Present: Krause, chair; Harper, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Dunton, Egenes, Harbor, Lageschulte, Lipsky, Monroe, Oxley, Rinas, Schnekloth and Woods.

Absent: Hullinger.

Excused: Hoffmann (arrived 1:40 p.m.).

Subcommittee chairs gave reports. Adjourned to subcommittee meetings.

SUBCOMMITTEE ASSIGNMENTS

- | | | |
|--|--|---|
| House Joint Resolution 6
State Government
Woods, chair
Dieleman
Stromer | House File 44
Cities
Connors, chair
Pavich
Tofte | House File 66
Judiciary and Law
Enforcement
Scheelhaase, chair
Clark of Cerro Gordo
Woods |
| House Joint Resolution 7
State Government
Walter, chair
Tauke
Jesse | House File 54
Cities
Rinas, chair
Smalley
Hargrave | House File 70
Judiciary and Law
Enforcement
Patchett, chair
Pelton
Shimanek |
| House File 9
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff | House File 60
Judiciary and Law
Enforcement
Scheelhaase, chair
Clark of Cerro Gordo
Woods | House File 72
Energy
Howell and
Pellett, co-chair
Svoboda
Evans
Pelton |
| House File 17
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff | House File 61
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff | House File 73
Commerce
Walter, chair
Chiodo
Evans
Jochum
Krause
West |
| House File 23
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff | House File 64
State Government
Poncy, chair
Brandt
Crawford | House File 75
Energy
Hullinger and
Varley, co-chair
Norland
Hinkhouse
Howell
Pellett |
| | House File 65
Judiciary and Law
Enforcement
Doyle, chair
Garrison
Newhard
Clark of Cerro Gordo
Lipsky | House File 77
Judiciary and Law
Enforcement
Doyle, chair
Smalley
Pelton |

- House File 78
State Government
Brandt, chair
Monroe
Harvey
- House File 81
Commerce
Lonergan, chair
Tauke
Dieleman
- House File 82
Energy
Doyle, chair
Hullinger
Lindeen
Binneboese
Danker
- House File 83
Commerce
Walter, chair
Chiodo
Evans
Jochum
Krause
West
- House File 85
Judiciary and Law
Enforcement
Gentleman, chair
Spencer
Dyrland
- House File 86
Judiciary and Law
Enforcement
Conlon, chair
Nielsen
Smalley
- House File 87
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poney
Crawford
Daggett
Stromer
Wulff
- House File 88
Judiciary and Law
Enforcement
Nielsen, chair
Patchett
Clark of Cerro Gordo
- House File 89
Natural Resources
Welden, chair
Spencer
Wyckoff
- House File 90
Commerce
Walter, chair
Chiodo
Evans
Jochum
Krause
West
- House File 91
Judiciary and Law
Enforcement
Patchett, chair
Pelton
Shimaneck
- House File 92
State Government
Middleswart, chair
Hansen
Woods
- House File 94
Natural Resources
Middleswart, chair
Welden
Scheelhaase
- House File 96
Energy
Middleswart and
Welden, co-chair
Pelton
Perkins
Binneboese
- House File 97
Energy
Perkins and
Welden, co-chair
Griffee
Middleswart
Danker
- House File 98
Judiciary and Law
Enforcement
Doyle, chair
Newhard
Garrison
Clark of Cerro Gordo
Lipsky
- House File 99
Judiciary and Law
Enforcement
Doyle, chair
Newhard
Garrison
Clark of Cerro Gordo
Lipsky
- House File 100
Judiciary and Law
Enforcement
Doyle, chair
Newhard
Garrison
Clark of Cerro Gordo
Lipsky

House File 101
 Judiciary and Law
 Enforcement
 Doyle, chair
 Newhard
 Garrison
 Clark of Cerro Gordo
 Lipsky

House File 103
 Judiciary and Law
 Enforcement
 Doyle, chair
 Newhard
 Garrison
 Clark of Cerro Gordo
 Lipsky

House File 120
 Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brackett
 Krewson

House File 102
 Judiciary and Law
 Enforcement
 Doyle, chair
 Newhard
 Garrison
 Clark of Cerro Gordo
 Lipsky

House File 106
 Natural Resources
 Welden, chair
 Spencer
 Wyckoff

House Concurrent
 Resolution 6
 State Government
 Patchett, chair
 Monroe
 Avenson
 Stromer

House File 110
 Agriculture
 Svoboda, chair
 Menke
 Gilson

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 1

Education
 Patchett, chair
 Baker
 Dyrland
 Horn
 Norland
 Poncy
 Crawford
 Daggett
 Stromer
 Wulff

S.B. 2

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 3

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 4

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 5

Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brackett
 Krewson

S.B. 6

Education
 Miller of Calhoun,
 chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 7

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 8

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 9

Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brockett
 Krewson

S.B. 10

Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brockett
 Krewson

S.B. 11

Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brockett
 Krewson

S.B. 12

Education
 Patchett, chair
 Baker
 Dyrland
 Horn
 Norland
 Poncy
 Crawford
 Daggett
 Stromer
 Wulff

S.B. 13

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 14

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 15

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 16

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 17

Education
 Miller of Calhoun, chair
 Byerly
 Gilson
 Spear
 Hansen
 Thompson

S.B. 18

Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brockett
 Krewson

S.B. 19

Education
 Patchett, chair
 Baker
 Dyrland
 Horn
 Norland
 Poncy
 Crawford
 Daggett
 Stromer
 Wulff

S.B. 20

Education
 Dyrland, chair
 Koogler
 Small
 Brockett
 Baker
 Krewson

S.B. 21

Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brockett
 Krewson

- S.B. 39
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff
- S.B. 40
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff
- S.B. 55
Education
Miller of Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson
- S.B. 76
State Government
Monroe, chair
Walter
Patchett
Crawford
Tauke
- S.B. 80
County Government
Hinkhouse, chair
Wyckoff
Pellett
- S.B. 81
County Government
Baker, chair
Oxley
Stephens
- S.B. 82
County Government
Brandt, chair
Wells
Danker
- S.B. 87
Judiciary and Law
Enforcement
Conlon, chair
Nielsen
Garrison
- S.B. 88
County Government
Gilson, chair
Wells
Harvey
- S.B. 89
County Government
Gilloon, chair
Miller of Calhoun
Clark of Lee
- S.B. 90
State Government
Brandt, chair
Avenson
Monroe
Hansen
Harvey
- S.B. 91
Judiciary and Law
Enforcement
Conlon, chair
Patchett
Nielsen
- S.B. 92
Energy
Griffie, chair
Hinkhouse
Svoboda
Daggett
Evans
- S.B. 99
Agriculture
Husak, chair
Den Herder
Binneboese
Lageschulte
Gilson
- S.B. 106
Energy
O'Halloran and
Varley, co-chair
Evans
Griffie
Howell
- S.B. 110
Natural Resources
Shimanek, chair
Spencer
Jesse
- S.B. 111
Natural Resources
Avenson, chair
Tofte
Middleswart
- S.B. 112
Natural Resources
Griffie, chair
Varley
Jesse
- S.B. 114
Education
Dyrland, chair
Baker
Koogler
Small
Brockett
Krewson

JOURNAL OF THE HOUSE

Twenty—ninth Calendar Day -- Twenty—first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 7, 1977

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

Prayer was offered by the Reverend Charles Gilbert, pastor of the Carlisle United Methodist Church, Carlisle, Iowa.

The Journals of Thursday, February 3, and Friday, February 4, 1977 were approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk for February 7 and 8, 1977 on request of Krause of Kossuth.

PRESENTATION OF IOWA'S JUNIOR MISS

Millen of Van Buren escorted to the Speaker's station and presented to the House Iowa's Junior Miss, Faye Ann Schafer from Milton, Iowa, daughter of Marietta and Charles Schafer. She was accompanied by June Winger, State Director, and Shirley Griffin, host mother.

Upon winning the Iowa contest in Ottumwa, Faye Ann received a \$500 cash scholarship and a four—year college scholarship. Judging was based upon talent, scholarship interview with judges, poise, appearance and youth fitness.

Miss Schafer addressed the House briefly. She will be competing in the National Junior Miss Contest in Mobile, Alabama on April 27.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 51, a bill for an act to repeal the authority of the war surplus commodities board.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

SENATE FILE 51, a bill for an act to repeal the authority of the war surplus commodities board.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS**WAYS AND MEANS CALENDAR****SENATE FILE 32 SUBSTITUTED FOR HOUSE FILE 126**

Norland of Worth asked and received unanimous consent to substitute Senate File 32 for House File 126.

Senate File 32, a bill for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive, was taken up for consideration.

Norland of Worth offered the following amendment H-3035 filed by him and moved its adoption:

H-3035

- 1 Amend Senate File 32, as passed by the Senate,
- 2 page 1, by striking lines 7 through 13 and inserting

3 in lieu thereof the following:

4 "Sec. 2. Section four hundred twenty-two point
5 seven (422.7), Code 1977, is amended by adding the
6 following new subsections:

7 NEW SUBSECTION. For the tax year beginning on or
8 after January 1, 1976, the sick-pay exclusion as pro-
9 vided by section one hundred five d (105(d)) of the
10 Internal Revenue Code of 1954 shall be computed
11 under the provisions of the Internal Revenue Code
12 of 1954 as amended to and including January 1, 1976.

13 NEW SUBSECTION. For tax years beginning on or
14 after January 1, 1977, and succeeding tax years,
15 individual taxpayers and married taxpayers who file
16 a joint federal income tax return and who elect to
17 file a joint return, separate returns or separate
18 filing on a combined return for Iowa income tax
19 purposes, may avail themselves of the sick-pay ex-
20 clusion and shall compute the amount of sick-pay
21 exclusion subject to the limitations for joint
22 federal income tax return filers provided by
23 section one hundred five d (105(d)) of the Internal
24 Revenue Code of 1954."

Amendment H-3035 was adopted.

Schroeder of Pottawattamie offered the following amendment
H-3036 filed by him from the floor and moved its adoption:

H-3036

1 Amend Senate File 32, as passed by the Senate,
2 as follows:

3 1. Page 2, line 14, by striking the word "fifteen"
4 and inserting in lieu thereof the word "twenty".

5 2. Page 2, line 16, by striking the word "thirty"
6 and inserting in lieu thereof the word "forty".

7 3. Page 2, line 17, by striking the word "ten"
8 and inserting in lieu thereof the word "fifteen".

9 4. Page 2, line 21, by striking the word "fifteen"
10 and inserting in lieu thereof the word "twenty".

11 5. Page 2, line 26, by striking the word "fifteen"
12 and inserting in lieu thereof the word "twenty".

Roll call was requested by Schroeder of Pottawattamie and Bennett of Ida.

On the question "Shall amendment H-3036 be adopted?"

The ayes were, 38:

Bennett	Brockett	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Danker
Den Herder	Egenes	Evans	Garrison
Gentleman	Halvorson	Hansen	Harbor
Hoffmann	Horn	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Newhard	Pellett	Perkins
Rinas	Schroeder	Shimanek	Smalley
Stephens	Stromer	Thompson	Welden
West	Wulff		

The nays were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Cusack	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Gilloon	Gilson	Hargrave	Harper
Hinkhouse	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Norland	Oxley	Patchett	Pavich
Pelton	Poncy	Scheelhaase	Schnekloth
Small	Spear	Spencer	Svoboda
Tauke	Tofte	Varley	Walter
Wells	Woods	Wyckoff	Mr. Speaker

Absent or Not Voting, 10:

Branstad	Connors	Crabb	Griffie
Harvey	Higgins	Hines	Loneragan
Nielsen	O'Halloran		

Amendment H-3036 lost.

Baker of Buena Vista offered the following amendment H-3034 filed by him and Perkins of Greene and moved its adoption:

H-3034

- 1 Amend Senate File 32, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by striking lines 22 through 33.
- 4 2. Renumber sections and correct internal
- 5 references as are necessary in accordance with
- 6 this amendment.

Roll call was requested by Baker of Buena Vista and Perkins of Greene.

On the question "Shall amendment H-3034 be adopted?"

The ayes were, 39:

Baker	Bennett	Brockett	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Danker	Dieleman	Dunton
Evans	Gilson	Halvorson	Hansen
Harper	Harvey	Hoffmann	Horn
Husak	Junker	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, O. L.
Oxley	Pellet	Perkins	Spear
Stephens	Stromer	Svoboda	Thompson
Woods	Wulff	Wyckoff	

The nays were, 52:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Crawford	Cusack
Davitt	Den Herder	Doyle	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Harbor	Hargrave	Higgins
Hines	Hinkhouse	Howell	Jesse
Jochum	Koogler	Krause	Middleswart
Miller, K.D.	Monroe	Newhard	Norland
Patchett	Pavich	Pelton	Poney
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spencer
Tauke	Tofte	Varley	Walter
Welden	Wells	West	Mr. Speaker

Absent or Not Voting, 9:

Branstad	Connors	Daggett	Griffee
Hullinger	Krewson	Loneragan	Nielsen
O'Halloran			

Amendment H-3034 lost.

Norland of Worth offered the following amendment H-3033 filed by him and moved its adoption:

H-3033

- 1 Amend Senate File 32, as passed by the Senate,
- 2 as follows:
- 3 1. Page 3, line 35, by striking the words "as
- 4 amended by chapter one thousand two".
- 5 2. Page 4, by striking lines 1 and 2.
- 6 3. Page 4, line 3, by striking the words "three
- 7 hundred thirty-seven (337)".
- 8 4. Page 5, line 24, by striking the words "as
- 9 amended by chapter one thousand".
- 10 5. Page 5, by striking lines 25 and 26.
- 11 6. Page 5, line 27, by striking the words "three
- 12 hundred forty-three (343)".

Amendment H-3033 was adopted.

Schroeder of Pottawattamie offered the following amendment H-3037 filed by Schroeder, Harbor, Smalley, Evans, Varley and Millen from the floor:

H-3037

- 1 Amend Senate File 32, as passed by the Senate,
- 2 as follows:
- 3 1. Page 6, by inserting after line 23 the following
- 4 new section:
- 5 "Sec. ____ Section four hundred fifty point nine
- 6 (450.9), Code 1977, is amended to read as follows:
- 7 450.9 INDIVIDUAL EXEMPTIONS. In computing the
- 8 tax on the net estate passing to the surviving spouse,
- 9 heirs or beneficiaries of the deceased the following
- 10 credits or exemptions shall be allowed:
- 11 1. Surviving spouse, ~~eighty~~ one hundred thousand
- 12 dollars.
- 13 2. Each son and daughter, including legally adopted
- 14 sons and daughters, or illegitimate sons and daughters
- 15 entitled to inherit under the law of this state,
- 16 ~~thirty~~ forty thousand dollars.

- 17 3. Father or mother, ten thousand dollars.
 18 4. Any other lineal descendant of the deceased,
 19 ~~ten-fifteen thousand dollars.~~
 20 2. Renumber sections and correct internal
 21 references as are necessary in accordance with this
 22 amendment.

Avenson of Fayette rose on a point of order that amendment H-3037 was not germane.

The Speaker ruled the point well taken and amendment H-3037 not germane.

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

On the question "Shall the bill pass?" (S.F. 32)

The ayes were, 94:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harper	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
		Wyckoff	Mr. Speaker

The nays were, none .

Absent or Not Voting, 6:

Branstad
Nielsen

Connors
O'Halloran

Daggett

Lonergan

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

IMMEDIATE MESSAGE

Pavich of Pottawattamie asked and received unanimous consent that Senate File 32 be immediately messaged to the Senate.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 7

Wells of Linn called up for consideration House Concurrent Resolution 7 filed on February 3, 1977 and found on page 278 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H-3032 filed by him:

H-3032

- 1 Amend House Concurrent Resolution 7 as follows:
- 2 Page 1, line 19, by striking the period and insert—
- 3 ing in lieu thereof the following:
- 4 “; and
- 5 *Be It Further Resolved*, That the House of Represen—
- 6 tatives disapproves the following grades and steps
- 7 assigned the named individuals by the House Adminis—
- 8 tration Committee under the authority of Senate Con—
- 9 current Resolution 4 and sets the grades and steps as
- 10 follows:
- 11 Leader's Administrative Catherine A. Sears from grade
- 12 Assistant 26, step 2, to grade 24,
- 13 step 3.
- 14 Leader's Administrative Maryjo F. Welch from grade 26,
- 15 Assistant step 7, to grade 24, step 6.
- 16 Leader's Administrative Robert F. Davies from grade
- 17 Assistant 30, step 4, to grade 29, step

18		4.
19	Research Analyst	Lynn M. Johnson from grade 23, step 2, to grade 22, step 2.
20		Linda J. King from grade 23, step 3, to grade 22, step 3.
21	Research Analyst	William C. Maloney from grade 23, step 3, to grade 22, step 2.
22		Kristine A. Bowser from grade 23, step 1, to grade 22, step 1.
23	Research Analyst	Mark W. Brandsgard from grade 23, step 1, to grade 22, step 1.
24		N. Kay Markell from grade 23, step 5, to grade 24, step 4.
25		Mary F. Wegner from grade 23, step 1, to grade 22, step 1.
26	Research Analyst	Michael L. Triggs from grade 23, step 1, to grade 22, step 1.
27		Sandra L. Githens from grade 25, step 6, to grade 22, step 6.
28		Pamela J. Johnson from grade 23, step 1, to grade 22, step 1.
29	Research Analyst	Sharon R. Robinson from grade 28, step 5, to grade 25, step 5.
30		Linda W. Elliott from grade 18, step 4, to grade 17, step 4.
31		
32	Research Analyst	
33		
34	Research Analyst	
35		
36	Research Analyst	
37		
38		
39	Research Analyst	
40		
41		
42	Research Analyst	
43		
44		
45	Public Information	
46	Office Director	
47		
48	Clerk to Public Informa—	
49	tion Office Director	

Fitzgerald of Webster rose on a point of order that amendment H-3032 was not germane.

The Speaker ruled the point well taken and amendment H-3032 not germane.

Schroeder of Pottawattamie offered the following amendment H-3038 filed by him from the floor and moved its adoption:

H-3038

- 1 Amend House Concurrent Resolution 7 as follows:
- 2 1. Line 16, by striking the numerals "20"
- 3 and inserting in lieu thereof the numerals "22".

Roll call was requested by Lipsky of Linn and Schroeder of Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H-3038 be adopted?"

The ayes were, 49:

Baker	Bennett	Brandt	Brockett
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Danker
Den Herder	Dyrland	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harper	Harvey	Hines	Hoffmann
Jesse	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Miller, O.L.
Newhard	Patchett	Pelton	Schnekloth
Schroeder	Shimánek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	West	Woods
Wulff			

The nays were, 43:

Anderson	Avenson	Bina	Binneboese
Brunow	Cusack	Davitt	Dieleman
Doyle	Dunton	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hargrave
Higgins	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Middleswart	Miller, K.D.	Monroe
Norland	Oxley	Pavich	Pellett
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Wells	Wyckoff	Mr. Speaker	

Absent or Not Voting, 8:

Branstad	Connors	Daggett	Lonergan
Millen	Nielsen	O'Halloran	Welden

Amendment H-3038 was adopted.

(House Concurrent Resolution 7 pending at adjournment.)

COMMUNICATION FROM
IOWA STATE CONSERVATION COMMISSION

There is on file in the office of the Chief Clerk a report covering the "Green Thumb" program administered by the State Conservation Commission, submitted in compliance with Section 5, Chapter 110, Laws of the Sixty-sixth General Assembly.

COMMUNICATION FROM
CITY DEVELOPMENT BOARD

There is on file in the office of the Chief Clerk the fourth annual report of the work and operations of the City Development Board covering the period of July 1, 1975 through June 30, 1976, in accordance with Section 368.10, Code of Iowa.

EXPLANATIONS OF VOTE

When the vote was taken on amendment H-3036 to Senate File 32, I voted "aye" inadvertently. I intended to be recorded as voting "nay" on the amendment.

RINAS of Linn

I was necessarily absent from the House Chambers on February 7, 1977. Had I been present, I would have voted "aye" on Senate File 32.

DAGGETT of Adams

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 118 Natural Resources

Relating to the use of fishing hooks.

S.B. 119 Natural Resources

Relating to state approved buoys.

S.B. 120 Energy

Requiring the energy policy council to establish minimum standards of operating efficiency for designated appliances and providing a penalty.

S.B. 121 Agriculture

Iowa Veterinary Practice Act.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 7:00 p.m., February 1, 1977

Convened: 7:10 p.m.

Adjourned: 9:25 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Dyrland, Gilson, Hansen, Koogler, Krewson, Norland, Poncy, Small and Thompson.

Absent: Byerly, Crawford, Horn, Spear, Stromer and Wulff.

Presentation by Dr. Robert Benton, State Superintendent of Public Instruction, regarding "Iowa Plan for Statewide Use of Computers in Education," who introduced the State Advisory Committee and the Ad Hoc Task Force members.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., February 3, 1977

Convened: 1:35 p.m.

Adjourned: 1:45 p.m.

Present: Patchett, chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Poncey, Spear, Thompson and Wulff.

Absent: Norland (arrived at 1:40), Miller of Calhoun, vice-chair; and Small.

Excused: Stromer.

Announced agenda for February 8 meeting and assigned subcommittees.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., February 4, 1977

Convened: 9:05 a.m.

Adjourned: 9:12 a.m.

Present: Bina, chair; Clark of Lee, ranking member; Dunton, Hargrave, Krewson, Pavich, Perkins, Rinas, Smalley, Spear, Tofte and Wulff.

Absent: None.

Excused: Hines, vice-chair; Connors, Gentleman, Hoffmann, Koogler, Newhard, Nielsen, Schneklath and Stephens.

Met and adjourned into subcommittees.

AMENDMENT FILED

H-3039

H.F. 112

Monroe of Des Moines

On motion by Fitzgerald of Webster, the House adjourned at 11:33 a.m., until 3:30 p.m., Thursday, February 10, 1977.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day -- Twenty--second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 8, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rogers, Eldora, Iowa.

PETITION

The following petition was received and placed on file:

By Clark of Cerro Gordo from thirty--three constituents a resolution asking that no liquor store be established in Rockwell, Iowa, resolving that the state laws of Iowa be changed calling for a mandatory referendum of the voters of the community before a liquor store could be established and resolving that the Legislature not provide funds for additional liquor stores in Iowa in 1977.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 7, 1977. Had I been present, I would have voted "nay" on amendments H-3034 and H-3036 to Senate File 32 and amendment H-3038 to House Concurrent Resolution 7; "aye" on Senate File 32.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber on February 7, 1977. Had I been present, I would have voted "aye" on Senate File 32 and amendments H-3034 and H-3036 thereto; "nay" on amendment H-3038 to House Concurrent Resolution 7.

BRANSTAD of Winnebago

INTRODUCTION OF BILLS

HOUSE FILE 137, by Brandt, a bill for an act relating to public meetings.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 138, by Lipsky and Crawford, a bill for an act relating to the compensation of victims of crimes.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 139, by Brandt, a bill for an act relating to a dissolution of marriage action and providing a penalty.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 140, by Halvorson, a bill for an act relating to the establishment of agricultural districts, to the assessment and taxation of certain agricultural lands and to provide tax penalties for breach of commitment.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 141, by Pavich, a bill for an act relating to tuition rates set by the state board of regents.

Read and committed under Rule 31.4 to committee on EDUCATION.

HOUSE FILE 142, by Welden and Wyckoff, a bill for an act relating to borrow pits.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 143, by Lipsky, a bill for an act relating to the academic education of law enforcement officers.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 144, by legislative oversight capabilities study committee, a bill for an act establishing a legislative oversight bureau.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 145, by Halvorson, a bill for an act providing for the payment in installments of judgments rendered in malpractice actions against health care providers.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 146, by Miller of Buchanan and Lageschulte, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 147, by Lipsky, a bill for an act relating to use of abandoned railroad right-of-way for bikeways.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 148, by adult penal and correctional systems study committee, a bill for an act relating to the employment of state inmate labor in public works projects for the state and political subdivisions.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 122 Agriculture

Relating to partition fences.

S.B. 123 Natural Resources

Relating to standards for water well construction and pumping equipment installation; to the certification and regulation of contractors involved in these fields and to provide penalties and making an appropriation.

S.B. 124 Natural Resources

Relating to the authority of the Iowa natural resources council to enter upon private property.

S.B. 125 Natural Resources

Relating to the licenses and certificates for the taking of fish and game.

S.B. 126 Natural Resources

Relating to vessel equipment requirements.

S.B. 127 County Government

To change the title of the overseer of the poor to general relief director, and to transfer to that officer or to the county board of supervisors certain duties now imposed by law upon township trustees.

S.B. 128 Ways and Means

Relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive.

S.B. 129 Agriculture

Relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

**COMMUNICATION FROM COMMISSION ON
COMPENSATION, EXPENSES, AND SALARIES OF
ELECTED STATE OFFICIALS**

There is on file in the office of the Chief Clerk a report of the Commission on Compensation, Expenses, and Salaries of Elected State Officials, submitted in accordance with Chapter 2A, Code of Iowa.

APPOINTMENT OF JOINT LEGISLATIVE INTERN COMMITTEE

Pursuant to Senate Concurrent Resolution 1, the following persons have been appointed to the Joint Legislative Intern Committee:

Representative John Patchett
Representative Henry Wulff
Senator Norman Rodgers
Senator Philip B. Hill
Dean John Scarlett, Drake University
Professor Sam Patterson, University of Iowa
Professor Richard Dole, University of Iowa
Professor James L. Hutter, Iowa State University
Professor Jerry Bonham, University of Northern Iowa
Dan Dudley, House Legal Counsel and Assistant Chief Clerk
Kevin Light, Assistant Secretary of the Senate
Thane Johnson, Legislative Service Bureau

The following persons have been designated to represent Iowa's private colleges:

Dr. Gunnar Wikstrom, Jr., Buena Vista College
Professor Craig Allin, Cornell College

SUPPLEMENT TO ASSIGNMENT OF SEATS IN PRESS GALLERY

The following additional persons are accredited members of press, TV and radio stations and are entitled to seats in the respective Press Gallery:

WEST PRESS GALLERY

Aviator's Journal—John Kennedy
The Daily Iowan—Peter Gross, K. Patrick Jensen, Wm. C. Loeffel
Fort Dodge Messenger—Mike Glover, Mike Mooney, Walter Stevens

EAST PRESS GALLERY

KCBC/IOWA RADIO NETWORK (KWWL—TV, KTIV—TV, KAAL—TV)—
Dale B. Cerbin, Eric Davis, Bruce Frank, Jon Janes
KSO/KGGO Radio—Ed Anderson, Jackie King
WHO—TV—Charles Barthold, Steve Gangstead, Gus Horn, Sara Ivey,
Ellen Jaffe, George Mills, Randy Parlett, Richard Ray, Karl
Suchman, Jerry Todd
WOI—TV—Twila M. Young

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 8, 1977

Convened: 9:10 a.m.

Adjourned: 11:10 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Funded: \$27,130 - Council of State Government, \$18,000 - Historical Board, \$366,800 - Historical Society, \$127,424 - Historical Preservation, \$348,423 - Museum and Archives, \$178,296 - Law Library, \$98,809 - Medical Library, \$309,67 - State Library, \$685,000 - Regional Library, \$915,691 - Department of Labor and \$211,000 - Arts Council.

\$7,312,543 was funded to the Judicial Department in the February 3, 1977 Joint Meeting.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., February 7, 1977

Convened: 1:02 p.m.

Adjourned: 1:44 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Wells, Wulff and Wyckoff.

Absent: Branstad, Varley (arrived 1:18 p.m.)

Excused: Cusack.

Discussion with Garth Cottington, a county assessor, and Bill Guthrie, a city assessor. Adjourned to allow subcommittees to convene.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 4:00 p.m., February 7, 1977

Convened: 4:10 p.m.

Adjourned: 5:30 p.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Absent: None.

Excused: Brandt.

Victor Preisser, Director of Transportation tentatively approved parts of Department of Transportation budget.

MOTION TO RECONSIDER

I move to reconsider the vote by which amendment H-3038 to House Concurrent Resolution 7 was adopted by the House February 7, 1977.

MILLER of Calhoun

JOURNAL OF THE HOUSE

Thirty—first Calendar Day -- Twenty—third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 9, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Valin, Des Moines, Iowa.

INTRODUCTION OF BILLS

HOUSE FILE 149, by Junker, a bill for an act providing a penalty for withholding or diverting any portion of an employer's gratuities and providing penalties.

Read and committed under Rule 31.4 to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 150, by Clark of Lee and Spear, a bill for an act to repeal provisions relating to the compensation of first deputy county officers in counties having dual county seats.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 151, by Husak and Pellett, a bill for an act relating to deferred patronage dividend paid by cooperatives.

Read and committed under Rule 31.4 to committee on AGRICULTURE.

HOUSE FILE 152, by Junker, a bill for an act relating to the granting of variances by city or county boards of adjustment.

Read and committed under Rule 31.4 to committee on CITIES.

HOUSE FILE 153, by Den Herder and Hansen, a bill for an act making an appropriation to Lyon County, Iowa for reimbursement of certain court-appointed attorney fees and expenses.

Read and committed under Rule 31.4 to committee on BUDGET.

HOUSE FILE 154, by Daggett, a bill for an act relating to the teaching of the origin of humankind.

Read and committed under Rule 31.4 to committee on EDUCATION.

HOUSE FILE 155, by Pavich, a bill for an act relating to the state park and institutional road system and increasing a standing appropriation.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 156, by Brandt, a bill for an act to include in the formula for determining the number of judgeships to which each judicial election district shall be entitled the number of juvenile petition filings.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 36, a bill for an act correcting an erroneous correlating amendment contained in chapter twelve hundred forty-one (1241) of the Acts of the Sixty-sixth General Assembly.

Also: That the Senate has on February 7, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 52, a bill for an act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

Also: That the Senate has on February 7, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 53, a bill for an act relating to the expenditure of federal funds for county buildings or facilities.

STEVEN C. CROSS, Secretary

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 130 Education

Relating to elementary and secondary education, mandating a uniform system of program accounting, providing the school budget review committee the authority to modify the allowable growth of certain school districts, for transportation costs, other unique problems increasing costs and to provide modified allowable growth in excess of one hundred twenty-five percent of the state percent of growth, eliminating the eight dollar limit on area education agency media funding and directing the department of public instruction to conduct a study of vocational education.

S.B. 131 Transportation

Relating to mobile home tiedowns and providing a penalty.

S.B. 132 Transportation

Relating to covering loads on vehicles.

S.B. 133 Ways and Means

Relating to the definition of withholding agent for income tax purposes and making the Act retroactive.

S.B. 134 Ways and Means

Relating to the examination and appointment of assessors.

S.B. 135 Transportation

Relating to the prohibition of the use of devices used to detect the presence of operational radar equipment and providing a penalty.

S.B. 136 Natural Resources

Relating to the use of certain vehicles on ice and providing a penalty.

S.B. 137 Natural Resources

Relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, providing a penalty and making an appropriation.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the date indicated:

House Clerk	Michelle Gorgas	Grade 13 to Grade 15 on 1/21/77
House Clerk	Merlie Howell	Grade 13 to Grade 15 on 1/21/77

James D. Wells, chair
House Administration Committee

SPONSOR ADDED
(House File 14)

Harper of Davis requested to be added as a sponsor of House File 14.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ETHICS

Scheduled: 9:00 a.m., February 7, 1977

Convened: 9:10 a.m.

Adjourned: 10:20 a.m.

Present: Harper, chair; Dyrland, vice-chair; Welden, ranking member; Conley, Gentleman and Howell.

Absent: Carlson (arrived 9:20 a.m.).

Discussed House Code of Ethics.

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., February 8, 1977

Convened: 8:05 a.m.

Adjourned: 9:00 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton and Perkins.

Absent: Norland (arrived 8:10 a.m.), Svoboda (arrived 8:10 a.m.), Varley (arrived 8:10 a.m.), and Doyle.

Maurice Van Nostrand presented information on the Rosenberg plan to insulate homes through gas companies and on energy stamp proposals.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., February 8, 1977

Convened: 8:00 a.m.

Adjourned: 8:55 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Absent: Anderson and Newhard.

Assigned bills to subcommittees and dispersed into subcommittee meetings.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 8, 1977

Convened: 9:03 a.m.

Adjourned: 12:04 p.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Oxley, Pelton and Poncy.

Absent: Nielsen.

Presentation of University of Iowa special needs — Hospital Complex, Family Practice Residency Program and Hygenic Lab.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 8, 1977

Convened: 9:08 a.m.

Adjourned: 11:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Gilloon, Krewson, Lonergan, Miller of Buchanan, Spear, Thompson and Tofte.

Absent: Monroe.

Excused: Garrison.

Hearing with the Commission on the Aging.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 8, 1977

Convened: 9:18 a.m.

Adjourned: 12:00 noon.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Krause (arrived 11:05 a.m.).

Budget recommendations for State Fair Board; Iowa Development Commission; Department of Agriculture.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 8, 1977

Convened: 9:05 a.m.

Adjourned: 12:05 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hargrave, Lindeen, Miller of Calhoun and Newhard.

Absent: Hines.

Excused: Doyle.

Presentations by Marvin Sammon on Adult and Children Services, Nick Grunzig on Mental Health Institutes, Dr. Korson of Independence Mental Health Institute and Dr. McManus of Cherokee Mental Health Institute.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:10 a.m., February 8, 1977

Convened: 9:30 a.m.

Adjourned: 12:00 noon.

Present: Crabb, ranking member; Chiodo, Conlon, Halvorson, Lipsky and Svoboda.

Absent: None.

Excused: Griffee, chair; Connors, Harper, Higgins, Small and West.

Tour of Beer and Liquor Control Warehouse with Rolland Gallagher.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 10:00 a.m., February 8, 1977

Convened: 10:10 a.m.

Adjourned: 11:30 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Spencer.

Absent: Brandt (arrived 10:15 a.m.) and Clark of Lee.

Excused: Schroeder.

Met with James Chalstrom, State Comptrollers Office.

COMMITTEE ON AGRICULTURE

Scheduled: 1:30 p.m., February 8, 1977

Convened: 1:35 p.m.

Adjourned: 3:08 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Byerly, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: None.

Excused: Crabb and Danker.

Presentation by Quentin Bierman and Dr. Neil Harl. Assigned study bills to subcommittees.

COMMITTEE ON CITIES

Scheduled: 1:30 p.m., February 8, 1977

Convened: 1:35 p.m.

Adjourned: 1:45 p.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Duntton, Gentleman, Hoffmann, Koogler, Krewson, Newhard, Nielsen, Pavich, Perkins, Schneklath, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Hargrave (arrived 1:37 p.m.) and Rinas (arrived 1:37 p.m.).

Excused: Connors.

Met in subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:30 p.m., February 8, 1977

Convened: 1:35 p.m.

Adjourned: 2:15 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Patchett, Poncey, Shimanek, Stromer, Tauke and Walter.

Absent: Higgins, Middleswart and West.

Discussed H.F. 55 which was referred to subcommittee for study and H.F. 57 which failed to receive approval. Assigned bills to subcommittees.

COMMITTEE ON EDUCATION

Scheduled: 3:30 p.m., February 8, 1977

Convened: 3:35 p.m.

Adjourned: 5:30 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrlund, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Poncey, Small, Spear, Stromer, Thompson and Wulff.

Absent: None.

Assigned study bill to subcommittee. Reviewed Recap of Department of Public Instruction Special Education Data.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 3:30 p.m., February 8, 1977

Convened: 3:34 p.m.

Adjourned: 5:18 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Avenson, Bennett, Chiodo, Evans, Griffee, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Tofte, Varley, Welden and Wyckoff.

Absent: Stephens (arrived 3:41 p.m.) and Garrison.

Excused: Jesse.

Assignment of study bills. Failed to approve House File 94. Resolution on the irrigation subject proposed by the Natural Resources Council was defeated.

COMMITTEE ON TRANSPORTATION

Scheduled: 3:30 p.m., February 8, 1977

Convened: 3:32 p.m.

Adjourned: 3:37 p.m.

Present: Krause, chair; Harper, vice-chair; Clark of Cerro Gordo, Doyle, Duntun, Egenes, Harbor, Hoffmann, Lageschulte, Monroe, Oxley, Rinas, Schnekloth and Woods.

Absent: Davitt (arrived 3:36 p.m.), Hullinger (arrived 3:35 p.m.), Brunow and Lipsky.

Excused: Schroeder (arrived 3:36 p.m.) and Binneboese.

Study bills assigned to committee.

REPORT OF COMMITTEE ON RULES

Nielsen of Polk, chair of the committee on rules, submitted the following report from the committee on rules:

1 Amend the temporary House Rules as follows:

2 1. By adding to Rule 29 the following new paragraphs:

3 Each member of the House when requesting individual
4 bills to be drafted by the legislative service bureau
5 shall designate not more than twenty bills as prior—
6 ity drafting requests during the term of office for
7 which the member is elected. The priority requests
8 may be divided numerically between the two legislative
9 sessions of a general assembly in the manner determined
10 by the member. A member shall not withdraw the prior—
11 ity request after receiving and approving the draft
12 requested. A priority request requires the legisla—
13 tive service bureau to prepare such request before
14 preparing bills which are not designated as priority
15 requests. The legislative service bureau shall not
16 draft any bills requested by house members other than
17 priority requests until the priority requests of all
18 house members have been completed except such requests
19 which in the determination of the legislative service
20 bureau director cannot be drafted in a reasonable period
21 of time and except for requests submitted by committee
22 chairpersons for committee sponsored bills.

23 Requests by committee chairpersons, including
24 chairpersons of the subcommittees of the budget com—
25 mittee, for bill drafts which are within the scope
26 of the committee shall in all cases receive priority
27 and be drafted before bill drafting requests of
28 individual members. The legislative service bureau
29 shall not draft a committee sponsored bill without
30 receiving a request form signed by the chairperson
31 of the committee or a chairperson of a subcommittee
32 of the budget committee.

33 2. Amend the House Rules by adding the following
34 new proposed rule:

35 PROPOSED NEW RULE
36 DISTRIBUTION OF MATERIALS
37 PRINTED BY THE STATE

38 A member of the House shall not distribute maps, books,
39 and pamphlets such as, but not limited to Golden Dome, How a
40 Bill Becomes Law, etc., which have been printed by the State
41 of Iowa and upon which the name of the member of the House

42 has been affixed unless the member has purchased the materials
43 or unless the member has affixed the words "Paid for by the
44 citizens of Iowa and distributed by Representative (member's
45 name).

COMMITTEE ON RULES
NIELSEN of Polk, Chair

AMENDMENTS FILED

H-3040

H.F. 127

Krause of Kossuth

H-3041

H.F. 64

Brandt of Black Hawk

JOURNAL OF THE HOUSE

Thirty—second Calendar Day -- Twenty—fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 10, 1977

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

Prayer was offered by the Honorable Elmer Den Herder, State Representative from Sioux County.

The Journals of Monday, February 7, Tuesday, February 8, and Wednesday, February 9, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tony Kunz, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago from five residents of Sidney, Iowa, opposing Study Bill 32, which would make changes in Iowa's collective bargaining law.

By Harbor of Mills from five constituents opposing any effort to expand the mandatory subjects of bargaining included in the scope of negotiations as pertains to school districts.

INTRODUCTION OF BILLS

HOUSE FILE 157, by Hansen, a bill for an act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employees' retirement system.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 158, by Connors, Hansen, Doyle, Harper, Koogler and Brunow, a bill for an act relating to the storage of flammable and combustible liquids.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 159, by Crawford, a bill for an act making an appropriation from the general fund of the state to the state board of regents for the construction of a music building at Iowa state university of science and technology.

Read first time and referred to committee on BUDGET.

HOUSE FILE 160, by Junker, a bill for an act relating to the payment of advance commissions to real estate sales persons or real estate brokers.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 161, by Bina, a bill for an act relating to exemption of political subdivisions for payment of the motor and special fuel excise tax.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 162, by Spear and Gilson, a bill for an act relating to the consolidation of offices of county attorney.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 163, by Cusack, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 164, by committee on budget, a bill for an act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

Read first time and PLACED ON THE BUDGET CALENDAR.

LINCOLN'S BIRTHDAY OBSERVANCE

Howell of Floyd escorted to the Speaker's station and presented to the House Dr. John Clinton, Executive Secretary, Friends of Lincoln, who addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

Today we meet to honor the Commander in Chief from 1861 to 1865. Abraham Lincoln had a dream. The dream that he had had roots that were about a hundred years old, he talked much about roots. This man Lincoln thought that union and peace were what the country was after, what he was after. He was much disturbed when he walked into an auction in New Orleans. What was on the auction block was a man holding a round, iron ball. That iron ball was fastened to his ankle by a chain. That was not roots of this year, that was roots over a hundred years ago. When the 76,000 Iowans who responded to Abraham Lincoln had finished their tasks in the Civil War and came back, there stands on the south campus here the shaft that honors the memory of those 76,000 Iowans. What did we do for the Commander in Chief of the 76,000 Iowans? We forgot all about him, like the one that introduced me talked about. It was Herschel Loveless, almost a hundred years after the war was over, in 1959, who appointed a committee. He had on his team expert help in the sculptor team that had moved to Des Moines in 1957, two years before.

Fred Torrey had done three monuments to honor Abraham Lincoln. He said, "You know, I'd like to do one more monument. Nobody has honored any President as a family man. The Lincolns had four boys, I'd like to honor a President as a family man." As a worthy assistant he had his wife, a graduate sculptor. She was commissioned to do the boy, a mother of a bronze boy and the other niceties that went about the Lincoln Monument. For instance, on the back of the Monument in Chicago, there is nothing but a

chair, but Mabel Torrey said, "If I just had a shoulder shawl, somebody that had actually worn a shoulder shawl, that could provide what Lincoln wore to put over the back of the chair out here in front of the capitol." My grandfather, twenty years after Iowa was born, was wearing the shoulder shawl that I have. So this shoulder shawl became the symbol on the back of the chair out here with all its glad array of its past. Back of the shoulder shawl you see another significant thing. Most sculptors sign their statues like you would sign a letter with the signature down at the bottom of the right hand corner. This statue was done by a team, so when you go out under the shawl, down in the right hand corner, where you would sign a letter, this Monument is signed by two, Fred Torrey and Mabel Torrey.

Who joined the team? Who furnished the signatures? I did not bring a bomb today, but I bring a capsule. We needed a place to put 5,367 signatures. Elmer Den Herder is about two inches from the bottom. Five thousand, three hundred sixty-seven signatures. Well, how do you get a capsule like this? It's pretty costly. I went down to the plumbers on Court Street and said "I need a capsule to put inside the statue." "Oh, they said, we can give you a sleeve with two caps and as long as it's for the Lincoln statue, let me give them to you for Lincoln's statue." And you talk about these bloody plumbers that rob you. Here, behold the philanthropy of the plumbers of Des Moines, Iowa. So I asked them for a second capsule so I could show you what it looked like inside the statue. What's in there? There's a school teacher in Guthrie County, she couldn't wait. She brought her pupils down here, they had thirty feet of adding machine paper. They had scotch taped ten Lincoln pennies all the way down thirty feet of adding machine paper. They brought it down here and lined up down here in the pit. Jim was elected mayor and Mr. Speaker, at the conclusion of these two jiffies, the Speaker said that was about the most meaningful speech we've had this session.

Signatures -- there was a shoe-shine boy out at the State Fairgrounds, made all his money for school clothes. He said, "I'm not going to stop with ten Lincoln pennies. Here's a half dollar. I'm building the Monument for the State of Iowa."

There's scouts down at Knoxville, they wrote an essay about Lincoln. They said, "It's going to last two minutes, because Lincoln did that in Gettysburg." They had two dollars and sixty-seven cents plus an essay. About that time Al Mensing, about where Bill Griffiee sits back in here, steamed up and asked John Deere for \$1,000 dollars from the John Deere outfit. Judge Glanton, downtown, made it black and white by getting in on the party. Then George O'Malley, Senator over on the other side, all six feet four of him, they called him "Abe" in college when he studied for law, he joined the party to have the Senate in on this party. About that time, around the rotunda there came thirty-nine high school seniors from Oklahoma. They don't have statues of Abraham Lincoln in Oklahoma. Down in Oklahoma these thirty-nine girls heard that they could have a fireside chat with an honest-to-goodness Lincoln sculptor. Oklahoma—they came up, surrounded the rotunda and these halls rang with "Oklahoma". Then they

went out and left \$100 dollars in the circle. That's the farthest south contribution to any Lincoln monument in the world. I do not know, but one of these days there may be some Lincoln monuments in the south. Now there is not one Lincoln monument in the south, but I can see these high school seniors, who now have fifteen years and are talking to their youngsters and saying, "We helped build Iowa's Lincoln monument. Sons and daughters, let's have one in Oklahoma from you people whose moms did the job up there in Iowa. "

Signatures, that's what we're talking about. This capsule, this monument. There's a book that's been written that carries this whole story. I could tell you more, Lincoln did it in Gettysburg. I want to do it in about five minutes here. Page one hundred forty-nine has the complete statue, it's called the "Servant of God". Page one hundred forty-nine:

At the close of the day with the last rays of the sun falling upon it, or on a crisp winter morning when fresh snow highlights the picture, the words from the committee spring to mind. "If just one boy or girl from Iowa-or Oklahoma-or anywhere else, pauses long enough, like the Scouts next Saturday and Sunday, to vow to live the Lincoln life, it will have been worth all the time and money expended on the monument."

So here's the capsule and the shawl. Down in the Treasurer's office there is the original bust. I happen to have the bust of Tad because my grandson was ten years old and he posed for the modeling of the son of Abraham Lincoln. There is one other thing that I leave with you. Those who gave to the statue were made first class "peg drivers". One of the forgotten quotations of Abraham Lincoln that was created and built up for our committee was this, when they questioned him about policies, Lincoln said:

"Policies, I pass my time preventing the storm from blowing down the tent. I drive in the pegs as fast as they are pulled out."

You in the House have plenty of chances to drive pegs and see them pulled up, but in the words of Lincoln, "I pass my life in preventing the storm from blowing down the tent. I drive in the pegs as fast as they are pulled up." This day invites each of us to be in the team of the Commander in Chief from 1861 to 1865 as we stop by a statue and vow to live the Lincoln life for having taken these minutes on this honored day.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Anderson of Jasper offered the following House Memorial Resolution 2 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 2

Whereas, The Honorable Edward J. Morrissey of Jasper County, who was a member of the Forty—eighth, Forty—ninth, Fiftieth, Fifty—first, and Fifty—second sessions of the General Assembly, passed away on October 14, 1976; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Anderson of Jasper, Dieleman of Marion and West of Marshall.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Daggett of Adams offered the following House Memorial Resolution 3 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 3

Whereas, The Honorable Conrad Ossian of Montgomery County, who was a member of the Fifty—seventh, Fifty—eighth, Fifty—ninth, Sixtieth, Sixty—first, Sixty—second, and Sixty—third sessions of the General Assembly, passed away on June 6, 1976; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Daggett of Adams, Harbor of Mills and Den Herder of Sioux.

MOTION TO RECONSIDER

(Amendment H—3038 to House Concurrent Resolution 7)

Miller of Calhoun called up for consideration the motion to reconsider amendment H—3038 to House Concurrent Resolution 7 filed on February 8, 1977, and moved to reconsider the vote by which admendment H—3038 was adopted by the House on February 7, 1977.

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

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed ninety—three present, seven absent.

BUSINESS PENDING

The House resumed consideration of the motion by Miller of Calhoun to reconsider the vote by which admendment H—3038 was adopted by the House.

Roll call was requested by Varley of Adair and Harbor of Mills.

Rule 70 was invoked.

On the question "Shall the vote by which amendment H—3038 was adopted be reconsidered?"

The ayes were, 43:

Anderson	Avenson	Bina	Binneboese
Brunow	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Hargrave	Harper	Higgins	Hines
Hinkhouse	Howell	Hullinger	Jochum
Koogler	Loneragan	Middleswart	Miller, O.L.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Small	Spear	Spencer
	Wells	Wyckoff	Mr. Speaker

The nays were, 50:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Den Herder	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Horn	Husak	Jesse

Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Newhard
Pellett	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wulff		

Absent or Not Voting, 7:

Brandt	Dunton	Griffie	Krause
Miller, K.D.	Nielsen	Scheelhaase	

The motion to reconsider lost.

Wells of Linn moved the adoption of House Concurrent Resolution 7.

A non-record roll call was requested.

The ayes were 83, nays 10.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Budget Calendar

House File 128, a bill for an act making a supplemental appropriation to the department of social services for medical assistance, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 128)

The ayes were, 94:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	ShimaneK	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 1:

Schroeder

Absent or Not Voting, 5:

Binneboese
Scheelhaase

Griffee

Krause

Nielsen

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

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 138 Ways and Means

Providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act.

S.B. 139 Agriculture

Relating to the eradication of bovine brucellosis.

REPORT OF COMMITTEE ON ETHICS

Harper of Davis, chair, submitted the following report from the Committee on Ethics.

1 HOUSE CODE OF ETHICS

2 Members of the House of Representatives

3 Recognizing that members of the General Assembly are
4 honorable citizens who are active in the business, religious
5 and public service affairs of their community, state, and
6 nation, the following rules were adopted pursuant to chapter
7 68B, Code 1975, to assist the members in the conduct of their
8 legislative affairs.

9 1. No member of the House shall accept economic or
10 investment opportunity under circumstances where he/she knows,
11 or should know, that there is a reasonable possibility that
12 the opportunity is being afforded with the intent to influence
13 his/her conduct in the performance of official duties.

14 2. No member of the House may charge to or accept from
15 a person, corporation, partnership, or corporation known to
16 have a legislative interest, a price, fee, compensation, or
17 other consideration for the sale or lease of any property
18 or the furnishing of services which is in excess of that which
19 such member would ordinarily charge another.

20 3. No member of the House, in order to further his/her
21 own economic interests, or those of any other person, may
22 disclose or use confidential information acquired in the
23 course of their official duties.

24 4. A member of the House may appear before a state agency
25 in any representation case, except that the member shall not
26 appear before a state agency if the matter is subject to
27 legislative review. Whenever a member of the House appears
28 before a state agency, the member shall carefully avoid all
29 conduct which might in any way lead members of the general
30 public to conclude that s/he is using his/her official position
31 to further his/her professional success or general interest.

32 5. In order to permit the General Assembly to function
33 effectively, members of the House will, of necessity, be
34 required to vote on bills and participate in committee work
35 which will affect their employment and other areas in which

Page 2

1 they may have a monetary interest. Action on bills and in
2 committee work which specifically deal with a member's specific
3 employment or specific investment, as opposed to a profession,
4 trade, or business in general, should be avoided. In making
5 a decision relating to a member's activity on particular bills

- 6 or in committee work which are subject to this code, the
7 following factors should be considered:
- 8 a. Whether a substantial threat to the member's
9 independence of judgment has been created by the conflict
10 situation.
- 11 b. The effect of the member's participation on public
12 confidence in the integrity of the legislature.
- 13 c. Whether the member's participation is likely to have
14 any significant effect on the disposition of the matter.
- 15 d. The need for the member's particular contribution,
16 such as special knowledge of the subject matter, to the
17 effective functioning of the legislature.
- 18 The member may, however, decide to participate in a manner
19 contrary to the economic interest which creates the conflict
20 situation, but if s/he abstains, s/he should disclose that
21 fact to the legislative body.
- 22 6. Members of the House are urged to familiarize themselves
23 with chapter sixty-eight B (68B) and chapter seven hundred
24 thirty-nine (739) of the Code.
- 25 7. Members of the House shall not charge any amount or
26 item to any charge account to be paid for by any lobbyist
27 or any organization they represent.
- 28 8. Complaints against any member of the House or any
29 lobbyist operating in the House shall be in writing, made
30 under oath and filed with the ethics committee of the House.
31 If the ethics committee determines that the complaint sets
32 out an apparent violation of the law or code of ethics or
33 rules regulating lobbyists, it shall set the matter for
34 hearing, notify the accused of the right to appear in person,
35 to be represented by counsel, to present statements and

Page 3

- 1 evidence and to cross-examine witnesses. The committee shall
2 hold a hearing and consider all relevant evidence and shall
3 make its recommendations to the House.
- 4 9. Advisory opinions may be rendered as set out in section
5 sixty-eight B point ten (68B.10), Code 1975, upon request
6 of a member of the General Assembly.

COMMITTEE ON ETHICS
HARPER of Davis, chair

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., February 9, 1977

Convened: 8:05 a.m.

Adjourned: 8:55 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Clark of Lee.

Excused: Byerly.

S.B. 36, a bill for an act to allow the county recorder to deduct a writing fee for the issuance of fishing, hunting and trapping licenses.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens and Wells.

Nay: Baker, Stromer and Wyckoff.

Absent or Not Voting: Byerly and Clark of Lee.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 8:00 a.m., February 9, 1977

Convened: 8:06 a.m.

Adjourned: 8:20 a.m.

Present: Jesse, chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Absent: Connors (arrived 8:16 a.m.), Spencer (arrived 8:12 a.m.), Newhard, vice-chair; Higgins, Nielsen and Patchett.

House File 60, a bill for an act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV.

Recommended DO PASS.

Aye: Jesse, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or Not Voting: Newhard, Higgins, Nielsen and Patchett.

Assigned bills to subcommittee.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 9, 1977

Convened: 9:10 a.m.

Adjourned: 11:50 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Excused: None.

Hearings with the Board of Pharmacy Examiners, the Board of Chiropractors, the Board of Psychologists and the Department of Health.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 9, 1977

Convened: 9:10 a.m.

Adjourned: 11:58 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Excused: Jochum.

Budget recommendations: Midwest Nuclear Compact, Geological Survey - Coal Research Study, Energy Policy Council, Mississippi River Parkway Commission, Discussed Iowa Natural Resources Council — no joint recommendation.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 9, 1977

Convened: 9:05 a.m.

Adjourned: 12:15 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines (arrived at 9:18 a.m.) and Newhard.

Presentations were given by Superintendents Dr. Shonka of Clarinda and Mr. Farrier of Mount Pleasant.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 9, 1977

Convened: 9:10 a.m.

Adjourned: 12:15 p.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Danker, Dieleman, Harbor, Lageschulte, Smalley and Woods.

Absent: Patchett and Walter.

Excused: Byerly.

Funded Attorney General, \$1,057,344; Special Claims Attorney, \$200,931.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 9, 1977

Convened: 9:10 a.m.

Adjourned: 12:00 noon.

Present: Tauke, ranking member; Binneboese, Brandt, Hinkhouse, Hoffmann, Pavich, Schneklath, Schroeder and Spencer.

Absent: Middleswart (arrived 9:10 a.m.) and Clark of Cerro Gordo.

Excused: Rinas, chair.

Met with Charles Larson, Commissioner of Public Safety; Wilbur Johnson, Fire Marshal; Carroll Bidler, Administrative Services Division; Roger Stephens, Director of the Division of Vice Enforcement and G. Hank Mayer.

COMMITTEE ON RULES

Scheduled: 2:30 p.m., February 9, 1977

Convened: 2:35 p.m.

Adjourned: 3:20 p.m.

Present: Nielsen, chair; Harbor, ranking member; Avenson, Conlon, Crabb, Cusack, Lonergan, Menke, Millen, Monroe and Tauke.

Absent: Fitzgerald (arrived 2:42 p.m.), Hargrave (arrived 2:40 p.m.), Husak (arrived 2:40 p.m.) and Harper.

Adopted new paragraph to Rule 29; also adopted proposed new rule pertaining to distribution of materials printed by the state.

COMMITTEE ON ENERGY

Scheduled: 3:30 p.m., February 9, 1977

Convened: 3:36 p.m.

Adjourned: 4:25 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Norland, Pellett, Pelton, Svoboda and Varley.

Absent: Perkins (arrived 3:40 p.m.) and Welden, ranking member (arrived 3:40 p.m.).

House File 72, a bill for an act providing an exemption from property taxation for solar and wind energy devices and methane gas production systems.

Recommended DO PASS.

Aye: O'Halloran, Howell, Welden, Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Perkins, Svoboda and Varley.

Nay: None.

Absent or Not Voting: Norland.

Approved resolution that temperature controls in state buildings be modified if necessary for efficient operation and set to maintain a temperature of 65 degrees F.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 3:30 p.m., February 9, 1977

Convened: 3:35 p.m.

Adjourned: 4:25 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Absent: Newhard.

Excused: None.

Explanation and discussion of Juvenile Justice Study Bill.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., February 9, 1977

Convened: 3:32 p.m.

Adjourned: 3:35 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Smalley and Thompson.

Absent: Gilloon.

Excused: Wells.

Assigned bills to subcommittees.

AMENDMENT FILED

H-3042

H.F. 149

Junker of Woodbury

On motion by Fitzgerald of Webster, the House adjourned at 5:55 p.m., until 10:00 a.m., Monday, February 14, 1977.

JOURNAL OF THE HOUSE

Thirty—third Calendar Day -- Twenty—fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 11, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. W. F. Ramsey, Bettendorf, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Speaker Cochran of Webster.

INTRODUCTION OF BILLS

HOUSE FILE 165, by O'Halloran, a bill for an act relating to insurance practices that may adversely affect members of one sex.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 166, by Junker, a bill for an act relating to real estate brokers and salesmen.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 167, by Halvorson, Brockett, Evans, Smalley, Tofte, Tauke, Crawford and Harvey, a bill for an act creating a division of risk management within the state insurance department.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 168, by Bina, a bill for an act relating to municipal art galleries.

Read and committed under Rule 31.4 to committee on CITIES.

HOUSE FILE 169, by Bina, a bill for an act relating to the suspension of licenses to operate motor vehicles for violations of certain speed limits.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 170, by Bina, a bill for an act relating to the computation of school foundation aid.

Read and committed under Rule 31.4 to committee on EDUCATION.

HOUSE FILE 171, by Spencer and Daggett, a bill for an act amending the criminal code revision to make adultery a crime and providing a penalty.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 172, by Hines, a bill for an act appropriating funds to the state board of regents for designated capital improvements at Iowa state university of science and technology.

Read and committed under Rule 31.4 to committee on BUDGET.

HOUSE FILE 173, by Svoboda, Rinas, Krewson and Small, a bill for an act to make an appropriation to the Iowa state arts council to provide grants for arts and crafts activities.

Read and committed under Rule 31.4 to committee on BUDGET.

HOUSE FILE 174, by Howell, a bill for an act to provide public recognition for innovative methods of energy conservation.

Read and committed under Rule 31.4 to committee on ENERGY.

HOUSE FILE 175, by Baker, Hansen, Perkins, Avenson, Hullinger, Howell, Koogler, Schroeder, Stephens, Lindeen, Wyckoff, Miller of Buchanan, Daggett, West, Binneboese, Husak, Crabb, Welden, Dunton, Stromer, Branstad, Gilson, Bennett, Harvey, Clark of Lee, Pellett, Jesse, Menke, Brunow, Woods, Chiodo, Evans, Harbor, Danker, Poncy, Tofte, Krewson, Egenes, Millen, Wulff, Lageschulte, Hoffmann, Middleswart, Halvorson, Nielsen, Miller of Calhoun and Harper, a bill for an act disallowing deserters from the armed forces to receive the Vietnam veterans' bonus.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 176, by committee on county government, a bill for an act to allow the county recorder to deduct a writing fee for the issuance of fishing, hunting and trapping licenses.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 177, by Brockett, Brunow, Halvorson, Evans, Jochum and West, a bill for an act making an appropriation for the planning, construction, and restoration of a rotunda covering in the state capitol.

Read and committed under Rule 31.4 to committee on BUDGET.

HOUSE FILE 178, by Monroe, a bill for an act requiring all business entities licensed or regulated and inspected by the state to post current inspection results and providing a penalty.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

SENATE MESSAGES CONSIDERED

SENATE FILE 36, a bill for an act correcting an erroneous correlating amendment contained in chapter twelve hundred forty-one (1241) of the Acts of the Sixty-sixth General Assembly.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 52, a bill for an act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 53, a bill for an act relating to the expenditure of federal funds for county buildings or facilities.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on February 11, 1977, concurred in part and refused to concur in part in the House amendment to Senate File 32, a bill for an act to conform the provisions of the individual and corporate income tax and other taxes and making the Act retroactive, and passed it with that portion of the House amendment in which the Senate concurred.

REREFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 72)

The Speaker announced that House File 72, originally referred to the committee on ways and means and rereferred to the committee on energy, is now rereferred to the committee on ways and means.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 140 Agriculture

Relating to the licensing and regulating of the sale of eggs.

S.B. 141 Cities

Authorizing counties to impose a local option sales tax.

S.B. 142 Cities

Authorizing cities to impose a local option hotel-motel tax, appropriating the proceeds and making tax subject to applicable provisions of the Code.

S.B. 143 Judiciary and Law Enforcement

Purposes of prosecutor internship.

S.B. 144 State Government

Relating to regulating, licensing, and inspecting food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

S.B. 145 Transportation

Relating to the special assessments against railway companies.

S.B. 146 Ways and Means

Relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts. °

S.B. 147 State Government

Relating to real estate conveyances in trust which prohibits the secrecy of beneficial interests in land trusts and which provides penalties.

S.B. 148 Ways and Means

Relating to the taxation of buildings located on tracts of land used for agricultural and horticultural purposes within the corporate limits of a city at the full consolidated levy including the rate levied by the city on other property.

S.B. 149 Ways and Means

Relating to the additional personal property tax phase out.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 1:30 p.m., February 9, 1977

Convened: 1:35 p.m.

Adjourned: 2:20 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Koogler, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: Norland (arrived 1:45 p.m.).

S.B. 115 a bill for an act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

Recommended DO PASS

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: none.

Absent or not voting: none.

Discussed budget limitations and cuts.

COMMITTEE ON AGRICULTURE

Scheduled: 8:00 a.m., February 10, 1977

Convened: 8:05 a.m.

Adjourned: 8:46 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Absent: Byerly (arrived 8:16 a.m.), Krause (arrived 8:45 a.m.) and Svoboda (arrived 8:21 a.m.).

Presentation by Tom Miller on Continental Bank Agriculture Land Trust. Discussed S.B. 129 and assigned study bills.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 10, 1977

Convened: 9:00 a.m.

Adjourned: 11:50 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Hearings with the Commission on the Aging and the Department of Health

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 10, 1977

Convened: 9:12 a.m.

Adjourned: 12:00 noon.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Budget recommendations: Department of Environmental Quality, Iowa Natural Resources Council, Iowa Geological Survey and Conservation Commission.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 10, 1977

Convened: 9:05 a.m.

Adjourned: 12:05 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Hargrave, Gentleman, Gilson, Lindeen and Miller of Calhoun.

Absent: Hines and Newhard.

Presentations by Superintendent of Woodward State Hospital, Owen Franklin; Glenwood, Bill Campbell; Title XX by Miriam Turnbull and Charles Sweeney.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 10, 1977

Convened: 9:10 a.m.

Adjourned: 11:50 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Reconsidered Law Library budget and funded them \$181,796. Funded: Area Prosecutors — Attorney General: \$273,500, Special Prosecutors — Attorney General: \$140,382, Prosecuting Attorneys' Training Coordinator — Attorney General: \$13,774 and Executive Council \$40,760.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., February 10, 1977

Convened: 1:35 p.m.

Adjourned: 3:30 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Small, Spear, Stromer, Thompson, and Wulff.

Absent: Poncy.

Discussed Study Bill.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:30 p.m., February 10, 1977

Convened: 1:40 p.m.

Adjourned: 3:37 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Avenson, Bennett, Evans, Garrison, Griffie, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Chiodo (arrived 1:47 p.m.).

S. B. 78 a bill for an act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Evans, Garrison, Griffie, Jesse, O'Halloran, Pelton, Perkins, Shimanek, Tofte and Varley.

Nay: Bennett, Scheelhaase and Welden.

Absent or not voting: Chiodo, Miller of Buchanan, Stephens and Wyckoff.

Assignment of Study Bills.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:30 p.m., February 10, 1977

Convened: 1:31 p.m.

Adjourned: 1:34 p.m.

Present: Krause, chair; Harper, vice-chair; Schroeder, ranking member; Binneboese, Clark of Cerro Gordo, Davitt, Dunton, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Schnekloth and Woods.

Absent: Brunow, Doyle, Lipsky, Monroe, Oxley and Rinas.

Assigned Study Bill.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 8 State Government Middleswart, chair Stromer Poncy	House File 109 Labor and Industrial Relations Pavich, chair Gilloon Lageschulte	House File 115 State Government Woods, chair Griffee Hansen
House File 58 County Government Gilloon, chair Oxley Junker	House File 113 Labor and Industrial Relations Jochum, chair Pavich Smalley	House File 117 Judiciary and Law Enforcement Doyle, chair Garrison Newhard Clark of Cerro Gordo Lipsky
House File 79 County Government Spear, chair Byerly Harvey	House File 114 Judiciary and Law Enforcement Higgins, chair Dyrland Lipsky	House File 118 State Government Brandt, chair Higgins Tauke
House File 84 County Government Miller of Calhoun, chair Wells Hoffmann		

House File 121
Labor and Industrial
Relations
Connors, chair
Pavich
Poney
Halvorson
Thompson

House File 122
Judiciary and Law
Enforcement
Doyle, chair
Garrison
Newhard
Clark of Cerro Gordo
Lipsky

House File 124
Human Resources
Garrison, chair
Newhard
Tofte
Clark of Cerro Gordo
Baker

House File 130
County Government
Gilson, chair
Hinkhouse
Stromer

House File 131
Judiciary and Law
Enforcement
Newhard, chair
Woods
Higgins
Shimanek
Conlon

House File 132
State Government
Monroe, chair
Patchett
Shimanek

House File 134
Human Resources
Lipsky, chair
Walter
Baker

House File 135
County Government
Byerly, chair
Baker
Pellett

House File 136
State Government
Avenson, chair
Harvey
Middleswart

House File 138
Judiciary and Law
Enforcement
Doyle, chair
Garrison
Shimanek

House File 139
Judiciary and Law
Enforcement
Nielsen, chair
Conlon
Patchett

House File 143
Judiciary and Law
Enforcement
Nielsen, chair
Connors
Gentleman

House File 148
Judiciary and Law
Enforcement
Doyle, chair
Garrison
Clark of Cerro Gordo
Newhard
Lipsky

House File 150
County Government
Hinkhouse, chair
Brandt
Clark of Lee

House File 156
Judiciary and Law
Enforcement
Patchett, chair
Pelton
Shimanek

House File 162
County Government
Wells, chair
Wyckoff
Stephens

House Concurrent Resolution 8
Human Resources
Dyrland, chair
Tofte
Loneragan
Walter
Anderson
Hansen

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 41	S.B. 96	S.B. 104
Education	Ways and Means	Ways and Means
Dyrland, chair	Miller of Buchanan, chair	Jochum, chair
Baker	Howell	Junker
Koogler	Clark of Lee	Howell
Small	Conlon	Svoboda
Brockett	O'Halloran	Miller of Buchanan
Krewson	Menke	Pavich
	Oxley	Varley
		Egenes
S.B. 93	S.B. 100	S.B. 107
Ways and Means	Ways and Means	Human Resources
Gilloon, chair	Dieleman, chair	Gentleman, chair
Bennett	Gilloon	Crawford
Harbor	Junker	Newhard
Varley	Harbor	Lipsky
Bina	Pavich	Clark of Cerro Gordo
Davitt		Miller of Buchanan
Brandt	S.B. 101	
Horn	Ways and Means	
Schnekloth	Miller of Buchanan, chair	S.B. 108
	Dieleman	Human Resources
S.B. 94	Pavich	Hargrave, chair
Ways and Means	Spencer	Schroeder
Jochum, chair	Menke	Baker
Junker	Conlon	Garrison
Howell	Harvey	Brunow
Svoboda		Krewson
Miller of Buchanan	S.B. 102	Cusack
Pavich	Ways and Means	
Varley	Dieleman, chair	S.B. 116
Egenes	Gilloon	Natural Resources
	Junker	Shimanek, chair
S.B. 95	Harbor	Spencer
Ways and Means	Pavich	Jesse
Miller of Buchanan, chair		
Howell	S.B. 103	S.B. 117
Clark of Lee	Ways and Means	Ways and Means
Conlon	Miller of Buchanan, chair	Dieleman, chair
O'Halloran	Howell	Gilloon
Menke	Clark of Lee	Junker
Oxley	Conlon	Harbor
	O'Halloran	Pavich
	Menke	
	Oxley	

S.B. 118

Natural Resources
Avenson, chair
Halvorson
Stephens

S.B. 119

Natural Resources
Shimanek, chair
Spencer
Jesse

S.B. 121

Agriculture
Hinkhouse, chair
Harper
Pellett

S.B. 122

Agriculture
Davitt, chair
Danker
Miller of Calhoun

S.B. 123

Natural Resources
Griffie, chair
Evans
Stephens

S.B. 124

Natural Resources
Perkins, chair
Evans
Varley

S.B. 125

Natural Resources
Wyckoff, chair
Tofte
Spencer

S.B. 126

Natural Resources
Shimanek, chair
Spencer
Jesse

S.B. 127

County Government
Gilson, chair
Spear
Clark of Lee

S.B. 129

Agriculture
Pellett, chair
Danker
Husak

S.B. 130

Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff

S.B. 131

Transportation
Lageschulte, chair
Davitt
Clark of Cerro Gordo

S.B. 132

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

S.B. 135

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

S.B. 139

Agriculture
Menke, chair
Bennett
Miller of Calhoun

S.B. 140

Agriculture
Harper, chair
Davitt
Lindeen

JOURNAL OF THE HOUSE

Thirty—sixth Calendar Day -- Twenty—sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 14, 1977

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

Prayer was offered by the Reverend Vernon Sorensen, pastor of the United Methodist Church, Audubon, Iowa.

The Journals of Thursday, February 10, and Friday, February 11, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Schultes, Resident, Broadlawns Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk on request of Dunton of Keokuk; Den Herder of Sioux on request of Stephens of Plymouth; Miller of Calhoun on request of Hansen of O'Brien; Patchett of Johnson on request of Dyrland of Clayton, and Griffee of Chickasaw on request of Monroe of Des Moines.

PRESENTATION OF VISITOR

Davitt of Warren presented to the House Helene Broussolle, a foreign exchange student from Paris, France. Helene who is a senior at Orient—Macksburg Community School under the Youth for Understanding Program, is living with the Kenneth Blozek family.

INTRODUCTION OF BILLS

HOUSE FILE 179, by committee on commerce, a bill for an act relating to health care provider malpractice, and providing methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, arbitration as a method of resolving disputes arising from the delivery of health care services and for the practices and procedures to be used therein, and the entering of judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, and providing correlating and corrective amendments to the Code and providing penalties.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 180, by Danker and Schroeder, a bill for an act authorizing cities and counties to regulate the dissemination and exhibition of obscene material to adults, prohibiting knowing public display of explicit sexual material, and providing a penalty.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 181, by Horn, a bill for an act relating to mandatory school attendance.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 182, by Lageschulte, a bill for an act relating to the exemption of the sale of draft horses from the sales tax.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 183, by Pelton, Middleswart, Howell, Spencer, Hinkhouse, Perkins, Krewson, Gilson, Stromer, O'Halloran, Evans, Welden, Lipsky, Halvorson and Danker, a bill for an act to require the teaching of energy conservation.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 184, by Horn, a bill for an act relating to noxious weeds.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 185, by Monroe, a bill for an act relating to the registration of aircraft.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 186, by Crabb, Welden, Middleswart, Wyckoff, Harbor, Husak, Wells, Halvorson, Bennett and Millen, a bill for an act relating to the maximum liability allowed by the state Tort Claims Act and the Tort Liability of Governmental Subdivisions Act.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 187, by O'Halloran, Howell, Varley, Evans, Middleswart, Branstad, Griffee, Lipsky, Crawford, Gentleman, Smalley, Krause, Small, Patchett, Walter, Tauke, Dyrland, Hines, Krewson, Rinas and Anderson, a bill for an act to regulate the sale and use of certain beverage containers and providing penalties.

Read first time and referred to committee on ENERGY.

HOUSE CONCURRENT RESOLUTION 11

By Committee on Energy

- 1 *Whereas*, because of the unusually severe winter,
- 2 natural gas shortages are being experienced in the
- 3 eastern states and have led to the closing of
- 4 schools, businesses, and factories; and
- 5 *Whereas*, the President of the United States has
- 6 requested that all Americans share the responsi-
- 7 bility of conserving energy resources, particularly
- 8 during this recent crisis, by turning temperature

9 controls in homes, schools, and other buildings to
10 65 ° F.; and

11 *Whereas*, the state of Iowa has led the nation in
12 meaningful energy planning, allowing Iowa to avoid
13 the crisis experienced in many other states, and
14 Iowa should set an example for its citizens by
15 lowering temperature controls in state-owned
16 buildings to 65 ° F.; and

17 *Whereas*, Iowa is not immune from a future crisis,
18 particularly with the dwindling availability of
19 natural gas, and with the recent federal
20 legislation which authorizes the President to
21 reallocate natural gas supplies among the states;

22 *Now Therefore*,

23 *Be It Resolved by the House of Representatives,*
24 *the Senate Concurring*, That the General Assembly
25 urges that temperature controls in all buildings
26 owned by the state or a political subdivision of
27 the state, except health care facilities, be modified
28 if necessary for efficient operation and set to
29 maintain a temperature of 65 ° F., and

30 *Be It Further Resolved*, That the General Assembly
31 requests that further energy conservation efforts be
32 instituted in government-owned buildings, such as
33 turning off lights in buildings when not in use,
34 as a further demonstration of our willingness to
35 assist not only our fellow Americans but also our—
36 selves in tailoring our energy demands to meet
37 supplies.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 10, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 18, a bill for an act relating to gifts to minors.

STEVEN C. CROSS, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

Spencer of Clay called up for consideration House Concurrent Resolution 10 filed on February 4, 1977 and found on pages 291 and 292 of the House Journal, and moved its adoption.

A non-record roll call was requested.

The ayes were 77, nays 7.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Spencer of Clay asked and received unanimous consent that House Concurrent Resolution 10 be immediately messaged to the Senate.

HOUSE INSISTS
(Senate File 32)

Norland of Worth called up for consideration Senate File 32, a bill for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive, in which the Senate concurred in part and refused to concur in part with the House amendment.

Norland of Worth moved that the House insist on its amendment.

A non-record roll call was requested.

The ayes were 50, nays 40.

The motion prevailed and the House insists on its amendment.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 9

Halvorson of Clayton called up for consideration House Concurrent Resolution 9 filed on February 4, 1977 and found on

page 291 of the House Journal.

Scheelhaase of Woodbury moved that House Concurrent Resolution 9 be referred to the committee on natural resources.

Roll call was requested by Harbor of Mills and Varley of Adair.

On the question "Shall the resolution be referred to the committee on natural resources?"

The ayes were, 43:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Fitzgerald	Gilloon	Gilson
Hargrave	Harper	Harvey	Hines
Hinkhouse	Horn	Hullinger	Husak
Jochum	Junker	Koogler	Middleswart
Miller, K.D.	Monroe	Nielsen	Norland
O'Halloran	Perkins	Rinas	Scheelhaase
Small	Spear	Svoboda	Welden
Wells	Woods	Mr. Speaker	

The nays were, 48:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Dyrland	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Higgins
Hoffmann	Howell	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Oxley	Pavich	Pellett
Pelton	Poncy	Schneklath	Schroeder
Shimanek	Smalley	Spencer	Stephens
Stromer	Thompson	Tofte	Varley
Walter	West	Wulff	Wyckoff

Absent or not voting, 9:

Den Herder	Garrison	Griffiee	Jesse
Lonergan	Miller, O.L.	Newhard	Patchett
Tauke			

The motion lost.

(House Concurrent Resolution 9 pending at adjournment.)

Fitzgerald of Webster moved that the House adjourn until 11:30 a.m., Friday, February 18, 1977.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 41, nays 39.

The motion prevailed.

COMMUNICATION FROM THE
IOWA DEPARTMENT OF JOB SERVICE
AND THE
IOWA COMMISSION ON THE AGING

Pursuant to Section 10, Acts of the Sixty-sixth General Assembly, 1975 Session, there is on file in the office of the Chief Clerk a report received February 11 which covers recapitulation of the Retired Iowan Community Employment Program from October 1975 through December 31, 1976. This special employment program is state funded and jointly implemented by the Iowa Department of Job Service and the Iowa Commission on the Aging.

CONFERENCE COMMITTEE APPOINTED
(Senate File 32)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 32: Pavich of Pottawattamie, chair; Wells of Linn, Conlon of Muscatine, O'Halloran of Black Hawk and Branstad of Winnebago.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 150 Natural Resources

Relating to the establishment of sanitary disposal projects and authorizing the use of injunctions for certain violations.

S.B. 151 Natural Resources

Relating to the authority of the department of environmental quality to issue permits for public water supply systems.

S.B. 152 Natural Resources

Relating to the powers of the department of environmental quality for air quality and providing a civil penalty for violations.

S.B. 153 Agriculture

Relating to the award of annual rental charges to a landowner in addition to other damages in eminent domain proceedings by pipeline companies.

S.B. 154 Agriculture

To allow contracts for haying on the medians of interstate highways.

S.B. 155 Ways and Means

Abolishing the office for city assessor and city conference boards within six years.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:00 a.m., February 11, 1977

Convened: 8:18 a.m.

Adjourned: 8:56 a.m.

Present: Miller of Buchanan, vice—chair; West, ranking member; Anderson, Bina, Branstad, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Howell, Husak, Menke, Oxley, Pavich, Schnekloth, Spencer, Svoboda, Thompson, Wells and Wyckoff.

Absent: Norland (arrived 8:20 a.m.), O'Halloran (arrived 8:31 a.m.), Bennett, Brandt, Clark of Lee, Den Herder, Hines, Horn, Jochum and Rinas.

Excused: Varley (arrived 8:21 a.m.), Harbor, Harvey, Junker and Wulff.

Discussed the Homestead tax credit. Dispersed into subcommittees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 10:00 a.m., February 11, 1977

Convened: 10:05 a.m.

Adjourned: 11:37 a.m.

Present: Hullinger, chair; Spear, vice—chair; Danker, ranking member; Baker, Brandt, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Byerly, Harvey and Junker.

House File 41, a bill for an act providing that all deputy sheriffs shall be approved by the board of supervisors.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or Not Voting: Byerly, Harvey and Junker.

Study Bill 35, a bill for an act relating to the writing fee for the issuance of boat licenses.

Recommended DO PASS.

Aye: Hullinger, Spear, Brandt, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett and Wells.

Nay: Danker, Baker, Clark of Lee, Stephens, Stromer and Wyckoff.

Absent or Not Voting: Byerly, Harvey and Junker.

Study Bill 58, a bill for an act to increase fee for recording instruments.

Recommended DO PASS.

Aye: Hullinger, Spear, Brandt, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Wells and Wyckoff.

Nay: Danker, Clark of Lee, Stephens and Stromer.

Absent or Not Voting: Baker (pass), Byerly, Harvey and Junker.

Study Bill 59, a bill for an act to require the state board of examiners for nursing home administrators to recognize experience in a county care facility on the same basis as experience in other licensed facilities for licensing purposes.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or Not Voting: Byerly, Harvey and Junker.

Study Bill 127, a bill for an act to change the title of the overseer of the poor to general relief director, and to transfer to that officer or the county board of supervisors certain duties now imposed by law upon township trustees.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer and Wyckoff.

Nay: None.

Absent or Not Voting: Byerly, Harvey, Junker and Wells.

Recommended combination of Study Bills 35 and 58.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:00 a.m., February 11, 1977

Convened: 10:15 a.m.

Adjourned: 10:35 a.m.

Present: Jesse, chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Nielsen, Patchett, Pelton, Shimanek, Smalley, Spencer and Woods.

Absent: Higgins (arrived 10:19 a.m.), Newhard, vice-chair and Scheelhaase.

Study Bill 87, a bill for an act relating to public defenders and assistant public defenders.

Recommended AMEND AND DO PASS.

Aye: Jesse, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Nielsen, Patchett, Pelton, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or Not Voting: Newhard and Scheelhaase.

Assigned bills.

AMENDMENT FILED

H-3043

HCR-9

Gilloon of Dubuque

On previous motion by Fitzgerald of Webster, the House adjourned at 12:25 p.m., until 11:30 a.m., Friday, February 18, 1977.

JOURNAL OF THE HOUSE

Thirty—seventh Calendar Day -- Twenty—seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 15, 1977

Pursuant to Senate Concurrent Resolution 6; duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Walter Dean, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Gilson of Guthrie from thirty—one citizens of Irwin, Iowa, opposing school reorganization.

By Gilloon of Dubuque from twenty-eight residents of Clinton and Jackson counties favoring the sale of certified raw milk.

INTRODUCTION OF BILLS

HOUSE FILE 188, by O'Halloran, a bill for an act providing for the compensation of innocent victims of criminal acts.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 189, by Higgins, Junker, Brandt, Gilloon, Patchett, Bina, Tauke, O'Halloran, Dyrland, Gentleman, Jochum, Monroe, Walter, Anderson, Pavich, Hines, Poncy and Connors, a bill for an act to regulate the use of monitoring devices by employers against employees and providing a penalty.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 190, by Avenson, a bill for an act relating to the destruction of weeds by spraying.

Read and committed under Rule 31.4 to committee on AGRICULTURE.

HOUSE FILE 191, by Woods, Chiodo, Byerly, Walter, Miller of Buchanan, Monroe, Wells, Rinas and Pavich, a bill for an act to permit pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse or dog races and racing meets; imposing taxes and fees and providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 192, by Lipsky, a bill for an act relating to the prevention, abatement or control of noise pollution and providing penalties for violations.

Read and committed under Rule 31.4 to committee on ENERGY.

HOUSE FILE 193, by Brunow, a bill for an act adjusting motor vehicle registration fees to promote energy efficiency.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 194, by Bina, a bill for an act to eliminate the ad damnum clause in certain cases involving liability of health care practitioners and hospitals.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 195, by Poncy, a bill for an act creating an Iowa rural development commission and providing tax rebates.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 196, by Avenson, Perkins, Fitzgerald, Menke, Varley, Middleswart, Pellett, Davitt, Lageschulte, Anderson, Halvorson, Evans and Griffee, a bill for an act establishing a wildlife habitat stamp.

Read and committed under Rule 31.4 to committee on NATURAL RESOURCES.

HOUSE FILE 197, by committee on transportation, a bill for an act relating to certain bikeway and walkway construction projects.

Read and committed under Rule 31.4 TO THE CALENDAR.

HOUSE FILE 198, by Koogler, a bill for an act relating to payment of the costs of the care, maintenance, and treatment of alcoholics and persons suffering the effects of alcohol, and providing an appropriation.

Read and committed under Rule 31.4 to committee on HUMAN RESOURCES.

HOUSE FILE 199, by Higgins, a bill for an act relating to the composition of governing boards of certain hospitals which furnish services to recipients under the medical assistance act.

Read and committed under Rule 31.4 to committee on HUMAN RESOURCES.

HOUSE FILE 200, by committee on county government, a bill for an act to change the title of the overseer of the poor to

general relief director, and to transfer to that officer or to the county board of supervisors certain duties now imposed by law upon township trustees.

Read and committed under Rule 31.4 TO THE CALENDAR.

HOUSE FILE 201, by Doyle, a bill for an act relating to the filing of claims on behalf of the deceased claimants for reimbursement for property taxes paid and rent constituting property taxes paid.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 202, by Higgins, a bill for an act establishing an Iowa poet laureate and making an appropriation.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 203, by Lageschulte, a bill for an act relating to the definition of employment for purposes of employment security.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 204, by Horn, a bill for an act relating to suspension of operator or chauffeur licenses.

Read and committed under Rule 31.4 to committee on TRANSPORTATION.

HOUSE FILE 205, by Horn, a bill for an act relating to the repair of consumer products and providing a penalty.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 206, by Gentleman, Anderson, Clark of Cerro Gordo, Cusack, Dyrland, Hines, Krause, Krewson, O'Halloran,

Rinas and Svoboda, a bill for an act relating to rights of persons receiving health care.

Read and committed under Rule 31.4 to committee on HUMAN RESOURCES.

HOUSE FILE 207, by Small, a bill for an act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 208, by Hullinger, Scheelhaase, Danker, Howell, Pelton, Brandt and Harbor, a bill for an act relating to the shooting of rifles and shotguns over public waters, road rights-of-way and railroad rights-of-way and subjecting violators to a penalty.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 209, by committee on state government, a bill for an act to amend the statutes relating to school districts by permitting the school board secretary to designate an alternate person to receive nomination papers relating to school elections, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) of the Code authorizing the appointment of a secretary of the school board and a treasurer of the school district, and two hundred ninety-eight point twenty-two (298.22) of the Code, authorizing the school board secretary to register bonds, by legalizing all acts of a treasurer of the school district appointed in compliance with section two hundred seventy-nine point three (279.3) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code.

Read and committed under Rule 31.4 TO THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 18, a bill for an act relating to gifts to minors.

Read and committed under Rule 31.4 to committee on JUDICIARY AND LAW ENFORCEMENT.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 11, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

Also: That the Senate has on February 11, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 63, a bill for an act to change the terms of one of the two new board of parole members provided for in the criminal code revision.

Also: That the Senate has on February 11, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 64, a bill for an act to provide a midshift meal to employees of the correctional institutions.

Also: That the Senate has on February 11, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 65, a bill for an act relating to the privileges of licensed insurance agents.

Also: That the Senate has on February 11, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 66, a bill for an act extending the period of operating authority of the temporary joint underwriting association.

STEVEN C. CROSS, Secretary

IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM ADVISORY INVESTMENT BOARD

The Speaker announced the appointment of Representative John Connors to the Iowa Public Employees Retirement System Advisory Investment Board, replacing Representative Richard Byerly.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 (rescheduled 1:45p.m.) February 14, 1977

Convened: 1:50 p.m.

Adjourned: 3:00 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Howell, Husak, Junker, Menke, Oxley, Pavich, Rinas, Schnekloth, Svoboda, Varley, Wulff and Wyckoff.

Absent: Anderson (arrived 1:55 p.m.), Horn (arrived 1:56 p.m.), Jochum (arrived 1:53 p.m.), O'Halloran (arrived 2:00 p.m.), Spencer (arrived 1:55 p.m.), Thompson (arrived 1:55 p.m.) and Wells (arrived 1:55 p.m.).

Excused: Den Herder.

Study Bill 101, providing for the taxation of active duty military income of Iowa residents, was debated.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 4:00 p.m., February 14, 1977

Convened: 4:10 p.m.

Adjourned: 5:45 p.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Middleswart, Pavich and Schnekloth.

Absent: Spencer (arrived 4:12 p.m.)

Excused: Hoffmann and Schroeder.

Met with Craig M. Beek, Director of Criminal Investigation and Charles Larsen, Commissioner.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 4:30 p.m., February 14, 1977

Convened: 4:30 p.m.

Adjourned: 6:40 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines and Lindeen.

Absent: Miller of Calhoun and Newhard.

Presentations: Title XX continued, Mini 20 by Charles Sweeney and County Administration, by Joe Baker and Bill Howard.

AMENDMENTS FILED

H-3044

Temporary Rules

Schroeder of Pottawattamie

H-3045

H.F. 37

Small of Johnson

JOURNAL OF THE HOUSE

Thirty—eighth Calendar Day -- Twenty—eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 16, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dennis Walter, Des Moines, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Evans of Grundy from nineteen citizens of Grundy County to rescind the March 1972 ratification of the Equal Rights Amendment.

SENATE MESSAGE CONSIDERED

SENATE FILE 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee appointed on Senate File 32, a bill for an Act to conform the provisions of the individual and corporate income tax and other taxes and making the Act retroactive, on the part of the Senate are: The Senator from Black Hawk, Mr. Nolting, chair, the Senator from

Cherokee, Mr. Curtis; the Senator from Winneshiek, Mr. Craft; the Senator from Lee, Mr. Junkins; and the Senator from Kossuth, Mr. Priebe.

STEVEN C. CROSS, Secretary

COMMUNICATION FROM THE IOWA COMMISSION ON INTERSTATE COOPERATION

There is on file in the office of the Chief Clerk a report of the Iowa Commission on Interstate Cooperation submitted in accordance with Section 28B.4, Code 1977.

COMMUNICATION FROM THE IOWA DEPARTMENT OF TRANSPORTATION

There is on file in the office of the Chief Clerk a report of the Department of Transportation on multi-county rural transportation system, utilizing existing transportation facilities and expansion of transportation systems for mobility of elderly and handicapped persons, submitted in accordance with Section 18 of the 1975 Acts.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 156 Judiciary and Law Enforcement

Relating to the correction of erroneous, inconsistent and obsolete sections of the Code.

S.B. 157 Ways and Means

Relating to the revocation of sales tax permits, responsibility of corporate officers and members of partnerships for sales and use taxes, and changes to the sales and use tax civil and criminal penalties.

S.B. 158 Transportation

Relating to railroad linkages and switches.

S.B. 159 Ways and Means

To require the filing of quarterly payments and declarations of estimated tax by corporations and financial institutions, creating a special reserve fund into which such payments are to be deposited, and providing penalties.

**SPONSOR ADDED
(House File 189)**

Cusack of Scott requested to be added as a sponsor of House File 189.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., February 15, 1977

Convened: 8:10 a.m.

Adjourned: 8:57 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton and Svoboda.

Absent: Norland (arrived 8:14 a.m.), Perkins (arrived 8:14 a.m.), Griffiee and Varley.

Excused: Daggett.

Discussion of House File 75 concerning energy efficiency standards for new construction in the building code. Assignment of bills to subcommittee.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., February 15, 1977

Convened: 8:08 a.m.

Adjourned: 9:00 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard, Schroeder and Tofte.

Absent: None.

Debated Juvenile Justice Study Bill.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., February 15, 1977

Convened: 8:03 a.m.

Adjourned: 8:55 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Halvorson, Horn, Lageschulte, Pavich, Poncy, Small, Thompson and Wells.

Absent: Chiodo (arrived 8:53 a.m.), Gilloon (arrived 8:38 a.m.), Hines (arrived 8:30 a.m.) and Smalley (arrived 8:07 a.m.).

Subcommittee assignment. Discussed Study Bill 32.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 15, 1977

Convened: 9:06 a.m.

Adjourned: 11:35 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Oxley and Poncy.

Absent: Nielsen (arrived 10:45 a.m.) and Pelton (arrived 9:10 a.m.).

Discussed capitals for Educational Television; capitals for Department of Public Instruction and Area Schools.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 15, 1977

Convened: 9:05 a.m.

Adjourned: 11:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Hearings with the Commission on Alcoholism and the Drug Abuse Authority.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 15, 1977

Convened: 9:15 a.m.

Adjourned: 10:55 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Budget recommendation — Soil Conservation.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 15, 1977

Convened: 9:05 a.m.

Adjourned: 11:55 a.m.

Present: Brunow, chair; Clark of Cerro Gordo, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen, Miller of Calhoun and Newhard.

Absent: Hansen (arrived 9:40 a.m.).

Excused: Daggett.

Presentations by Kay Svebakken, Community Based Intermediate Care Facility for Mentally Retarded and Residential Mentally Retarded;

Superintendent James W. Hoy, Boys' Training School, Eldora, Iowa; Dean Luxford and Diane Keat, Girls' Training School, Mitchellville, Iowa and Superintendent David Loving, Juvenile Home, Toledo, Iowa.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 15, 1977

Convened: 9:10 a.m.

Adjourned: 11:35 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Patchett.

Funded: OPP \$703,532, Merit \$911,618 and Office of the Director: General Services \$115,647. Discussion: General Services, National Conference of State Legislatures and Terrace Hill.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:10 a.m., February 15, 1977

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Crabb, ranking member; Chiodo, Conlon, Connors, Harper, Higgins, Lipsky, Svoboda and West.

Absent: None.

Excused: Halvorson and Griffee, chair.

Ed Longnecker of IPERS presented budget and answered questions.

COMMITTEE ON AGRICULTURE

Scheduled: 1:30 p.m., February 15, 1977

Convened: 1:45 p.m.

Adjourned: 2:50 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Binneboese, Byerly, Crabb, Danker, Davitt, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: Bennett (arrived 1:48 p.m.).

Excused: Den Herder.

Study Bill 67, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and providing a penalty.

Recommended AMEND AND DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Gilson, Harper, Howell, Husak, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Byerly, Den Herder and Krause.

Study Bill 99, a bill for an act authorizing the department of Agriculture to establish an aujeszky's disease control program and providing penalties.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Den Herder.

Study Bill 129, a bill for an act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Den Herder.

Study Bill 139, a bill for an act relating to the eradication of bovine brucellosis.

Recommended AMEND AND DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Den Herder.

Agriculture committee is forwarding a resolution to the Iowa congressional delegation commending them for successfully seeking congressional hearings on, and full investigation of, the long range implications of large-scale bank investment in agricultural land.

A similar resolution will be drawn up to present to the House and Senate.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:30 p.m., February 15, 1977

Convened: 1:45 p.m.

Adjourned: 3:30 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: None.

Discussion of Study Bill 90 - Performance Auditing and assigned bills.

COMMITTEE ON EDUCATION

Scheduled: 3:30 p.m., February 15, 1977

Convened: 3:35 p.m.

Adjourned: 5:20 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Small, Spear, Stromer, Thompson and Wulff.

Absent: Norland (arrived 1:43 p.m.) and Poncy (arrived 1:40 p.m.).

Excused: Daggett.

Discussion and assignment of study bills.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 3:30 p.m., February 15, 1977

Convened: 3:41 p.m.

Adjourned: 5:00 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Absent: Jesse and Varley.

House File 94, a bill for an act to provide a moratorium on the issuance of water permits for irrigation purposes.

Recommended AMEND AND DO PASS.

H-3046

- 1 Amend House File 94, as follows:
- 2 1. Page 1, by striking lines 1 through 19 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. MORATORIUM ON WATER PERMITS. The
- 5 Iowa natural resources council or the water
- 6 commissioner shall not issue a water permit under
- 7 chapter four hundred fifty-five A (455A) of the Code
- 8 for the purpose of withdrawing water from irrigation
- 9 wells or operating an irrigation system utilizing
- 10 wells, except systems using water from alluvial wells
- 11 on the flood plains of that portion of streams
- 12 bordering the state of Iowa, and a limited number
- 13 of wells in the Dakota Sandstone aquifer for purposes
- 14 of acquiring information for the Iowa Geological
- 15 Survey, before July 1, 1978. This section shall not
- 16 affect the extension or renewal of a valid water
- 17 permit issued for irrigation purposes before the
- 18 effective date of this Act except as provided in
- 19 sections four hundred fifty-five A point twenty-eight
- 20 (455A.28) or four hundred fifty-five A point twenty-
- 21 nine (455A.29) of the Code.

Aye: Middleswart, Spencer, Avenson, Chiodo, Garrison, Griffee, Miller of Buchanan, O'Halloran, Scheelhaase, Welden and Wyckoff.

Nay: Evans, Pelton, Shimanek and Stephens.

Absent or Not Voting: Halvorson, Bennett, Jesse, Perkins, Tofte and Varley.

Study Bill 110, a bill for an act relating to the registration certificates of vessels.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Spencer, Halvorson, Bennett, Evans, Garrison, Griffie, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte and Wyckoff.

Nay: Avenson, Chiodo, Miller of Buchanan and Welden.

Absent or Not Voting: Jesse and Varley.

Study Bill 116, a bill for an act relating to the registration of vessels.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffie, Miller of Buchanan, O'Halloran, Pelton, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Jesse, Perkins and Varley.

Study Bill 119, a bill for an act relating to state approved buoys.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Bennett, Chiodo, Evans, Garrison, Griffie, Miller of Buchanan, O'Halloran, Pelton, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Nay: Avenson.

Absent or Not Voting: Jesse, Perkins and Varley.

Assignment of Study Bills. Study Bill 136 Failed to Pass. Appointed a Task Force Committee on Moratorium on irrigation wells.

COMMITTEE ON TRANSPORTATION

Scheduled: 3:30 p.m., February 15, 1977

Convened: 3:32 p.m.

Adjourned: 4:40 p.m.

Present: Krause, chair; Harper, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Davitt, Dunton, Hoffmann, Lageschulte, Lipsky, Oxley, Rinas and Schnekloth.

Absent: Clark of Cerro Gordo (arrived 3:33 p.m.), Doyle (arrived 3:33 p.m.), Egenes (arrived 3:37 p.m.), Harbor (arrived 3:35 p.m.), Hullinger (arrived 3:33 p.m.), Monroe (arrived 3:44 p.m.) and Woods (arrived 3:38 p.m.).

Study Bill 131, a bill for an act relating to mobile home tiedowns and providing a penalty.

Recommended AMEND AND DO PASS.

Aye: Krause, Harper, Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Monroe, Rinas and Schnekloth.

Nay: Schroeder, Doyle, Dunton and Woods.

Absent or Not Voting: Lipsky and Oxley.

Discussed House File 67.

JOURNAL OF THE HOUSE

Thirty—ninth Calendar Day -- Twenty—ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 17, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Schultes, Resident, Broadlawns Hospital, Des Moines, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Halvorson of Clayton from seventy—three constituents opposing House Concurrent Resolution 6 concerning the Iowa Commission for the Blind food concession in the State House.

INTRODUCTION OF BILLS

HOUSE FILE 210, by committee on natural resources, a bill for an act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies.

Read and committed under Rule 31.4 TO THE CALENDAR.

HOUSE FILE 211, by committee on natural resources, a bill for an act relating to the registration of vessels.

Read and committed under Rule 31.4 TO THE CALENDAR.

HOUSE FILE 212, by committee on county government, a bill for an act to increase the interest penalty and interest on the amount to be paid to redeem real estate property sold at a tax sale.

Read and committed under Rule 31.4 TO THE CALENDAR.

HOUSE FILE 213, by Bina, a bill for an act authorizing the imposition of a countywide sales, services and use tax, appropriating the proceeds of such tax, providing property tax relief, and making the tax subject to applicable provisions of the Code, including penalties for violations.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 214, by Clark of Lee, a bill for an act relating to tax receipts.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 215, by Bina, a bill for an act to divert a portion of the sales tax revenue to the municipal assistance fund to provide financial assistance to cities and property tax relief.

Read and committed under Rule 31.4 to committee on WAYS AND MEANS.

HOUSE FILE 216, by Junker, a bill for an act relating to compliance with certain building code, housing code, or other regulations, relating to actions by building inspectors, and providing a penalty.

Read and committed under Rule 31.4 to committee on STATE GOVERNMENT.

HOUSE FILE 217, by Jochum and Higgins, a bill for an act relating to a utility company filing for increases in rates, charges, schedules, or regulations.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 218, by Higgins, a bill for an act relating to fairness in lending in real estate mortgages and prohibiting the practice of red-lining by banks, saving and loan associations and other financial institutions operating in the state.

Read and committed under Rule 31.4 to committee on COMMERCE.

HOUSE FILE 219, by Harbor and Schroeder, a bill for an act authorizing ambulance services by townships.

Read and committed under Rule 31.4 to committee on COUNTY GOVERNMENT.

HOUSE FILE 220, by Miller of Buchanan, Hansen, Garrison, Wyckoff, Wulff, Hinkhouse, Wells and Harvey, a bill for an act relating to the control of litter, the imposition of a tax on the manufacture and sale of certain items, and providing penalties for violations.

Read and committed under Rule 31.4 to committee on ENERGY.

HOUSE FILE 221, by committee on agriculture, a bill for an act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties.

Read and committed under Rule 31.4 TO THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 63, a bill for an act to change the term of one of the two new board of parole members provided for in the criminal code revision.

Read and committed under Rule 31.4 and PASSED ON FILE.

SENATE FILE 64, a bill for an act to provide a midshift meal to employees of the correctional institutions.

Read and committed under Rule 31.4 and PASSED ON FILE.

SENATE FILE 65, a bill for an act relating to the privileges of licensed insurance agents.

Read and committed under Rule 31.4 to committee on COMMERCE.

SENATE FILE 66, a bill for an act extending the period of operating authority of the temporary joint underwriting association.

Read and committed under Rule 31.4 to committee on COMMERCE.

REFERRED TO COMMITTEE ON AGRICULTURE
(House File 221)

The Speaker announced that House File 221, previously placed on the calendar, is referred to the committee on agriculture.

HOUSE RESOLUTION 6
By Committee on Agriculture

- 1 *Whereas*, the continued viability of the owner—
- 2 operated family farm is of crucial economic and social
- 3 value to the state of Iowa; and
- 4 *Whereas*, the separation of ownership and operation
- 5 in farming due to increased investment by non—farm
- 6 persons is a growing national trend; and
- 7 *Whereas*, Continental Illinois Bank and Trust Co.
- 8 of Chicago has recently announced plans to seek tax—
- 9 exempt status for a proposed \$50 million trust fund
- 10 for investment in agricultural land; and
- 11 *Whereas*, such proposed tax—exempt status and
- 12 ability to attract large—scale cash capital supplies
- 13 by this fund and others that might follow would
- 14 surely jeopardize the competitive position, if not the
- 15 very existence, of the family farmer; *Now Therefore*,
- 16 *Be It Resolved by the House of Representatives*,

17 that the Iowa Congressional delegation is to be commended
18 for successfully seeking Congressional hearings on,
19 and full investigation of, the long range implications
20 of large-scale bank investment in agricultural land; and
21 *Be It Further Resolved*, that the Iowa House of
22 Representatives urges the Congressional delegation
23 to act boldly in protecting the legitimate interests,
24 and the continued existence, of the family farm.

Laid over under Rule 25.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 159 A (Rewrite) Ways and Means

To require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

S.B. 160 Human Resources

Relating to county relief reform.

S.B. 161 Natural Resources

To require the exhibition of a registration certificate for a snowmobile under certain circumstances and subjecting violators to penalties.

S.B. 162 Agriculture

Relating to the weighing of bulk commodities.

S.B. 163 Judiciary and Law Enforcement

Relating to eminent domain.

S.B. 164 Judiciary and Law Enforcement

Relating to the appointment of county court administrators.

SPONSOR ADDED
(House File 188)

Dieleman of Marion requested to be added as a sponsor of House File 188.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 1:30 p.m., February 15, 1977

Convened: 1:40 p.m.

Adjourned: 2:40 p.m.

Present: Bina, chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Newhard, Pavich, Perkins, Schneklath, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Hargrave (arrived 2:12 p.m.), Nielsen (arrived 2:10 p.m.) and Rinas (arrived 1:43 p.m.).

Excused: Hines, vice-chair.

House File 44, a bill for an act relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

Recommended AMEND AND DO PASS.

H-3047

- 1 Amend House File 44, page 1, by striking lines
- 2 1 through 31 and inserting in lieu thereof the
- 3 following:

4 Section 1. Section four hundred point eleven
5 (400.11), unnumbered paragraph one (1), Code 1977,
6 is amended to read as follows:
7 The commission shall, within ninety days after
8 the beginning of each competitive examination for
9 original appointment or for promotion, certify to
10 the city council a list of the names of the ten persons
11 who qualify with the highest standing as a result
12 of each examination for the position they seek to
13 fill, or such number as may have qualified if less
14 than ten, in the order of their standing, and all
15 newly created offices or other vacancies in positions
16 under civil service which shall occur before the
17 beginning of the next examination for such positions
18 shall be filled from said lists, or from the preferred
19 list existing as provided for in case of diminution
20 of employees, within thirty days. If a tie occurs
21 in the examination scores which would qualify persons
22 for the tenth position on the list, the list of the
23 names of the persons who qualify with the highest
24 standing as a result of each examination shall include
25 all persons who qualify for the tenth position.
26 Preference for temporary service in civil service
27 positions shall be given those on such lists.

Aye: Bina, Clark of Lee, Connors, Dunton, Gentleman, Hoffmann,
Koogler, Krewson, Newhard, Pavich, Perkins, Rinas, Schnekloth, Smalley,
Spear, Stephens, Tofte and Wulff.

Nay: None.

Absent or Not Voting: Hines, Hargrave and Nielsen.

Presentation on the distribution of road use tax fund receipts and the
problems inherent in the gas tax increase. Assigned study bills and house
files to subcommittees. Dispersed into subcommittees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., February 16, 1977

Convened: 8:05 a.m.

Adjourned: 8:52 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member;
Baker, Brandt, Gilloon, Gilson, Hinkhouse, Junker, Miller of Calhoun, Oxley,
Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Byerly (arrived 8:08 a.m.), Clark of Lee (arrived 8:17 a.m.) and Harvey.

Excused: Hoffmann and Lindeen.

Senate File 53, a bill for an act relating to the expenditure of federal funds for county buildings or facilities.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Byerly, Clark of Lee, Gilson, Hinkhouse, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: Gilloon and Junker.

Absent or Not Voting: Harvey, Hoffmann and Lindeen.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 8:00 a.m., February 16, 1977

Convened: 8:12 a.m.

Adjourned: 8:50 a.m.

Present: Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Dboyle, Dyrland, Garrison, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley and Spencer.

Absent: Newhard, vice-chair (arrived 8:21 a.m.); Woods (arrived 8:13 a.m.), Jesse, chair; Higgins and Pelton.

Excused: Nielsen.

House File 66, a bill for an act to amend the Iowa uniform controlled substances act to permit the board of pharmacy examiners to add to, delete from or alter the classification of the list of controlled substances established by that act.

Recommended DO PASS.

Aye: Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Garrison.

Absent or Not Voting: Jesse, Higgins, Nielsen and Pelton.

House File 85, a bill for an act relating to the number of times a person may change his or her name.

Recommended DO PASS.

Aye: Newhard, Branstad, Clark of Cerro Gordo, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Garrison.

Absent or Not Voting: Jesse, Conlon, Higgins, Nielsen and Pelton.

House File 100, a bill for an act relating to the safeness and suitability of jails.

Recommended AMEND AND DO PASS.

H-3048

1 Amend House File 100 as follows:

- 2 1. Page 1, line 23, by inserting after the word
 3 "matters." the words "Rules relating to health, sani-
 4 tation, the quantity and quality of food to be served
 5 inmates, cleanliness, and medical practices shall
 6 be promulgated under this Act in consultation with
 7 the commissioner of public health. Rules relating
 8 to fire safety shall be promulgated under this Act
 9 in consultation with the state fire marshal."
 10 2. Page 1, line 27, by inserting after the word
 11 "The" the words "bureau of community corrections in
 12 the division of corrections in the".

Aye: Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Garrison, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley and Spencer.

Nay: Dyrland and Woods.

Absent or Not Voting: Jesse, Higgins, Nielsen and Pelton.

House File 101, a bill for an act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

Recommended AMEND AND DO PASS.

H-3049

- 1 Amend House File 101, page 1, by striking line
 2 4 and inserting in lieu thereof the words:
 3 "6. To have a matron on the jail premises at all
 4 times where there are one or more female prisoners
 5 or to have an attendant on the jail premises".

Aye: Newhard, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Branstad.

Absent or Not Voting: Jesse, Higgins, Nielsen and Pelton.

House File 102, a bill for an act to provide a midshift meal to employees of the correctional institutions.

Recommended DO PASS.

Aye: Newhard, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Branstad.

Absent or Not Voting: Jesse, Higgins, Nielsen and Pelton.

Study Bill 91, a bill for an act to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

Recommended DO PASS.

Aye: Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or Not Voting: Jesse, Higgins, Nielsen and Pelton.

Assigned bills to subcommittees.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 16, 1977

Convened: 9:06 a.m.

Adjourned: 12:04 p.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Oxley, Pelton and Poncy.

Absent: Nielsen (arrived 10:21 a.m.).

Board of Regents capitals presentations.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 16, 1977

Convened: 9:15 a.m.

Adjourned: 11:45 a.m.

Present: Husak, chair; Bennett, ranking member; Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Excused: Crawford.

Hearing with the Department of Health to discuss the Office of Health Planning and Development and the Division of Health Facilities.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 16, 1977

Convened: 9:05 a.m.

Adjourned: 11:55 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Lindeen, Miller of Calhoun and Newhard.

Absent: Hargrave (arrived 10:09 a.m.) and Hines.

Presentations by Ted Wellman, Iowa Women's Reformatory at Rockwell City; Warden Lou V. Brewer, Iowa State Penitentiary at Fort Madison; Dr. Paul Loeffelholz, Oakdale at Anamosa (Iowa Security Medical Facility) and Harry Woods, Parole.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 16, 1977

Convened: 9:10 a.m.

Adjourned: 11:45 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Patchett, Smalley, Walter and Woods.

Absent: None.

Treasurer of State, Maurice Baringer, gave presentation on Terrace Hill. Recommended: National Conference of State Legislatures - \$24,450, General Administration of General Services - \$1,231,169, Records Management of General Services - \$276,071, Printing of General Services - \$105,036, Communications of General Services - \$205,637 and Buildings and Grounds of General Services - \$2,144,731 (without Terrace Hill). Authorized expenditures for: Centralized Purchasing - \$318,810, Centralized Printing - \$473,166 and Vehicle Dispatcher - \$281,751.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 16, 1977

Convened: 9:10 a.m.

Adjourned: 11:40 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Absent: None.

Recommended: Crime Commission \$232,764; Law Enforcement Academy, \$503,174; Public Defense/National Guard, \$1,821,815 and Public Defense Disaster Preparedness budget, \$92,653.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:30 a.m., February 16, 1977

Convened: 9:30 a.m.

Adjourned: 11:30 a.m.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Connors, Halvorson, Higgins, Harper, Lipsky, Small and West.

Absent: None.

Excused: Svoboda.

Discussions with Rolland Gallagher, Director, Iowa Beer and Liquor Control Department, and four members of the Control Commission.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:30 p.m., February 16, 1977

Convened: 1:40 p.m.

Adjourned: 3:20 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Jochum, Junker, Menke, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Wells, Wulff and Wyckoff.

Absent: West (arrived 1:42 p.m.), Hines (arrived 1:46 p.m.), O'Halloran (arrived 1:48 p.m.) and Varley (arrived 1:45 p.m.).

Senate File 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

Recommended AMEND AND DO PASS.

H-3050

- 1 Amend Senate File 61, as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "The taxes imposed under this Act shall be
- 6 terminated upon either of two conditions:
- 7 1. When compulsory military service is re-
- 8 instated by the United States Congress, or
- 9 2. When a state of war is declared to exist
- 10 by the United States Congress."

Aye: Norland, Anderson, Bina, Brandt, Cusack, Davitt, Egenes, Gilloon, Harbor, Hines, Howell, Jochum, Junker, O'Halloran, Pavich, Rinas, Schnekloth, Svoboda, Varley, Wells and Wulff.

Nay: Miller of Buchanan, West, Bennett, Branstad, Clark of Lee, Conlon, Daggett, Den Herder, Horn, Husak, Menke, Oxley, Spencer, Thompson and Wyckoff.

Absent or Not Voting: Dieleman, Dunton and Harvey.

Study Bill 100, a bill for an act relating to the authority of the director of revenue to sell cigarette stamps.

Recommended AMEND AND DO PASS.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Den Herder, Dieleman, Egenes, Gilloon, Harbor, Harvey, Hines, Jochum, Junker, Pavich, Schnekloth, Svoboda, Thompson, Wells and Wulff.

Nay: Dunton, Horn, Howell, Husak, Menke, O'Halloran, Oxley, Rinas, Spencer and Wyckoff.

Absent or Not Voting: Varley.

COMMITTEE ON ENERGY

Scheduled: 3:30 p.m., February 16, 1977

Convened: 3:35 p.m.

Adjourned: 5:15 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Svoboda and Varley.

Absent: Pellett (arrived 3:42 p.m.), Pelton (arrived 3:41 p.m.), Perkins (arrived 4:38 p.m.) and Norland.

House File 75, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Recommended AMEND AND DO PASS.

H-3053

- 1 Amend House File 75 by striking everything after
- 2 the enacting clause and inserting in lieu thereof
- 3 the following:
- 4 "Section 1. Section one hundred three A point
- 5 seven (103A.7), unnumbered paragraph two (2), Code
- 6 1977, is amended by adding the following new sub-
- 7 section:
- 8 NEW SUBSECTION. Energy conservation including
- 9 thermal and lighting efficiency standards for build-
- 10 ings intended for human occupancy. The commissioner
- 11 shall consult with the energy policy council in prom-
- 12 ulgating energy conservation standards.
- 13 Sec. 2. Section one hundred three A point ten
- 14 (103A.10), Code 1977, is amended by adding the follow-
- 15 ing new subsection:
- 16 NEW SUBSECTION. Provisions of the state building
- 17 code establishing thermal efficiency standards shall
- 18 be applicable to all new construction owned by the
- 19 state, an agency of the state, or a political subdi-
- 20 vision of the state or which is located in a politi-
- 21 cal subdivision which has adopted a building code,
- 22 even if the building code adopted by the political
- 23 subdivision is not the state building code. Provi-
- 24 sions of the state building code establishing lighting
- 25 efficiency standards shall be applicable to all new
- 26 construction owned by the state, an agency of the
- 27 state or a political subdivision of the state. In
- 28 areas not covered by a state or local building code,

29 plans and specifications for any new building except
 30 buildings used primarily for agricultural purposes,
 31 which contain more than fifty thousand cubic feet
 32 of enclosed space shall be certified by a registered
 33 engineer or a registered architect to meet energy
 34 conservation standards promulgated pursuant to section
 35 one (1) of this Act and shall bear the signature of
 36 and be sealed by the registered architect or registered
 37 engineer. Notice of the certification shall be filed
 38 with the commissioner within thirty days following
 39 the certification. The commissioner may exempt new
 40 construction from any energy conservation standards
 41 promulgated pursuant to section one (1) of this Act
 42 if the new construction will not incorporate a heating
 43 or cooling system or if the new construction will
 44 use a minimal amount of energy or if the commissioner
 45 determines that the standards are unreasonable in
 46 a given situation. Notwithstanding the definition
 47 in subsection fifteen (15) of section one hundred
 48 three A point three (103A.3) of the Code "construction"
 49 as used in this subsection is limited to the erection
 50 of new buildings or factory—built structures and to

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- 1 the erection of additions to existing buildings or
- 2 factory—built structures construction of which has
- 3 not been commenced prior to January 1, 1978, and does
- 4 not include renovations or repairs.
- 5 Sec. 3. This Act is effective January 1, 1978.

Aye: O'Halloran, Howell, Welden, Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Perkins, Svoboda and Varley.

Nay: None.

Absent or Not Voting: Norland.

House File 82, a bill for an act creating a division of radiation protection within the state department of health, prescribing its powers and duties and providing penalties for violations.

Recommended AMEND AND DO PASS.

H-3052

- 1 Amend House File 82 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. **NEW SECTION, DEFINITIONS.** As used
- 5 in this Act, unless the context otherwise requires:
- 6 1. "Commissioner" means the commissioner of public
- 7 health or a designee.
- 8 2. "Department" means the state department of

9 health.

10 3. "Radiation" means energy forms capable of
11 causing ionization including alpha particles, beta
12 particles, gamma rays, x-rays, neutrons, high-speed
13 protons, and other atomic particles, but does not
14 include sound or radio waves, or visible light, or
15 infrared or ultraviolet light.

16 Sec. 2. NEW SECTION. APPLICABILITY. The
17 provisions of this Act apply to all equipment or
18 materials which are located in this state and which
19 are designed to emit radiation. The provisions of
20 this Act shall not supersede or duplicate the authority
21 and programs of any other agency of the state or the
22 United States government. To avoid duplication and
23 promote coordination of radiation protection ac-
24 tivities, the department may enter into agreements
25 pursuant to chapter twenty-eight E (28E) of the Code
26 with other state and federal agencies, or with private
27 organizations or individuals, to administer the
28 provisions of this Act.

29 Sec. 3. NEW SECTION. POWERS AND DUTIES. The
30 department shall be responsible for regulating the
31 design, installation and use of radiation-producing
32 equipment and materials in this state. The department
33 shall:

34 1. Inspect at the time of installation,
35 reinstallation or major component change and
36 periodically inspect thereafter, all equipment and
37 materials located in this state for the purpose of
38 detecting, abating, or eliminating excessive exposure
39 hazards. The inspection shall include but shall not
40 be limited to an evaluation of the equipment as well
41 as the immediate environment to insure that in using
42 equipment and materials all unnecessary hazards for
43 patients, personnel, and other persons who may be
44 exposed to radiation produced by the equipment or
45 materials are avoided. The department shall establish
46 rules prescribing operating procedures for equipment
47 and materials which insure minimum radiation exposure
48 to patients, personnel, and other persons in the
49 immediate environment. The inspection shall include
50 inspection of the tube housing, beam restricting

Page 2

1 devices, filtration, exposure switches, control panel,
2 and exposure timing switch. The inspector shall
3 certify that protections against electrical hazards
4 as well as the mechanical supporting and restraining

5 devices used are adequate and that protective gloves
6 and aprons and a device to monitor radiation expo—
7 sure are available. All defects and deficiencies
8 noted by the inspector shall be fully disclosed and
9 discussed with the responsible persons at the time
10 of inspection.

11 2. Establish minimum criteria and safety standards
12 for the design, installation, operation and use of
13 radiation emitting equipment and materials.

14 3. Establish minimum training standards for
15 operators. All operators of equipment and users of
16 material who are licensed by the state to practice
17 medicine, osteopathy, chiropractic, podiatry, dentistry
18 or veterinary medicine shall be deemed to have
19 satisfied the minimum training standards.

20 4. Establish a system for the registration of
21 the possession of radiation emitting equipment and
22 materials in the state.

23 5. Establish and collect fees for the registration
24 and for the periodic inspection of radiation emitting
25 equipment and materials. Fees shall be in amounts
26 sufficient to defray the cost of administering the
27 provisions of this Act. All fees collected shall
28 be remitted to the treasurer of state who shall deposit
29 the funds in the general fund of the state.

30 6. Adopt, publish and amend rules, in accordance
31 with the provisions of chapter seventeen A (17A) of
32 the Code as may be necessary for the implementation
33 and enforcement of the provisions of this Act.

34 Sec. 4. NEW SECTION. PENALTIES. It is unlawful
35 to operate or utilize radiation emitting equipment
36 or material in violation of the provisions of this
37 Act or of any rule adopted pursuant to this Act.
38 Persons convicted of violating the provisions of this
39 Act shall be guilty of a simple misdemeanor.

40 Sec. 5. NEW SECTION. ENFORCEMENT. Upon
41 determination by the commissioner that this Act or
42 any rule adopted pursuant to this Act has been or
43 is being violated, the commissioner may order that
44 the radiation emitting equipment or materials not
45 be used until the necessary corrective action has
46 been taken. Should the equipment or materials continue
47 to be used in violation of the order of the
48 commissioner, the commissioner may request the county
49 attorney or the attorney general to make an application
50 in the name of the state to the district court of

Page 3

- 1 the county in which the violations may have occurred
- 2 for an order to enjoin such violations or practices.
- 3 Sec. 6. This Act shall take effect January 1,
- 4 1978."
- 5 2. Amend the title by striking lines 1 through
- 6 3 and inserting in lieu thereof the words "An Act
- 7 placing with the department of health the authority
- 8 for regulating the design, installation and use of
- 9 radiation emitting equipment and providing a penalty."

Aye: O'Halloran, Howell, Welden, Binneboese, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Perkins, Svoboda and Varley.

Nay: Daggett.

Absent or Not Voting: Norland.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 3:30 p.m., February 16, 1977

Convened: 3:35 p.m.

Adjourned: 5:40 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard, Schroeder and Tofte.

Absent: None.

Study Bill 107, a bill for an act relating to complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Recommended AMEND AND DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Gentleman, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard and Schroeder.

Nay: Garrison.

Absent or Not Voting: Baker, Hansen and Tofte.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., February 16, 1977

Convened: 3:32 p.m.

Adjourned: 5:32 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: Hines (arrived 3:37 p.m.) and Horn (arrived 3:37 p.m.).

Discussion of Study Bill 32.

AMENDMENTS FILED

H-3051

H.F. 206

Monroe of Des Moines

H-3054

H.C.R. 11

Monroe of Des Moines

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 18, 1977

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

Prayer was offered by the Reverend Robert Tedrow, pastor of the First United Presbyterian Church, Centerville, Iowa.

The Journals of Monday, February 14; Tuesday, February 15; Wednesday, February 16 and Thursday, February 17, 1977 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Erwin Wittenberg, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schroeder of Pottawattamie on request of Danker of Pottawattamie; Junker of Woodbury and Binneboese of Plymouth on request of Wyckoff of Benton; Harper of Davis on request of Miller of Calhoun; Bina of Scott on request of Cusack of Scott; Brockett of Marshall on request of Evans of Grundy.

PRESENTATION OF VISITORS

Egenes of Story presented to the House two foreign exchange students from Tokyo, Japan, Kikuko Shimizu and Masato Kikuchi as well as Bill Reissetter, former Page of the House.

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

Eighty—five fifth grade students from Rex Mathes Elementary School, West Des Moines, Iowa, accompanied by Mrs. LeCroy, Mrs. Carter and Mrs. Olson. By Thompson of Polk.

Twenty—five fifth grade students from Williamson Elementary School, Williamson, Iowa, accompanied by Mrs. Swanson. By Middleswart of Warren.

INTRODUCTION OF BILLS

HOUSE FILE 222, by Jochum, Higgins, Anderson, Garrison, Brandt, Rinas, Gilloon, Fitzgerald and Cusack, a bill for an act relating to the termination of services by public utilities.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 223, by committee on county government, a bill for an act relating to increasing fees collected by the county recorder.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 224, by committee on transportation, a bill for an act relating to mobile home tiedowns and providing a penalty.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 225, by committee on natural resources, a bill for an act relating to state approved buoys.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 226, by Hullinger, Harbor and Baker, a bill for an act requiring a hunter to have written permission before hunting on the property of a landowner or tenant, and subjecting violators to a penalty.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 227, by Menke, Halvorson, Wulff, Avenson, Koogler, Woods, Miller of Buchanan, Krewson, Husak, Dieleman, Svoboda, Wells and Monroe, a bill for an act relating to the licensing of certain lending institutions and their employees as insurance agents, and prohibiting the taking of any commission from the sale of insurance.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 228, by committee on agriculture, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 229, by committee on natural resources, a bill for an act relating to the registration certificates of vessels.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 230, by committee on agriculture, a bill for an act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 231, by committee on ways and means, a bill for an act relating to the authority of the director of revenue to sell cigarette stamps through banks.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 232, by Walter, Fitzgerald, Bina, O'Halloran, Dyrland, Jochum, Anderson, Higgins, Pavich, Hines, Poncy, Connors, Monroe, Gilloon, Krewson, Byerly, Patchett, Wulff, Junker, Husak, Lonergan, Harper, Dieleman, Binneboese, Jesse, Newhard, Branstad, Tauke, Pelton, Shimanek, Garrison, Doyle, Krause and Lageschulte, a bill for an act prohibiting the Iowa

commerce commission from approving charges by telephone companies for telephone directory assistance.

Read first time and referred to committee on COMMERCE.

HOUSE CONCURRENT RESOLUTION 12

By Cusack

- 1 *Whereas*, the costs of higher education are escalating
2 at a rapid pace; and
3 *Whereas*, Iowa's future will be vitally affected by
4 all segments of higher education, including regent
5 institutions, area community colleges and area vocational
6 schools, and private colleges and universities; and
7 *Whereas*, the Iowa legislature has assumed varying degrees
8 of financial responsibility in all of the above named
9 areas at a time of serious cost elevation; and
10 *Whereas*, the Iowa Code makes no mention of the
11 relationship between regent institutions and area
12 community colleges and area vocational schools, and is
13 entirely silent on the subject of private colleges and
14 universities; and
15 *Whereas*, the consequences of a lack of legislative
16 policy in this area will be financial distress for the
17 taxpayer and, ultimately, a weaker educational program
18 for Iowa's young; and
19 *Whereas*, a higher education policy will both set
20 limits on legislative responsibility, and provide
21 security to institutions knowing that they can depend
22 on legislative support and funding; and
23 *Whereas*, a policy should be adopted which clearly
24 defines the role of each type of institution receiving
25 legislative financial support, with particular attention

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- 1 to types of program offered, numbers and cost of students
2 served, and entrance and graduation requirements, as
3 well as speaking to overlapping offerings by two-year,
4 four-year and graduate institutions of all types in
5 Iowa, *Now Therefore*,
6 *Be It Resolved by the House of Representatives, The*
7 *Senate Concurring*, That the legislative council is
8 authorized to establish a commission to undertake a
9 comprehensive and detailed study of the roles of the
10 various institutions of higher education in this state,

11 their programs, and overlapping of programs, the
 12 escalating costs of higher education in this state,
 13 and the financial support level of the state for each
 14 of the segments of higher education, and the commission
 15 shall develop both short-range and long-range alternatives
 16 for program and fiscal planning. Members may be either
 17 legislators or lay citizens, or both. The commission
 18 may either employ its own staff or hire a consulting
 19 firm to assist it with its work; and

20 *Be It Further Resolved*, That the commission shall
 21 submit to the legislative council and the Sixty-seventh
 22 General Assembly, 1978 Session, a report of the study
 23 together with legislative bill drafts designed to carry
 24 out the recommendations of the commission.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 13

By Fitzgerald and Millen

1 *Whereas*, the Sixty-seventh General Assembly is
 2 advised of a meeting of the Pioneer Lawmakers
 3 Association to be held in the Historical Building
 4 on Thursday, April 14, 1977, and request the oppor-
 5 tunity to formally meet with the General Assembly,
 6 *Now Therefore*,
 7 *Be It Resolved by the House, The Senate*
 8 *Concurring*, That the General Assembly meet in joint
 9 session in the House chamber on Thursday, April 14,
 10 1977, at 1:30 p.m. and that the Pioneer Lawmakers
 11 be invited to attend and present a program on that
 12 occasion.

Laid over under Rule 25.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the date indicated:

House Clerk	D. Joanne Brownell	Grade 13 to Grade 15 on 2/4/77
House Clerk	Doris M. Hammon	Grade 13 to Grade 15 on 2/4/77

House Clerk	Karen Kusel	Grade 13 to Grade 15 on 2/4/77
House Clerk	Donna M. Smith	Grade 13 to Grade 15 on 2/4/77
Administrative Assistant	Michael D. Bernatz	Grade 13 to Grade 15 on 2/4/77

James D. Wells, Chair
House Administration Committee

QUORUM CALL

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

HOUSE CONCURRENT RESOLUTION 9 DEFERRED

The House resumed consideration of House Concurrent Resolution 9 relating to the study of water rights and a moratorium on the issuance of irrigation permits.

Fitzgerald of Webster moved that House Concurrent Resolution 9 be deferred and retained on the weekly debate calendar.

Roll call was requested by Harbor of Mills and Varley of Adair.

On the question "Shall House Concurrent Resolution 9 be deferred and retained?"

The ayes were, 53:

Anderson	Avenson	Baker	Brandt /
Brunow	Byerly	Chiodo	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Gilson	Hargrave	Higgins
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Rinas	Small
Spear	Spencer	Svoboda	Tauke
Walter	Wells	Woods	Wyckoff
			Mr. Speaker

The nays were, 34:

Bennett	Clark, B.J.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Hoffmann	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schneklloth
Shimanek	Smalley	Stephens	Stromer
Thompson	Tofte	Varley	Welden
		West	Wulff

Absent or not voting, 13:

Bina	Binneboese	Branstad	Brockett
Clark, J.H.	Griffee	Harper	Harvey
Hines	Junker	Poncy	Scheelhaase
			Schroeder

The motion prevailed and House Concurrent Resolution 9 was deferred and retained on the weekly debate calendar.

CONSIDERATION OF BILLS BUDGET CALENDAR

HOUSE FILE 164, a bill for an act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 164)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Brandt	Branstad	Brunow	Byerly

Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Schneklloth	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
	Wulff	Wyckoff	Mr. Speaker

The nays were, none:

Absent or not voting, 13:

Bina	Binneboese	Brockett	Clark, J.H.
Griffee	Harper	Harvey	Hines
Hullinger	Junker	Poncy	Scheelhaase
Schroeder			

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

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 165 State Government

Relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Scheduled: 8:00 a.m., February 17, 1977

Convened: 8:07 a.m.

Adjourned: 8:33 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Bennett, Binneboese, Crabb, Danker, Davitt, Gilson, Howell, Lageschulte, Lindeen and Miller of Calhoun.

Absent: Byerly (arrived 8:11 a.m.), Den Herder (arrived 8:10 a.m.), Krause, Menke and Svoboda.

Excused: Pellett, Harper and Husak.

Study Bill 65, a bill for an act to permit severance of certain land from an established drainage or levee district if it is found that the land receives no material benefit from the district.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Howell, Lageschulte, Lindeen and Miller of Calhoun.

Nay: None.

Absent or Not Voting: Pellett, Harper, Husak, Krause, Menke and Svoboda.

Study Bill 66, a bill for an act permitting drainage district boards to have repairs costing ten thousand dollars or less performed without obtaining an engineer's report.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Howell, Lageschulte, Lindeen and Miller of Calhoun.

Nay: None.

Absent or Not Voting: Pellett, Harper, Husak, Krause, Menke and Svoboda.

Assigned study bills and house files to subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:00 a.m., February 17, 1977

Convened: 8:15 a.m.

Adjourned: 8:50 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Stromer, Walter and West.

Absent: Shimanek and Tauke.

Study Bill 90, a bill for an act to establish a legislative auditor's office by transferring the duties of the legislative fiscal bureau, transferring the duty of the auditor of state to audit state agencies, and establishing a duty of conducting performance audits.

Recommended DO PASS.

Aye: Monroe, Woods, Avenson, Brandt, Dieleman, Griffee, Higgins, Jesse, Middleswart, Patchett, Poncy and Walter.

Nay: Harvey, Crawford, Hansen, Junker, Stromer and West.

Absent or Not Voting: Shimanek and Tauke.

COMMITTEE ON CITIES

Scheduled: 8:30 a.m., February 17, 1977

Convened: 8:35 a.m.

Adjourned: 8:40 a.m.

Present: Bina, chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Pavich, Schneklath, Smalley, Spear, Tofte and Wulff.

Absent: Hines, Hargrave, Newhard and Nielsen.

Excused: Perkins, Stephens and Rinas.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 17, 1977

Convened: 9:12 a.m.

Adjourned: 11:24 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Brockett, Davitt, Nielsen, Oxley, Pelton and Poncy.

Absent: Branstad (arrived 9:47 a.m.) and Egenes (arrived 9:27 a.m.).

Review of budget requests.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 17, 1977

Convened: 9:15 a.m.

Adjourned: 11:50 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Budget recommendations: Medical Examiners, \$104,138; Nursing Examiners, \$267,695; Pharmacy Examiners, \$206,335 and the Spanish—American War Veterans, \$3,490.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:00 a.m., February 17, 1977

Convened: 9:00 a.m.

Adjourned: 11:30 a.m.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Halvorson, Higgins, Lipsky, Small and West.

Absent: Svoboda.

Excused: Connors and Harper.

Discussion on budgets.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 17, 1977

Convened: 9:00 a.m.

Adjourned: 12:00 Noon.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines (arrived 9:20 a.m.) and Newhard (arrived 9:35 a.m.).

Presentations by Calvin Auger, Iowa State Men's Reformatory at Anamosa, Iowa and Luster Heights; Hal Farrier, Medical Security Unit at Mount Pleasant, Iowa and Harry Woods, Bureau Director of Community Corrections on Parole.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 17, 1977

Convened: 9:15 a.m.

Adjourned: 11:30 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Patchett, Smalley, Walter and Woods.

Absent: None.

Recommended \$83,677 - Terrace Hill, \$157,324 - Citizens' Aide, \$800,000 Capital Requests, \$528,593 - Building and Grounds for capital improvements and \$500,000 - moving expenses, General Services. Discussed library funding and prosecutor intern program. Final bill draft on all departments to be reviewed.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 17, 1977

Convened: 9:12 a.m.

Adjourned: 11:45 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schneklath, Schroeder and Spencer.

Absent: None.

Finalized recommendations to the Budget Committee for the Department of Public Defense and the Department of Transportation. The Subcommittee directed that one bill encompass all of the budget recommendations of the Subcommittee.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., February 17, 1977

Convened: 1:35 p.m.

Adjourned: 4:55 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Poncey, Small, Spear, Thompson and Wulff.

Absent: Dyrland (arrived 1:42 p.m.) and Stromer (arrived 1:48 p.m.).

Study Bill 9, a bill for an act to require inclusion of achievements of women, minorities and others in total school program and to require English—language arts.

Recommended DO PASS.

Aye: Patchett, Miller of Calhoun, Crawford, Dyrland, Gilson, Hansen, Norland, Spear, Stromer, Thompson and Wulff.

Nay: None.

Absent or Not Voting: Daggett, Baker, Brockett, Byerly, Horn, Koogler, Krewson, Poncey and Small.

Continued discussion of Study Bill 1.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:30 p.m., February 17, 1977

Convened: 1:38 p.m.

Adjourned: 3:05 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Chiodo, Evans, Griffee, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Varley, Welden and Wyckoff.

Absent: Avenson (arrived 1:41 p.m.), Garrison (arrived 1:42 p.m.), Jesse (arrived 1:42 p.m.) and Tofte (arrived 2:02 p.m.).

Excused: Bennett (until 2:35 p.m.) and Scheelhaase.

Study Bill 42, a bill for an act relating to the form of fish and game licenses.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: None.

Study Bill 43, a bill for an act to repeal the requirement of a special permit tag to sell furs outside the state.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: Scheelhaase.

Absent or Not Voting: None.

Study Bill 45, a bill for an act relating to the use of artificial light on or in the waters of the state.

Recommended DO PASS.

Aye: Middleswart, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Nay: Spencer, Jesse, Scheelhaase and Varley.

Absent or Not Voting: None.

Study Bill 46, a bill for an act relating to prohibited traps.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: Pelton and Scheelhaase.

Absent or Not Voting: None.

Study Bill 72, a bill for an act relating to lost and destroyed game licenses.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: None.

Study Bill 79, a bill for an act relating to the taking of minnows.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: None.

Study Bill 63, a bill for an act relating to water use regulation by the Iowa natural resources council.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Bennett and Scheelhaase.

Study Bill 77, a bill for an act relating to the authority of the Iowa natural resources council.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Spencer, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: Halvorson.

Absent or Not Voting: Scheelhaase.

Study Bill 118, a bill for an act relating to the use of fishing hooks.

Recommended DO PASS.

Aye: Middleswart, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: Spencer and Pelton.

Absent or Not Voting: Scheelhaase.

Study Bill 124, a bill for an act relating to the authority of the Iowa natural resources council to enter upon private property.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Chiodo, Evans, Garrison, Griffee, Jesse, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Bennett and Scheelhaase.

Discussed S. B. 111, failed to pass out of committee.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:30 p.m., February 17, 1977

Convened: 1:33 p.m.

Adjourned: 1:56 p.m.

Present: Krause, chair; Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Oxley, Rinas, Schneklath and Woods.

Absent: Dunton (arrived 1:36 p.m.), Monroe (arrived 1:43 p.m.), Schroeder, ranking member (arrived 1:37 p.m.) and Harper, vice-chair.

Discussed H.F. 67.

SUBCOMMITTEE ASSIGNMENTS

House File 44

Cities
Connors, chair
Pavich
Tofte

House File 54

Cities
Rinas, chair
Smalley
Hargrave

House File 104

Ways and Means
Miller of
Buchanan, chair
Howell
Clark of Lee
Conlon
O'Halloran
Menke
Oxley

House File 107

Cities
Pavich, chair
Hoffmann
Spear

House File 108

Ways and Means
Wyckoff, chair
O'Halloran
Wells
Conlon
Branstad

House File 119

Cities
Hargrave, chair
Bina
Gentleman
Krewson
Rinas

House File 137

State Government
Griffee, chair
Brandt
West

House File 141

Education
Dyrland, chair
Baker
Koogler
Small
Brockett
Krewson

House File 144

State Government
Brandt, chair
Monroe
Avenson
Hansen
Harvey

House File 145

Commerce
Small, chair
Bina
Brockett
Evans
Krause
Tauke
Walter
Welden

House File 149

Labor and
Industrial Relations
Small, chair
Horn
Brockett

House File 151

Agriculture
Gilson, chair
Hinkhouse
Lageschulte

House File 152

Cities
Hines, chair
Nielsen
Perkins
Schnekloth
Wulff

House File 154

Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poney
Crawford
Daggett
Stromer
Wulff

House File 157

State Government
Patchett, chair
Poncy
Junker

House File 168

Cities
Bina, chair
Clark of Lee
Dunton

House File 175

State Government
Monroe, chair
Brandt
Crawford

House File 158

State Government
Tauke, chair
Hansen
Walter

House File 170

Education
Patchett, chair
Baker
Dyrland
Horn

House File 178

State Government
Stromer, chair
Patchett
Brandt

House File 160

Commerce
Koogler, chair
Anderson
Schroeder

House File 171

Norland
Poncy
Crawford
Daggett
Stromer
Wulff

House File 180

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

House File 165

Commerce
Loneragan, chair
Dieleman
Tauke

House File 171

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

House File 181

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

House File 166

Commerce
Schroeder, chair
Walter
West

House File 174

Energy
Svoboda, chair
Hinkhouse
Binneboese
Daggett
Lindeen

House File 183

Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff

House File 167

Commerce
Small, chair
Brockett
Chiodo
Krause
Tauke

House File 184

Agriculture
Menke, chair
Pellett
Harper

House File 187

Energy
O'Halloran and
Varley, co-chair
Evans
Griffee
Howell

House File 188

Judiciary and
Law Enforcement
Doyle, chair
Garrison
Newhard
Clark of Cerro Gordo
Lipsky

House File 189

Judiciary and
Law Enforcement
Dyrland, chair
Gentleman
Scheelhaase

House File 194

Commerce
Small, chair
Bina
Brockett
Evans
Krause
Tauke
Walter
Welden

House File 201

Judiciary and
Law Enforcement
Nielsen, chair
Lipsky
Patchett

House File 205

Commerce
Koogler, chair
Anderson
Schroeder

House File 207

Judiciary and
Law Enforcement
Shimanek, chair
Higgins
Garrison

House File 208

Judiciary and
Law Enforcement
Nielsen, chair
Smalley
Shimanek

Senate File 18

Judiciary and
Law Enforcement
Pelton, chair
Garrison
Doyle

Senate File 36

Judiciary and
Law Enforcement
Patchett, chair
Pelton
Shimanek

Senate File 52

Judiciary and
Law Enforcement
Nielsen, chair
Shimanek
Pelton

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 128

Ways and Means
Miller of
Buchanan, chair
Dieleman
Pavich
Spencer
Menke
Conlon
Harvey

S.B. 133

Ways and Means
Norland, chair
Rinas
Hines
Jochum
Wells
Branstad
West
Clark of Lee

S.B. 134

Ways and Means
Hines, chair
Harvey
Rinas
Wyckoff
Egenes
Wells
Thompson

S.B. 136

Natural Resources
Tofte, chair
O'Halloran
Wyckoff

S.B. 137

Natural Resources
Evans, chair
O'Halloran
Garrison

S.B. 138

Ways and Means
Bina, chair
Wells
Dunton
Wyckoff
West
Conlon
Thompson

S.B. 141

Cities
Bina, chair
Clark of Lee
Koogler
Krewson
Pavich
Spear
Wulff

S.B. 142

Cities
Bina, chair
Clark of Lee
Koogler
Krewson
Pavich
Spear
Wulff

S.B. 143

Judiciary and
Law Enforcement
Branstad, chair
Woods
Jesse

S.B. 144

State Government
Woods, chair
Crawford
Dieleman

S.B. 146

Ways and Means
Hines, chair
Harvey
Rinas
Wyckoff

Egenes

Wells

Thompson

S.B. 147

State Government
Dieleman, chair
Avenson
Junker

S.B. 148

Ways and Means
Bina, chair
Wells
Dunton
Wyckoff
West
Conlon
Thompson

S.B. 149

Ways and Means
Gilloon, chair
Bennett
Harbor
Varley
Bina
Davitt
Brandt
Horn
Schneklath

S.B. 150

Natural Resources
Griffie, chair
O'Halloran
Welden

S.B. 151

Natural Resources
Middleswart, chair
Perkins
Shimanek

S.B. 152

Natural Resources
O'Halloran, chair
Pelton
Evans

S.B. 153

Agriculture
Howell, chair
Bennett
Binneboese

S.B. 154

Agriculture
Byerly, chair
Lindeen
Svoboda

S.B. 155

Ways and Means
Hines, chair
Harvey
Rinas
Wyckoff
Egenes
Wells
Thompson

S.B. 156

Judiciary and Law
Enforcement
Shimanek, chair
Conlon
Pelton

S.B. 157

Ways and Means
Dieleman, chair
Gilloon
Junker
Harbor
Pavich

S.B. 159

Ways and Means
 Norland, chair
 Rinas
 Hines
 Jochum
 Wells
 Branstad
 West
 Clark of Lee

S.B. 161

Natural Resources
 Shimanek, chair
 Spencer
 Jesse

S.B. 163

Judiciary and
 Law Enforcement
 Nielsen, chair
 Jesse
 Patchett

S.B. 162

Agriculture
 Krause, chair
 Crabb
 Hinkhouse

S.B. 164

Judiciary and
 Law Enforcement
 Conlon, chair
 Nielsen
 Pelton

AMENDMENT FILED

H-3055

H.F. 200

Krause of Kossuth
 Brandt of Black Hawk

On motion by Fitzgerald of Webster the House adjourned at
 12:52 p.m. until 1:30 p.m., Tuesday, February 22, 1977.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day -- Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 22, 1977

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

Prayer was offered by the Reverend William Temple, pastor of the First Baptist Church, Leon, Iowa.

The Journal of Friday, February 18, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald Boldt, Ackley, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay for February 22 and 23 on request of Speaker Cochran of Webster; Baker of Buena Vista for February 22 and 23 and Byerly of Polk for a portion of the afternoon on request of Nielsen of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Crabb of Crawford from fourteen Modale, Iowa, residents: nine favoring raising the legal drinking age to nineteen and five opposing the equal rights amendment.

By Danker of Pottawattamie from fifteen members of the Woman's Civic Club of Carson, Iowa, opposing House Concurrent Resolution 6, relating to the Iowa Commission for the Blind services in the State House.

By Small of Johnson and Hargrave of Johnson a resolution by the Iowa City City Council supporting legislative action in the Iowa General Assembly to regulate the use of beverage containers in the state of Iowa.

INTRODUCTION OF BILLS

HOUSE FILE 233, by Jochum, a bill for an act relating to migrant workers.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 234, by Halvorson, a bill for an act relating to investigation of arson and providing penalties.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 235, by Horn, a bill for an act restricting the number of cars used and operated by a household.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 236, by Lipsky, a bill for an act relating to the payment for dog licenses and providing for their issuance by veterinarians.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 237, by Newhard, a bill for an act relating to fraudulent practices.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 238, by Egenes, a bill for an act relating to the age for school attendance.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 239, by Poncy, a bill for an act imposing a tax on cigarettes and little cigars, and providing for the disposition of such tax revenue.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 240, by Danker and Crabb, a bill for an act relating to the number of residential parties connected on a telephone party line.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 241, by Welden, Millen, Branstad, Stephens, Schroeder, Daggett, Halvorson, Schnekloth, Tofte, Smalley, Evans, Lindeen, Gentleman, Hansen, West, Harbor, Bennett, Pellett, Junker, Pelton, Clark of Cerro Gordo, Shimanek, Krewson, Danker, Tauke, Lageschulte, Harvey, Stromer, Wulff, Den Herder, Egenes, Brockett, Lipsky, Menke, Hoffmann and Thompson, a bill for an act to provide a procedure for adjournment of the general assembly.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 242, by Higgins, a bill for an act decriminalizing the possession of one hundred grams or less of marijuana and providing penalties.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 243, by Higgins, a bill for an act to provide that juveniles convicted of simple misdemeanors in district court shall be sentenced in the juvenile court.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 244, by Halvorson, Wyckoff, Branstad, Thompson, Daggett, Harbor, Danker, Menke, Crabb, Miller of Buchanan, Bennett, Wulff and Stephens, a bill for an act to limit payment of expenses of members of the general assembly.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 245, by committee on natural resources, a bill for an act relating to the use of fishing hooks.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 246, by committee on state government, a bill for an act to establish a legislative auditor's office by transferring the duties of the legislative fiscal bureau, transferring the duty of the auditor of state to audit state agencies, and establishing a duty of conducting performance audits.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 247, by Halvorson, a bill for an act relating to the prevention and distribution of losses occurring as the result of the financial impairment of certain insurers, and providing penalties.

Read first time and referred to committee on COMMERCE.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 17, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 28, a bill for an act to commemorate the birthday of Dr. Martin Luther King, Jr.

Also: That the Senate has on February 17, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 35, a bill for an act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code.

Also: That the Senate has on February 17, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 71, a bill for an act to abolish the state board of eugenics.

Also: That the Senate has on February 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 74, a bill for an act relating to the capital and surplus requirements of certain insurance companies.

Also: That the Senate has on February 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 94, a bill for an act relating to moving expenses for employees of the state department of transportation.

Also: That the Senate has, on February 21, 1977, adopted the conference committee report and passed:

Senate File 32, a bill for an Act to conform the provisions of the individual and corporate income tax and other taxes and making the Act retroactive.

STEVEN C. CROSS, Secretary

HOUSE RESOLUTION 7

By: Krause of Kossuth

- 1 *Whereas*, the city of Emmetsburg is nearing their annual
- 2 St. Patrick's celebration March 18, 19 and 20;
- 3 and
- 4 *Whereas*, Desmond O'Malley, T.D., Shadow Minister of
- 5 Defense in the Irish Parliament will be honored at this
- 6 celebration; *Now Therefore*,
- 7 *Be It Resolved by the House of Representatives*, that
- 8 the membership of the House of Representatives of the Sixty—

- 9 seventh General Assembly of the State of Iowa extends its
 10 heartiest congratulations to the city of Emmetsburg, Iowa in
 11 commemoration of their seventeenth year of observance of
 12 St. Patrick's Day; and
 13 *Be It Further Resolved*, that a copy of this resolution
 14 be forwarded to the mayor, the city council and the citizens
 15 of Emmetsburg by the Chief Clerk of the House.

Laid over under Rule 25.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Howell of Floyd offered the following House Memorial Resolution 4 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 4

Whereas, The Honorable Charles Burtch of Mitchell County, who was a member of the Fifty-fifth, Fifty-sixth, Fifty-seventh and Fifty-eighth sessions of the General Assembly, passed away on November 21, 1972; now therefore,
Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Howell of Floyd, Griffie of Chickasaw and Norland of Worth.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Danker of Pottawattamie offered the following House Memorial Resolution 5 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 5

Whereas, The Honorable Harvey Johnson of Shelby County, who was a member of the Fifty-sixth, Fifty-eighth, Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third sessions of the General Assembly, passed away on November 13, 1976; now therefore,
Be It Resolved by the House of Representatives; That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Danker of Pottawattamie, Pellett of Cass and Gilson of Guthrie.

ADOPTION OF HOUSE RESOLUTION 6

Svoboda of Iowa called up for consideration House Resolution 6, relating to the family farm, filed on February 17, 1977 and found on pages 400 and 401 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 11

O'Halloran of Black Hawk called up for consideration House Concurrent Resolution 11, relating to energy conservation, filed on February 14, 1977 and found on pages 369 and 370 of the House Journal.

Monroe of Des Moines offered the following amendment H-3054 filed by him and moved its adoption:

H-3054

- 1 Amend House Concurrent Resolution 11, page 1, by
- 2 inserting after line 29 the following:
- 3 "*Be It Further Resolved*, That the General Assembly
- 4 urges that air conditioning equipment in state
- 5 buildings not be operational during the months be-
- 6 ginning October first and ending May thirty-first
- 7 unless the outside temperature reaches twenty-seven
- 8 degrees Celsius."

A non-record roll call was requested.

The ayes were 65, nays 13.

Amendment H-3054 was adopted.

Evans of Grundy offered the following amendment H-3060 filed by him from the floor and moved its adoption:

H-3060

- 1 Amend House Concurrent Resolution 11, found on
- 2 page 369 of the House Journal as follows:
- 3 1. Line 25, by inserting after the word "that"
- 4 the words "during the winter season,".

Amendment H-3060 was adopted.

O'Halloran of Black Hawk moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

ADOPTION OF CONFERENCE COMMITTEE REPORT (Senate File 32)

Pavich of Pottawattamie offered the following report of the conference committee on Senate File 32 and moved the adoption of the report and the amendments contained therein.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 32

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 Senate and House of Representatives on Senate File 32, a bill for an Act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive, respectfully make the following report:

1. That the House recede from Division B, lines 3 through 25 of Amendment S-3070, to Senate File 32, as passed by the Senate.

On the Part of the Senate:
 FRED W. NOLTING, chair
 ROLF V. CRAFT
 WARREN E. CURTIS
 LOWELL L. JUNKINS
 BERL E. PRIEBE

On the Part of the House:
 EMIL S. PAVICH, chair
 TERRY E. BRANSTAD
 WALTER CONLON
 MARY O'HALLORAN
 JAMES D. WELLS

Roll call was requested by Tauke of Dubuque and Miller of Buchanan.

Rule 70 was invoked.

On the question "Shall the report be adopted?"

The ayes were, 49:

Avenson	Bennett	Bina	Brandt
Branstad	Brunow	Conlon	Crabb
Cusack	Daggett	Den Herder	Dunton
Egenes	Gentleman	Gilson	Griffee
Hansen	Hargrave	Harper	Hinkhouse
Howell	Hullinger	Jesse	Koogler
Krause	Lipsky	Menke	Middleswart
Millen	Miller, O.L.	Newhard	Nielsen
Norland	O'Halloran	Pavich	Pellett
Pelton	Perkins	Scheelhaase	Schneklath
Small	Spear	Stephens	Tofte
Varley	Welden	Wells	West
			Mr. Speaker

The nays were, 46:

Anderson	Binneboese	Brockett	Chiodo
Clark, B.J.	Connors	Crawford	Danker
Davitt	Dieleman	Doyle	Dyrland
Evans	Garrison	Gilloon	Halvorson
Harbor	Harvey	Higgins	Hines
Hoffmann	Horn	Husak	Jochum
Junker	Krewson	Lageschulte	Lindeen
Lonergan	Miller, K.D.	Monroe	Oxley
Patchett	Poncy	Rinas	Schroeder
Shimanek	Smalley	Stromer	Svoboda
Tauke	Thompson	Walter	Woods
		Wulff	Wyckoff

Absent or not voting, 5:

Baker	Byerly	Clark, J.H.	Fitzgerald
Spencer			

The motion prevailed and the conference committee report and the amendments contained therein were adopted.

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

On the question "Shall the bill pass?" (S.F. 32)

The ayes were, 75:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Chiodo	Clark, B.J.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Egenes	Evans	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harper
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Koogler
Krause	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Schnekloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
	Wulff	Wyckoff	Mr. Speaker

The nays were, 17:

Connors	Dyrland	Gilloon	Higgins
Hines	Husak	Jochum	Junker
Krewson	Lageschulte	Lipsky	Miller, K.D.
Patchett	Poncy	Rinas	Schroeder
Tauke			

Absent or not voting, 8:

Baker	Brockett	Byerly	Clark, J.H.
Fitzgerald	O'Halloran	Scheelhaase	Spencer

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

CONSIDERATION OF BILLS

Regular Calendar

SENATE FILE 51 SUBSTITUTED FOR HOUSE FILE 49

Shimanek of Jones asked and received unanimous consent to substitute Senate File 51 for House File 49.

Senate File 51, a bill for an act to repeal the authority of the war surplus commodities board, was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 51)

The ayes were, 93:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Harper	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells

West

Woods

Wulff

Wyckoff
Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Baker
HarborByerly
KrewsonClark, J.H.
Spencer

Fitzgerald

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

HOUSE FILE 49 WITHDRAWN

Shimanek of Jones asked and received unanimous consent to withdraw House File 49 from further consideration by the House.

SENATE FILE 53 DEFERRED

Avenson of Fayette asked and received unanimous consent that action on Senate File 53, be temporarily deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton on request of Schnekloth of Scott.

House File 127, a bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land, was taken up for consideration.

Krause of Kossuth offered the following amendment H-3040 filed by him:

H-3040

- 1 Amend House File 127 as follows:
- 2 1. Page 1, line 3, by inserting after the
- 3 comma the words "railroad right of way."

Krause of Kossuth offered the following amendment H-3059, to amendment H-3040, filed by him from the floor:

H-3059

- 1 Amend the amendment H-3040 to House File 127
- 2 as follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "words" the word "operating".

Schroeder of Pottawattamie rose on a point of order that amendment H-3040 was not germane.

The Speaker ruled the point not well taken and amendment H-3040 germane.

Krause of Kossuth moved the adoption of amendment H-3059, to amendment H-3040.

Amendment H-3059 was adopted.

Krause of Kossuth asked and received unanimous consent to withdraw amendment H-3040, as amended.

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

On the question "Shall the bill pass?" (H.F. 127)

The ayes were, 88:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harper	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland

O'Halloran	Oxley	Patchett	Pavich
Pellett	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Smalley
Spear	Stephens	Thompson	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 3:

Husak	Small	Svoboda
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Absent or not voting, 9:

Baker	Byerly	Clark, J.H.	Pelton
Schroeder	Spencer	Stromer	Tauke
Tofte			

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

HOUSE FILE 200 DEFERRED

House File 200, a bill for an act to change the title of the overseer of the poor to general relief director, and to transfer to that officer or to the county board of supervisors certain duties now imposed by law upon township trustees, was taken up for consideration.

Higgins of Scott offered the following amendment H-3057 filed by him and Lipsky of Linn from the floor:

H-3057

- 1 Amend House File 200 as follows:
- 2 1. By striking pages 1, 2 and 3.
- 3 2. Page 4, by striking lines 1 through 4 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. Section two hundred fifty-two point
- 6 one (252.1), Code 1977, is amended by striking the
- 7 section and inserting in lieu thereof the following:
- 8 252.1 DEFINITIONS. As used in this chapter:
- 9 1. "Poor person" means an individual who is:
- 10 a. Without income or resources adequate to provide
- 11 the necessities of life for himself or herself, and

12 for those members of his or her immediate family who
13 are dependent upon that person for the necessities
14 of life; and

15 b. Is either:

16 (1) Ineligible for state or federal assistance
17 under programs including, but not limited to, federal
18 supplemental security income and state supplementary
19 assistance as defined in section two hundred forty—
20 nine point one (249.1), subsections one (1) and two
21 (2), of the Code, and aid to dependent children under
22 chapter two hundred thirty—nine (239) of the Code;

23 or

24 (2) Receiving, under any one or more of the
25 programs mentioned in subparagraph one (1) of this
26 paragraph, assistance in an amount insufficient to
27 provide that person and his or her dependents the
28 necessities of life.

29 2. "Board" means the county board of supervisors,
30 provided that the board of supervisors may delegate
31 all or any part of its authority and duties under
32 this chapter to the county board of social welfare,
33 appointed pursuant to section two hundred thirty—four
34 point nine (234.9) of the Code.

35 3. "Director" means the county director of general
36 relief, designated pursuant to section two (2), sub—
37 section one (1), of this Act, or the director's
38 designee.

39 Sec. 2. Section two hundred fifty—two point two
40 (252.2), Code 1977, is amended by striking the section
41 and inserting in lieu thereof the following:

42 252.2 DUTIES OF BOARD. The board of each county
43 shall:

44 1. Designate an individual who shall serve as
45 that county's director of general relief, who shall
46 be either:

47 a. A county employee hired for that purpose; or

48 b. An employee of the state department of social
49 services who is assigned to work in that county and
50 who agrees, with approval of the state department,

Page 2

1 to exercise the functions and duties of county director
2 of general relief.

3 2. Have authority to employ such persons to work
4 under the supervision of the director as the board
5 deems necessary to properly implement this chapter.

6 3. Adopt rules regarding the kind and amount of
7 relief to be granted to poor persons in the county,

8 which shall be applied uniformly by the director.
9 In adopting these rules, the board shall consider
10 but shall not be required to follow suggested standards
11 which shall be embodied in rules promulgated pursuant
12 to chapter seventeen A (17A) of the Code by the state
13 council on social services. The board's rules may
14 include a requirement that the director refer any
15 poor person who receives relief under this chapter,
16 and who is an eligible person as defined by section
17 two hundred forty-nine C point one (249C.1), subsection
18 five (5), of the Code, to a work and training program
19 established under chapter two hundred forty-nine C
20 (249C) of the Code as a condition of receiving such
21 relief.

22 Sec. 3. Section two hundred fifty-two point three
23 (252.3), Code 1977, is amended by striking the section
24 and inserting in lieu thereof the following:

25 252.3 APPLICATIONS FOR RELIEF. Any poor person
26 may apply for general relief to the director in the
27 county where the poor person is at the time the
28 application is submitted. The director shall make
29 such investigation as is necessary to determine the
30 applicant's actual situation and, if the applicant
31 is entitled to relief under the rules of the board,
32 shall grant the appropriate relief as authorized by
33 section two hundred fifty-two point twenty-seven
34 (252.27) of the Code.

35 Sec. 4. Section two hundred fifty-two point four
36 (252.4), Code 1977, is amended by striking the section
37 and inserting in lieu thereof the following:

38 252.4 APPEAL BY APPLICANT. Any poor person who
39 has applied to the director for and been refused
40 general relief under this chapter, who believes that
41 the refusal is contrary to the rules of the board,
42 may appeal to the board. The board shall receive
43 the appeal and, after an appropriate investigation,
44 shall by written order affirm, modify or reverse the
45 action of the director on the application.

46 Sec. 5. Section two hundred fifty-two point
47 thirteen (252.13), Code 1977, is amended to read as
48 follows:

49 252.13 RECOVERY BY COUNTY. Any county having
50 expended any money for the relief or support of a

Page 3

1 poor person, under the provisions of this chapter,
2 may recover the same from any of that person's kindred
3 mentioned herein, from such poor person should he

4 or she become able, ~~or from his or her estate; from~~
5 ~~relatives by action brought within two years from~~
6 ~~the payment of such expenses, from such poor person~~
7 ~~to pay by action brought within two years after~~
8 ~~becoming the person becomes able, and from such~~
9 ~~person's estate by filing the claim as provided by~~
10 ~~law. There shall be allowed against the person's~~
11 ~~estate a claim of the sixth class for that portion~~
12 ~~of the liability to the county which exceeds the total~~
13 ~~amount of all claims of the first through the fifth~~
14 ~~classes, inclusive, as defined in section 633.425,~~
15 ~~which are allowed against that estate.~~

16 Sec. 6. Section two hundred fifty-two point
17 fourteen (252.14), Code 1977, is amended to read as
18 follows:

19 252.14 HOMESTEAD—WHEN LIABLE. When expenditures
20 have been made for and on behalf of a poor person
21 and his or her family, as contemplated by section
22 252.13, the homestead of such poor person is liable
23 for such expenditures when such poor person dies
24 without leaving a surviving husband or wife, or child,
25 as defined as section 234.1.

26 Sec. 7. Section two hundred fifty-two point twenty-
27 seven (252.27), Code 1977, is amended to read as
28 follows:

29 252.27 FORM OF RELIEF—CONDITION. The relief
30 ~~afforded to poor persons, upon application under this~~
31 ~~chapter, may be either in the form of food, rent or~~
32 ~~clothing, fuel and lights, medical attendance, civil~~
33 ~~legal aid, or in money. Legal aid authorized herein~~
34 ~~shall be provided only through a legal aid program~~
35 ~~approved by the county board of supervisors. The~~
36 ~~amount of assistance issued to meet the needs of the~~
37 ~~person shall be determined by standards of assistance~~
38 ~~established by the county boards of supervisors.~~
39 ~~They may require any able-bodied person to labor~~
40 ~~faithfully on the streets or highways at the prevailing~~
41 ~~local rate per hour in payment for and as a condition~~
42 ~~of granting relief; said labor shall be performed~~
43 ~~under the direction of the officers having charge~~
44 ~~of working streets and highways the rules adopted~~
45 ~~under section two (2), subsection three (3), of this~~
46 ~~Act. Subject to the provisions of section 142.1,~~
47 ~~such relief may also consist of the burial of non-~~
48 ~~resident indigent transients and the payment of the~~
49 ~~reasonable cost of such burial, provided such expenses~~
50 ~~do not exceed two hundred fifty dollars.~~

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1 Sec. 8. Section two hundred fifty-two point twenty-
2 eight (252.28), Code 1977, is amended to read as
3 follows:

4 252.28 MEDICAL SERVICES. When medical services
5 are rendered ~~by order of the trustees or overseers~~
6 of the poor at county expense under this chapter,
7 no more shall be charged or paid therefor than is
8 usually charged for like services in the neighborhood
9 county where such services are rendered.

10 Sec. 9. Section two hundred fifty-two point twenty-
11 nine (252.29), Code 1977, is amended to read as
12 follows:

13 252.29 INTEREST PROHIBITED. No supervisor,
14 trustee, or employee of the county, shall be directly
15 or indirectly interested in any supplies furnished
16 the poor."

17 3. Page 4, line 17, by inserting after the word
18 "county" the words "director of".

19 4. Page 4, line 18, by striking the word
20 "director".

21 5. Page 4, line 24, by striking the words "general
22 relief directors" and inserting in lieu thereof the
23 words "directors of general relief".

24 6. Page 4, line 33, by striking the words "general
25 relief director" and inserting in lieu thereof the
26 words "director of general relief".

27 7. Page 5, line 8, by inserting after the word
28 "poor" the words "director of".

29 8. Page 5, line 9, by striking the word "director".

30 9. Page 5, line 12, by striking the words "general
31 relief director" and inserting in lieu thereof the
32 words "director of general relief".

33 10. Page 6, line 9, by striking the words "General
34 relief director" and inserting in lieu thereof the
35 words "Director of general relief".

36 11. Page 6, line 27, by striking the words "general
37 relief director" and inserting in lieu thereof the
38 words "director of general relief".

39 12. Page 7, by striking lines 11 and 12 and
40 inserting in lieu thereof the following:

41 "Sec. Sections two hundred fifty-two point
42 five (252.5), two hundred fifty-two point six (252.6),
43 two hundred fifty-two point seven (252.7), two hundred
44 fifty-two point eight (252.8), two hundred fifty-two
45 point nine (252.9), two fifty-two point fifteen
46 (252.15), two hundred fifty-two point eighteen
47 (252.18), two hundred fifty-two point nineteen
48 (252.19), two hundred fifty-two point twenty-five
49 (252.25), two hundred fifty-two point twenty-six
50 (252.26), Two hundred fifty-two point thirty (252.30),

Page 5

- 1 two hundred fifty-two point thirty-one (252.31), two
2 hundred fifty-two point thirty-two (252.32), two
3 hundred fifty-two point thirty-three (252.33), two
4 hundred fifty-two point thirty-four (252.34), two
5 hundred fifty-two point thirty-five (252.35), two
6 hundred fifty-two point thirty-six (252.36), two
7 hundred fifty-two point thirty-seven (252.37), two
8 hundred fifty-two point thirty-eight (252.38), two
9 hundred fifty-two point thirty-nine (252.39), two
10 hundred fifty-two point forty (252.40) and two hundred
11 fifty-two point forty-one (252.41), Code 1977, are
12 repealed.”
- 13 13. By renumbering sections of the bill in
14 accordance with this amendment.
- 15 14. Title, by striking lines 2, 3 and 4 and
16 inserting in lieu thereof the words “director of
17 general relief, and to otherwise amend and revise
18 chapter two hundred fifty-two (252) of the Code,
19 relating to support of the poor by counties.”

Schroeder of Pottawattamie asked and received unanimous consent that House File 200 be deferred and that the bill retain its place on the weekly debate calendar.

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

The House resumed session, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 53, a bill for an act relating to the expenditure of federal funds for county buildings or facilities, with report of committee recommending passage was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 53)

The ayes were, 93:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Harbor	Hargrave
Harper	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none:

Absent or not voting, 7:

Baker	Clark, J.H.	Griffee	Krause
Pelton	Spencer	Tauke	

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

HOUSE FILE 126 WITHDRAWN.

Norland of Worth asked and received unanimous consent to withdraw House File 126 from further consideration by the House.

EXPLANATION OF VOTE

I was necessarily absent from the House Chamber Friday, February 18, 1977, because of a speaking commitment at the

Davenport Chamber of Commerce Leadership School, and a scheduled meeting with the Mayor of the City of Davenport, Robert Duax, to discuss pertinent city committee legislation. Had I been present, I would have voted "aye" on the motion to defer and retain House Concurrent Resolution 9 and House File 164.

BINA of Scott

SPONSOR ADDED
(House File 33)

Lipsky of Linn requested to be added as a sponsor of House File 33.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 166 Transportation

Relating to railroad transportation services, assistance and inspection.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:00 a.m., February 18, 1977

Convened: 8:06 a.m.

Adjourned: 9:35 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; Bennett, Brandt,

Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harbor, Husak, Jochum, Menke, Oxley, Pavich, Rinas, Schnekloth, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: West (arrived 8:10 a.m.), Anderson (arrived 8:44 a.m.), Branstad (arrived 8:17 a.m.), Clark of Lee (arrived 8:16 a.m.), Den Herder (arrived 9:30 a.m.), Egenes (arrived 8:58 a.m.), Hines (arrived 8:18 a.m.), Horn (arrived 8:15 a.m.), Howell (arrived 8:11 a.m.), O'Halloran (arrived 8:38 a.m.), Svoboda (arrived 8:17 a.m.), Harvey and Spencer.

Excused: Bina and Junker.

Study Bill 102, a bill for an act revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, West, Bennett, Brandt, Conlon, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harbor, Howell, Husak, Jochum, Menke, Oxley, Pavich, Rinas, Schnekloth, Thompson, Varley, Wells, Wulff and Wyckoff.

Nay: None.

Absent or Not Voting: Anderson, Bina, Branstad, Clark of Lee, Cusack, Den Herder, Egenes, Harvey, Hines, Junker, O'Halloran, Spencer, Svoboda and Horn.

Study Bill 117 deferred. Study Bill 149 defeated.

COMMITTEE ON COMMERCE

Scheduled: 10:00 a.m., February 18, 1977

Convened: 10:00 a.m.

Adjourned: 10:07 a.m.

Present: Small, chair; Lonergan, vice-chair; Chiodo, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Tauke, Walter, Welden and West.

Absent: Anderson, Brunow and Schroeder.

Excused: Brockett, ranking member; Bina, and Den Herder.

Assigned bills and dispersed into subcommittees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 10:00 a.m., February 18, 1977

Convened: 10:07 a.m.

Adjourned: 11:18 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Byerly (arrived 10:11 a.m.) and Harvey.

Excused: Junker.

House File 150, a bill for an act to repeal provisions relating to the compensation of first deputy county officers in counties having dual county seats.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or Not Voting: Harvey and Junker.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:00 a.m., February 18, 1977

Convened: 10:10 a.m.

Adjourned: 10:36 a.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Absent: Nielsen (arrived 10:14 a.m.) and Spencer.

House File 148, a bill for an act relating to the employment of state inmate labor in public works projects for the state and political subdivisions.

Recommended AMEND AND DO PASS.

H-3056

- 1 Amend House File 148 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "where" the word "only".
- 4 2. Page 2, line 4, by inserting after the word
- 5 "inmates" the words "or institutional staff or both".

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Nielsen, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Spencer.

Discussion relating to the proposed juvenile justice bill.

AMENDMENTS FILED

H-3058	H.F. 125	Harbor of Mills
H-3061	H.F. 154	Daggett of Adams
H-3062	H.F. 15	Husak of Tama
		Bennett of Ida
H-3063	H.F. 210	Koogler of Mahaska

On motion by Fitzgerald of Webster the House adjourned at 4:57 p.m. until 1:30 p.m., Wednesday, February 23, 1977.

JOURNAL OF THE HOUSE

Forty—fifth Calendar Day -- Thirty—second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 23, 1977

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

Prayer was offered by the Reverend Rollin Oswald, pastor of the West Des Moines United Methodist Church, West Des Moines, Iowa.

The Journal of Tuesday, February 22, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon, Iowa.

PRESENTATION OF VISITORS

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

Brenda Richter, Page, and forty sociology and child development students from Adair—Casey High School, Adair, Iowa, accompanied by Mr. Lohr and Mrs. Sturm. By Gilson of Guthrie.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Adams from three hundred eighty—eight citizens of Adams, Union, Taylor and Montgomery counties favoring facilities for a wilderness camping area at Lake Icaria, Corning, Iowa.

By Speaker Cochran of Webster from thirty—nine social studies students from Humboldt Junior High School, Humboldt, Iowa,

supporting legislation to regulate the use of beverage containers and to require a deposit.

By Dyrland of Clayton from one hundred sixteen residents of Guttenberg, Iowa, requesting weed removal in the area of Bussey Lake.

By Harbor of Mills from sixteen residents of Carson, Iowa, opposing House Concurrent Resolution 6, relating to the Iowa Commission for the Blind services in the State House.

INTRODUCTION OF BILLS

HOUSE FILE 248, by committee on human resources, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 249, by committee on ways and means, a bill for an act revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 250, by Halvorson, a bill for an act relating to inspections by insurance companies of any place of employment.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 251, by committee on natural resources, a bill for an act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 252, by committee on county government, a bill for an act relating to the experience requirement for licensing of nursing home administrators.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 253, by committee on agriculture, a bill for an act relating to the eradication of bovine brucellosis.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 254, by committee on education, a bill for an act to require inclusion of achievements of women, minorities, and others in total school program and to require English—language arts.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 255, by Junker, Doyle, Scheelhaase and Binneboese, a bill for an act relating to the local fuel tax, providing for state administration, and providing penalties.

Read first time and referred to committee on CITIES.

SENATE MESSAGES CONSIDERED

SENATE FILE 28, a bill for an act to commemorate the birthday of Dr. Martin Luther King, Jr.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 35, a bill for an act to abolish certain liens created under former section one hundred twenty—three B point ten (123B.10) of the Code.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE FILE 71, a bill for an act to abolish the state board of eugenics.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 74, a bill for an act relating to the capital and surplus requirements of certain insurance companies.

Read first time and referred to committee on COMMERCE.

SENATE FILE 94, a bill for an act relating to moving expenses for employees of the state department of transportation.

Read first time and referred to committee on STATE GOVERNMENT.

CONSIDERATION OF BILLS

Regular Calendar

House File 44, a bill for an act relating to certification of more than ten persons who received the highest standings on a city civil service examination in case of ties, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered amendment H-3047, filed by the committee on cities on February 17 and found on pages 402 and 403 of the House Journal.

Speaker pro tempore Nielsen of Polk in the chair at 1:40 p.m.

Connors of Polk moved the adoption of amendment H-3047.

Amendment H-3047 was adopted.

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

On the question "Shall the bill pass?" (H.F. 44)

The ayes were, 92:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Dayitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Higgins	Hines	Hinkhouse	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofts	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 1:

Schroeder

Absent or not voting, 7:

Baker	Daggett	Hoffmann	Hullinger
Jesse	Newhard	Spencer	

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

House File 85, a bill for an act relating to the number of times a person may change his or her name, with report of committee recommending passage was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 85)

The ayes were, 92:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stevens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 1:

Gilloon

Absent or not voting, 7:

Baker	Cochran	Hullinger	Jesse
Newhard	Norland	Spencer	

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

REREFERRED TO COMMITTEE ON ENERGY
(House File 75)

Fitzgerald of Webster asked and received unanimous consent

that House File 75, presently on the regular calendar, be rereferred to the committee on energy.

SPONSOR ADDED
(House File 242)

Monroe of Des Moines requested to be added as a sponsor of House File 242.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 167 Energy

Appropriating funds for winterization assistance programs for lower income elderly persons.

S.B. 168 Agriculture

Relating to state metrologists and city sealers.

S.B. 169 Transportation

Relating to the addition of a land access system to the functional classification of roads and streets and creating an abandoned right-of-way rehabilitation fund.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 22, 1977

Convened: 9:06 a.m.

Adjourned: 11:30 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson and Hines.

Absent: Hargrave (arrived 9:30 a.m.), Lindeen (arrived 9:45 a.m.), Miller of Calhoun (arrived 9:50 a.m.) and Newhard.

Presentations by: Jack J. Dack of the Iowa Veterans Home in Marshalltown, Iowa and nursing care facility and Craig Palmer on Child Support Recovery. Discussed a bill to supplement Social Security Income recipients on their utility bills.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 10:00 a.m., February 22, 1977

Convened: 10:03 a.m.

Adjourned: 11:28 a.m.

Present: Horn, chair; Menke, ranking member; Branstad, Brockett, Davitt, Egenes, Oxley, Pelton and Poncy.

Absent: Anderson (arrived 10:17 a.m.) and Nielsen (arrived 10:16 a.m.).

Excused: Baker.

Presentation by College of Osteopathy.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., February 22, 1977

Convened: 10:05 a.m.

Adjourned: 11:05 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Loneragan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Budget recommendations:- Housing Authority - \$100,000, Mental Health Authority - \$108,659, and the Employment of the Handicapped - \$102,869.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 10:00 a.m., February 22, 1977

Convened: 10:15 a.m.

Adjourned: 11:55 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Howell.

Recommended appropriations for the Department of Agriculture, Iowa Development Commission and State Fair Board.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., February 22, 1977

Convened: 10:00 a.m.

Adjourned: 12:00 Noon

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Connors, Halvorson, Harper, Higgins, Lipsky, Small, Svoboda and West.

Absent: None.

Discussion on regulatory and finance budgets.

AMENDMENTS FILED

H-3064	H.F. 200	Junker of Woodbury
H-3065	H.F. 235	Krause of Kossuth
H-3066	H.F. 211	Schroeder of Pottawattamie
H-3067	S.F. 61	Schroeder of Pottawattamie
H-3068	H.F. 179	Lipsky of Linn
H-3069	H.F. 197	Woods of Polk
		Chiodo of Polk
H-3070	H.F. 83	Evans of Grundy

On motion by Fitzgerald of Webster the House adjourned at 2:30 p.m., until 1:30 p.m., Thursday, February 24, 1977.

JOURNAL OF THE HOUSE

Forty—sixth Calendar Day - Thirty—third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 24, 1977

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

Prayer was offered by Father Francis Swift, pastor of the Assumption Church, Churchville, Iowa.

The Journal of Wednesday, February 23, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay for February 24 and 25 on request of Speaker Cochran of Webster; Koogler of Mahaska for a portion of the day on request of Poncy of Wapello ; Clark of Cerro Gordo on request of Schroeder of Pottawattamie.

PETITIONS FILED

The following petitions were received and placed on file:

By Smalley of Polk from twenty—five constituents favoring stricter incarceration procedures for sex offenders.

By Den Herder of Sioux from thirteen members of the Alvord Women's Club opposing House Concurrent Resolution 6 and favoring the continuing need of the Iowa Commission for the Blind to continue to operate the food commission in the State House.

By Daggett of Adams from sixty—one citizens from Adams County opposing a state of Iowa gasoline tax based on a

percentage of the retail price.

By Anderson of Jasper from fifty citizens of Warren County supporting legislation to regulate the use of beverage containers and to require a deposit.

INTRODUCTION OF BILLS

HOUSE FILE 256, by Nielsen, Halvorson, Dunton, Horn, Husak, Jochum, Doyle, Spencer, Krause, Miller of Calhoun, Binneboese, Wells, Scheelhaase, Dyrland, Wulff, Tofte, Stromer, Lonergan, Tauke, Middleswart, Miller of Buchanan, Wyckoff, Pavich, Patchett, Krewson, Woods, O'Halloran, Hines, Howell, Bina, Dieleman, Hinkhouse, Hoffmann, Lageschulte and Branstad, a bill for an act relating to the practice of chiropractic.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 257, by Gilloon, Jochum, Hines, Cusack, Rinas and Bina, a bill for an act relating to the additional personal property tax phaseout.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 258, by Halvorson, a bill for an act relating to countersignatures on insurance policies.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 259, by Tauke and Thompson, a bill for an act relating to the definition of employee organization in public collective bargaining.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 260, by Doyle, a bill for an act relating to the destruction of obsolete municipal court records.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 261, by Garrison, Connors, Dunton, Horn, Middleswart, Miller of Buchanan, Poncy and Wulff, a bill for an act requiring a mandatory minimum sentence of five years imprisonment on a third felony conviction.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 262, by Bina, a bill for an act authorizing cities and counties to impose local sales, services and use taxes, appropriating the proceeds, providing property tax relief, and making the taxes subject to applicable provisions of the Code, including penalties.

Read first time and referred to committee on CITIES.

HOUSE FILE 263, by Egenes, a bill for an act authorizing counties and cities to levy a transient guest tax and a meal tax, adopting provisions of the state sales tax including penalties, and imposing certain duties upon the director of revenue.

Read first time and referred to committee on CITIES.

HOUSE RESOLUTION 8

By: Wulff

- 1 *Whereas*, the University of Northern Iowa wrestling
- 2 team has won the North Central Conference championship
- 3 for the fourth consecutive year, and
- 4 *Whereas*, this is its tenth conference championship
- 5 in twelve years, and
- 6 *Whereas*, nine of the team's ten members are Iowa
- 7 residents including:
- 8 Dave Prehm, Eagle Grove, Iowa
- 9 Jeff Melvin, Evergreen Park, Ill.

- 10 Scott Kollings, Des Moines, Iowa
 11 Gary Bentrin, Cedar Rapids, Iowa
 12 Dick Briggs, Cedar Rapids, Iowa
 13 Hal Turner, Maquoketa, Iowa
 14 Keith Poolman, Clarion, Iowa
 15 Dick Erickson, Clear Lake, Iowa
 16 Ed Herman, Johnston, Iowa
 17 Bob Leonard, Johnston, Iowa

18 *Now Therefore,*

19 *Be It Resolved,* that the membership of the House of
 20 Representatives of the Sixty-seventh General Assembly of
 21 the State of Iowa extend heartiest congratulations to the
 22 University of Northern Iowa wrestling team for its con-
 23 ference championship; and

24 *Be It Further Resolved,* that we wish them well in
 25 the upcoming Division II National Championships to be
 26 held at the University of Northern Iowa on March 4 and 5,
 27 1977.

Laid over under Rule 25.

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the committee on budget meeting.

SENATE FILE 61 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that Senate File 61 be temporarily deferred.

CONSIDERATION OF BILLS

SENATE FILE 63 SUBSTITUTED FOR HOUSE FILE 15

Doyle of Woodbury asked and received unanimous consent to substitute Senate File 63 for House File 15.

Senate File 63, a bill for an act to change the term of one of the two new board of parole members provided for in the criminal code revision was taken up for consideration.

Husak of Tama offered the following amendment H-3074 filed by Husak, Bennett and Den Herder from the floor:

H-3074

1 Amend Senate File 63 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Acts of the Sixty-sixth General
5 Assembly, 1976 Session, chapter one thousand two
6 hundred forty-five (1245), section five hundred twenty-
7 five (525) of chapter four (4), is amended to read
8 as follows:

9 SEC. 525. Sections one hundred point thirty-seven
10 (100.37), two hundred forty-five point fourteen
11 (245.14), two hundred forty-six point nine (246.9),
12 two hundred forty-six point ten (246.10), two hundred
13 forty-six point twenty-three (246.23), two hundred
14 forty-six point forty-four (246.44), ~~two hundred~~
15 ~~forty-seven point one (247.1), two hundred forty-seven~~
16 ~~point two (247.2),~~ two hundred forty-seven point three
17 (247.3), two hundred forty-seven point four (247.4),
18 two hundred forty-seven point five (247.5), two hundred
19 forty-seven point six (247.6), two hundred forty-seven
20 point seven (247.7), two hundred forty-seven point
21 eight (247.8), two hundred forty-seven point nine
22 (247.9), two hundred forty-seven point ten (247.10),
23 two hundred forty-seven point eleven (247.11), two
24 hundred forty-seven point twelve (247.12), two hundred
25 forty-seven point thirteen (247.13), two hundred
26 forty-seven point fourteen (247.14), two hundred
27 forty-seven point fifteen (247.15), two hundred forty-
28 seven point sixteen (247.16), two hundred forty-seven
29 point seventeen (247.17), two hundred forty-seven
30 point eighteen (247.18), two hundred forty-seven point
31 nineteen (247.19), two hundred forty-seven point
32 twenty-four (247.24), two hundred forty-seven point
33 twenty-five (247.25), two hundred forty-seven point
34 twenty-six (247.26), two hundred forty-seven point
35 twenty-seven (247.27), two hundred forty-seven point
36 twenty-eight (247.28), two hundred forty-seven point
37 thirty-three (247.33), two hundred forty-seven A point
38 six (247A.6), two hundred fifty-two point nineteen
39 (252.19), two hundred eighty-seven point four (287.4),
40 two hundred ninety-nine point twelve (299.12), three
41 hundred twenty-one point seventy-six (321.76), three
42 hundred twenty-one point seventy-seven (321.77), three
43 hundred twenty-one point eighty (321.80), three hundred
44 twenty-one point eighty-two (321.82), three hundred
45 twenty-one point eighty-three (321.83), three hundred
46 thirty-four point four (334.4), three hundred thirty-
47 eight point ten (338.10), three hundred forty-three
48 point six (343.6), three hundred fifty-six point
49 thirty-six (356.36), four hundred forty-one point
50 fifty-three (441.53), four hundred fifty-four point

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1 twenty-seven (454.27), four hundred seventy-four point
2 forty-one (474.41), four hundred seventy-seven point
3 fifty-eight (477.58), four hundred seventy-seven point
4 fifty-nine (477.59), four hundred seventy-seven point
5 sixty (477.60), four hundred seventy-nine point
6 nineteen (479.19), four hundred seventy-nine point
7 one hundred nine (479.109), four hundred seventy-nine
8 point one hundred ten (479.110), four hundred seventy-
9 nine point one hundred eleven (479.111), four hundred
10 seventy-nine point one hundred twelve (479.112), four
11 hundred seventy-nine point one hundred thirteen
12 (479.113), four hundred seventy-nine point one hundred
13 fourteen (479.114), four hundred seventy-nine point
14 one hundred fifteen (479.115), five hundred eleven
15 point nineteen (511.19), five hundred fifty-two point
16 three (552.3), six hundred two point fifteen (602.15),
17 seven hundred thirteen point one (713.1), seven hundred
18 thirteen point two (713.2), seven hundred thirteen
19 point three (713.3), seven hundred thirteen point
20 four (713.4), seven hundred thirteen point five
21 (713.5), seven hundred thirteen point six (713.6),
22 seven hundred thirteen point seven (713.7), seven
23 hundred thirteen point eight (713.8), seven hundred
24 thirteen point nine (713.9), seven hundred thirteen
25 point ten (713.10), seven hundred thirteen point
26 eleven (713.11), seven hundred thirteen point twelve
27 (713.12), seven hundred thirteen point thirteen
28 (713.13), seven hundred thirteen point fourteen
29 (713.14), seven hundred thirteen point fifteen
30 (713.15), seven hundred thirteen point sixteen
31 (713.16), seven hundred thirteen point twenty-two
32 (713.22), seven hundred thirteen point twenty-three
33 (713.23), seven hundred thirteen point twenty-six
34 (713.26), seven hundred thirteen point twenty-seven
35 (713.27), seven hundred thirteen point twenty-eight
36 (713.28), seven hundred thirteen point twenty-nine
37 (713.29), seven hundred thirteen point thirty (713.30),
38 seven hundred thirteen point thirty-one (713.31),
39 seven hundred thirteen point thirty-two (713.32),
40 seven hundred thirteen point thirty-three (713.33),
41 seven hundred thirteen point thirty-four (713.34),
42 seven hundred thirteen point thirty-five (713.35),
43 seven hundred thirteen point thirty-six (713.36),
44 seven hundred thirteen point thirty-seven (713.37),
45 seven hundred thirteen point thirty-eight (713.38),
46 seven hundred thirteen point thirty-nine (713.39),
47 seven hundred thirteen point forty (713.40), seven
48 hundred thirteen point forty-one (713.41), seven
49 hundred thirteen point forty-two (713.42), seven
50 hundred thirteen point forty-three (713.43), seven

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1 hundred forty point one (740.1), seven hundred forty
 2 point two (740.2), seven hundred forty point three
 3 (740.3), seven hundred forty point four (740.4), seven
 4 hundred forty point five (740.5), seven hundred forty
 5 point six (740.6), seven hundred forty point seven
 6 (740.7), seven hundred forty point eight (740.8),
 7 seven hundred forty point nine (740.9), seven hundred
 8 forty point ten (740.10), seven hundred forty point
 9 eleven (740.11), seven hundred forty point twelve
 10 (740.12), seven hundred forty point nineteen (740.19),
 11 seven hundred forty point twenty (740.20), seven
 12 hundred fifty—three point one (753.1), seven hundred
 13 fifty—three point two (753.2), seven hundred fifty—
 14 three point three (753.3), seven hundred fifty—three
 15 point four (753.4), seven hundred fifty—three point
 16 five (753.5), seven hundred fifty—three point six
 17 (753.6), seven hundred fifty—three point seven (753.7),
 18 seven hundred fifty—three point eight (753.8), and
 19 seven hundred fifty—three point nine (753.9), Code
 20 1975, are repealed.

21 Sec. 2. Chapter one thousand two hundred forty—
 22 five (1245), Acts of the Sixty—sixth General Assembly,
 23 1976 Session, chapter three (3), is amended by repeal—
 24 ing sections four hundred one (401), four hundred
 25 two (402), four hundred three (403), and four hundred
 26 four (404).

27 Sec. 3. This Act is effective on the date set
 28 forth in chapter one thousand two hundred forty—five
 29 (1245) of the Acts of the Sixty—sixth General Assembly,
 30 1976 Session, chapter four (4), section five hundred
 31 twenty—nine (529)."

32 2. The title, by striking lines 1 and 2 and
 33 inserting in lieu thereof the words "An Act providing
 34 for a three—member board of parole."

Doyle of Woodbury rose on a point of order that amendment H—3074 was not germane.

The Speaker ruled the point well taken and amendment H—3074 not germane.

Husak of Tama moved that the rules governing germaneness be suspended for the consideration of amendment H—3074.

A non—record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 43, nays 52.

The motion lost.

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

On the question "Shall the bill pass?" (S.F. 63)

The ayes were, 86:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Byerly	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Shimaneck	Small
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Welden	Wells	West	Wulff
		Wyckoff	Mr. Speaker

The nays were, 6:

Bennett	Daggett	Husak	Schneklath
Stephens	Tofte		

Absent or not voting, 8:

Brunow	Chiodo	Clark, B.J.	Den Herder
Koogler	Norland	Spencer	Woods

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

HOUSE FILE 15 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 15 from further consideration by the House.

House File 212, a bill for an act to increase the interest penalty and interest on the amount to be paid to redeem real estate property sold at a tax sale, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 212)

The ayes were, 74:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Byerly	Chiodo	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harper	Higgins	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Jesse	Jochum	Krause	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, O.L.	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Rinas
Scheelhaase	Schneklath	Shimanek	Spear
Stephens	Stromer	Svoboda	Tauke
Varley	Walter	Welden	Wells
		West	Mr. Speaker

The nays were, 21:

Clark, J.H.	Dyrland	Garrison	Harvey
Horn	Husak	Junker	Krewson

Lageschulte	Lindeen	Miller, K.D.	Monroe
Poncy	Schroeder	Small	Smalley
Thompson	Tofte	Woods	Wulff
			Wyckoff

Absent or not voting, 5:

Brunow	Clark, B.J.	Den Herder	Koogler
Spencer			

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

CONSIDERATION OF BILLS

Regular Calendar

House File 74, a bill for an act to provide recreational program activities for residents of county care facilities, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-3075 filed by him and Perkins of Greene from the floor and moved its adoption:

H-3075

- 1 Amend House File 74 as follows:
- 2 1. Page 1, by striking all of line 13.

Amendment H-3075 was adopted.

Miller of Buchanan offered the following amendment H-3077 filed by him from the floor:

H-3077

- 1 Amend House File 74, page 1, line 12, by inserting
- 2 after the word "budget." the following: "Any resident
- 3 with management capacity may oversee such activities
- 4 as a volunteer. Hobbies, such as ceramics, whittling,
- 5 embroidery, and other related industry that may be of
- 6 therapeutic benefit or self-satisfaction to a resident
- 7 may be done on a voluntary basis. Any proceeds from
- 8 these hobbies or activities may be applied for
- 9 recreational benefits."

Junker of Woodbury asked and received unanimous consent to amend amendment H-3077 by striking the word "for" in line 8 and inserting in lieu thereof the word "to".

Junker of Woodbury asked for unanimous consent to amend amendment H-3077 by striking in line 3 the word "capacity" and inserting in lieu thereof the word "ability".

Objection was raised.

Junker of Woodbury moved to suspend Rule 31.8 to offer amendment H-3080, to amendment H-3077 filed by him from the floor as follows:

H-3080

- 1 Amend amendment H-3077 to House File 74
- 2 as follows:
- 3 1. Page 1, line 3, by striking the word
- 4 "capacity" and inserting in lieu thereof the
- 5 word "ability".
- 6 2. Page 1, line 8, by striking the word
- 7 "for" and inserting in lieu thereof the word
- 8 "to".

A non-record roll call was requested.

The ayes were 64, nays 10.

The motion prevailed and the rules were suspended.

Junker of Woodbury moved the adoption of amendment H-3080, to amendment H-3077.

Amendment H-3080 was adopted.

Miller of Buchanan moved the adoption of amendment H-3077, as amended.

Amendment H-3077, as amended, was adopted.

Brandt of Black Hawk moved that the bill be read a last time and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 74)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harper
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Krause
Krewson	Lageschulte	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 3:

Jesse	Lipsky	Stephens
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Absent or not voting, 10:

Brunow	Clark, B.J.	Den Herder	Dyrland
Koogler	Lindeen	Norland	Patchett
Schroeder	Spencer		

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

Senate File 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive with report of committee recommending amendment and passage was taken up for consideration.

Schnekloth of Scott offered amendment H-3050 filed by the committee on ways and means on February 17, 1977 and found on page 409 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H-3067, to the committee amendment H-3050, filed by him and moved its adoption:

H-3067

- 1 Amend amendment H-3050 to Senate File 61, as
- 2 passed by the Senate as follows:
- 3 1. Page 1, line 6, by striking the word "two"
- 4 and inserting in lieu thereof the word "three".
- 5 2. Page 1, by inserting after line 10 the follow-
- 6 ing:
- 7 "3. When police action or military involvement
- 8 is ordered by the President of the United States."

Roll call was requested by Schroeder of Pottawattamie and Husak of Tama.

Rule 69 was invoked.

On the question "Shall amendment H-3067 be adopted?"

The ayes were, 35:

Baker	Branstad	Brockett	Byerly
Clark, J.H.	Conlon	Daggett	Danker
Dyrland	Evans	Garrison	Gilson
Halvorson	Hansen	Harbor	Harper
Harvey	Hinkhouse	Horn	Husak
Junker	Krewson	Lageschulte	Lindeen
Menke	Millen	Oxley	Schroeder
Smalley	Stromer	Welden	Wells
West	Wulff	Wyckoff	

The nays were, 54:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Chiodo	Connors
Crabb	Crawford	Cusack	Davitt
Dieleman	Doyle	Egenes	Fitzgerald
Gentleman	Gilloon	Griffee	Hargrave

Higgins	Hines	Hoffmann	Howell
Jesse	Jochum	Krause	Lonergan
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pelton	Perkins
Poncy	Rinas	Schnekloth	Shimanek
Small	Spear	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
		Walter	Mr. Speaker

Absent or not voting, 11:

Brunow	Clark, B.J.	Den Herder	Dunton
Hullinger	Koogler	Lipsky	Pellet
Scheelhaase	Spencer	Woods	

Amendment H-3067 lost.

By unanimous consent, the following amendment H-3081, to amendment H-3050, filed by Schnekloth of Scott from the floor was adopted:

H-3081

- 1 Amend amendment H-3050, to Senate File 61,
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the
- 4 word "When" the word "universal".

Schnekloth of Scott moved the adoption of the committee amendment H-3050, as amended.

A non-record roll call was requested.

The ayes were 64, nays 16.

Amendment H-3050, as amended, was adopted.

Baker of Buena Vista offered the following amendment H-3076 filed by Baker, Conlon, Wyckoff, Husak and Wulff from the floor and moved its adoption:

H-3076

- 1 Amend Senate File 61, as passed by the Senate, as
 2 follows:
 3 1. Page 1, lines 8 and 9, by striking the
 4 following, "or prior to January 1, 1977,"
 5 2. Page 1, by inserting after line 9 the
 6 following:
 7 "However, the military income of active duty
 8 military personnel maintaining a physical residence,
 9 for themselves or for their dependents, or stationed
 10 in this state, which income is received for service
 11 on or after January 1, 1977, shall be included to
 12 the extent permitted by the laws of the United States."

Roll call was requested by Harbor of Mills and Wyckoff of Benton.

Rule 70 was invoked.

On the question "Shall amendment H-3076 be adopted?"

The ayes were, 40:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, J.H.	Conlon	Crabb
Daggett	Danker	Dieleman	Dyrland
Evans	Garrison	Gilson	Halvorson
Hansen	Harbor	Harper	Harvey
Hoffmann	Horn	Husak	Lageschulte
Lindeen	Menke	Millen	Oxley
Perkins	Schroeder	Smalley	Stephens
Stromer	Thompson	Tofte	Welden
Wells	West	Wulff	Wyckoff

The nays were, 52:

Anderson	Avenson	Bina	Binneboese
Brandt	Chiodo	Connors	Crawford
Cusack	Davitt	Doyle	Dunton
Egenes	Fitzgerald	Gentleman	Gilloon
Griffee	Hargrave	Higgins	Hines
Howell	Hullinger	Jesse	Jochum
Junker	Krause	Krewson	Lipsky
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pelton
Poncy	Rinas	Schneklath	Shimanek

Small Varley	Spear Walter	Svoboda Woods	Tauke Mr. Speaker
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Absent or not voting, 8:

Brunow Koogler	Clark, B.J. Pellett	Den Herder Scheelhaase	Hinkhouse Spencer
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Amendment H-3076 lost.

Baker of Buena Vista offered the following amendment H-3079 filed by him and Hansen of O'Brien from the floor and moved its adoption:

H-3079

- 1 Amend Senate File 61, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 9, by striking the figures
- 4 "1977" and inserting in lieu thereof the figures
- 5 "1978".

Roll call was requested by Byerly of Polk and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall amendment H-3079 be adopted?"

The ayes were, 43:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, J.H.	Conlon	Crabb
Daggett	Danker	Dieleman	Dunton
Dyrland	Evans	Garrison	Gilson
Halvorson	Hansen	Harbor	Harper
Harvey	Higgins	Hoffmann	Horn
Husak	Lageschulte	Lindeen	Menke
Millen	Oxley	Pelton	Perkins
Schroeder	Smalley	Stephens	Stromer
Thompson	Tofte	Welden	Wells
West	Wulff	Wyckoff	

The nays were, 50:

Anderson	Avenson	Bina	Binneboese
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Brandt	Chiodo	Connors	Crawford
Cusack	Davitt	Doyle	Egenes
Fitzgerald	Gentleman	Gilloon	Griffie
Hargrave	Hines	Hinkhouse	Howell
Hullinger	Jesse	Jochum	Junker
Krause	Krewson	Lipsky	Lonergan
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Poncy	Rinas
Schnekloth	Shimanek	Small	Spear
Svoboda	Tauke	Varley	Walter
		Woods	Mr. Speaker

Absent or not voting, 7:

Brunow	Clark, B.J.	Den Herder	Koogler
Pellett	Scheelhaase	Spencer	

Amendment H-3079 lost.

Wyckoff of Benton offered the following amendment H-3073 filed by Wyckoff, Husak, Baker, Daggett and Harper from the floor:

H-3073

- 1 Amend Senate File 61, as passed by the Senate,
- 2 page 1, line 9, by inserting after the word "section."
- 3 the words "For tax years beginning on or after January
- 4 1, 1977, a resident of this state who is on active
- 5 duty in the armed forces of the United States for
- 6 more than six continuous months shall not include
- 7 any income received for such service during the period
- 8 of the resident's original enlistment."

Pelton of Clinton asked for unanimous consent to amend amendment H-3073 by adding after the word "enlistment" on line 8, the words "or commissioning".

Objection was raised.

By unanimous consent the following amendment H-3086, to amendment H-3073, filed by Wyckoff of Benton from the floor was adopted:

H-3086

- 1 Amend H-3073 to Senate File 61 as follows:
- 2 1. Page 1, line 8 by inserting after the
- 3 word "enlistment" the following: "or first
- 4 term of active duty as an officer, not to exceed
- 5 four years."

Wyckoff of Benton moved the adoption of amendment H-3073, as amended.

Roll call was requested by Harbor of Mills and Wyckoff of Benton.

On the question "Shall amendment H-3073 be adopted?"

The ayes were, 41:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Dieleman
Dunton	Evans	Garrison	Gilson
Griffee	Halvorson	Hansen	Harper
Harvey	Hinkhouse	Horn	Husak
Lageschulte	Lindeen	Lipsky	Menke
Millen	Oxley	Pellett	Perkins
Schroeder	Smalley	Stephens	Stromer
Thompson	Wells	West	Wulff
Wyckoff			

The nays were, 51:

Anderson	Avenson	Bina	Binneboese
Brandt	Chiodo	Connors	Cusack
Davitt	Doyle	Dyrland	Egenes
Fitzgerald	Gentleman	Hargrave	Higgins
Hines	Howell	Hullinger	Jesse
Jochum	Junker	Krause	Krewson
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pelton
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Spear	Svoboda
Tauke	Tofte	Varley	Walter
	Welden	Woods	Mr. Speaker

Absent or not voting, 8:

Brunow
Harbor

Clark, B.J.
Hoffmann

Den Herder
Koogler

Gilloon
Spencer

Amendment H-3073 lost.

Miller of Buchanan offered the following amendment H-3072 filed by him from the floor and moved its adoption:

H-3072

- 1 Amend Senate File 61 as follows:
- 2 1. Page 1, line 10, by striking the word
- 3 "effective" and inserting in lieu thereof the
- 4 word "retroactive".

Amendment H-3072 was adopted.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 61)

The ayes were, 54:

Anderson
Brandt
Crawford
Egenes
Griffee
Howell
Junker
Lindeen
Miller, O.L.
Norland
Pelton
Shimanek
Svoboda

Avenson
Chiodo
Cusack
Fitzgerald
Halvorson
Hullinger
Koogler
Lonergan
Monroe
O'Halloran
Rinas
Small
Tauke

Bina
Connors
Davitt
Gentleman
Hargrave
Jesse
Krause
Middleswart
Newhard
Patchett
Scheelhaase
Spear
Varley
Woods

Binneboese
Crabb
Doyle
Gilloon
Higgins
Jochum
Krewson
Miller, K.D.
Nielsen
Pavich
Schneklath
Stephens
Walter
Mr. Speaker

The nays were, 42:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, J.H.	Conlon	Daggett
Danker	Dieleman	Dunton	Dyrland
Evans	Garrison	Gilson	Hansen
Harbor	Harper	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Husak
Lageschulte	Lipsky	Menke	Millen
Oxley	Pellett	Perkins	Poncy
Schroeder	Smalley	Stromer	Thompson
Tofte	Welden	Wells	West
		Wulff	Wyckoff

Absent or not voting, 4:

Brunow	Clark, B.J.	Den Herder	Spencer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunow of Appanoose for February 24 and 25 on request of Higgins of Scott.

ADOPTION OF HOUSE RESOLUTION 9

Patchett of Johnson asked and received unanimous consent for the immediate consideration of House Resolution 9 filed by him as follows and moved its adoption:

HOUSE RESOLUTION 9

By: Patchett

1 *Whereas; Covering the legislature is a*
 2 *difficult and complex task, and*
 3 *Whereas; One reporter has consistently*
 4 *risen above the difficulties and problems of*
 5 *her profession to provide such coverage, and*
 6 *Whereas; This reporter is leaving us to*
 7 *help the citizens of Minnesota, Now Therefore,*
 8 *Be It Resolved by the Iowa House of*

- 9 *Representatives*, That it expresses its' apprecia-
10 tion of the efforts of Nancy Fushan in covering
11 the Iowa Legislature.

The motion prevailed and the resolution was adopted.

SPONSOR ADDED
(House Files 33, 52, 76, 90)

Krewson of Polk requested to be added as a sponsor of House Files 33, 52, 76 and 90.

MOTION TO RECONSIDER
(House File 212)

I move to reconsider the vote by which House File 212 passed the House on February 24, 1977.

NIELSEN of Polk

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 21, 1977, amended and adopted, the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 4, disapproving the rule and rescission proposed by the Department of Transportation on January 17, 1977, regarding the maximum legal length of a combination of three vehicles.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE CONCURRENT RESOLUTION 4

H-3085

- 1 Amend House Concurrent Resolution 4 as follows:
2 1. Page 1, line 15, by inserting after the
3 word "disapproved" the words "insofar as it applies
4 to interstate highways and to highways within five
5 miles of interstate highways".

PRESENTATION OF VISITOR

Doyle of Woodbury presented to the House the Honorable Kenneth Robinson, former member of the House during the Sixty—first General Assembly representing Audubon and Guthrie Counties.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 170 State Government

Relating to meetings of the board of parole and the grant or denial of parole.

S.B. 171 Budget

Making appropriations to state agencies having responsibilities for soil, water, and environmental resources.

S.B. 172 Budget

Appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

S.B. 173 Budget

Making appropriations to the department of general services and the executive council for capital improvements.

S.B. 174 Budget

Making an appropriation to the judicial department.

S.B. 175 Budget

Appropriating funds to the department of general services for a demonstration solar energy unit.

S.B. 176 Budget

Making appropriations to the department of justice.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., February 23, 1977

Convened: 8:10 a.m.

Adjourned: 9:15 a.m.

Present: O'Halloran, chair; Welden, ranking member; Binneboese, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Norland, Pellett, Svoboda and Varley.

Absent: Daggett (arrived 8:45 a.m.), Griffee (arrived 8:50 a.m.), Howell, vice-chair; Pelton and Perkins.

Robert Tyson, director of the Office of Planning and Programming, presented information on programs for the weatherization of homes. Assignment of bills to subcommittee.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., February 23, 1977

Convened: 8:05 a.m.

Adjourned: 9:55 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Absent: Anderson, Baker and Newhard.

Discussed Study Bill 108, relating to certificate of need.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., February 23, 1977

Convened: 8:04 a.m.

Adjourned: 9:55 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Horn, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: Hines (arrived 8:13 a.m.).

Discussion of Study Bill 32, an act amending public employment relations, and consideration of amendments.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 10:00 a.m., February 23, 1977

Convened: 10:03 a.m.

Adjourned: 12:02 a.m.

Present: Horn, chair; Menke, ranking member; Branstad, Brockett, Davitt, Oxley, Felton and Poncy.

Absent: Egenes (arrived 11:42 a.m.); Anderson and Nielsen.

Excused: Baker.

Discussion of Department of Public Instruction school lunch program and budget review committee.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 10:00 a.m., February 23, 1977

Convened: 10:14 a.m.

Adjourned: 11:35 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Hullinger (arrived 10:20 a.m.) and Howell.

Recommended appropriations to the Energy Policy Council, Coal Research Program of the Iowa Geological Survey, Midwest Nuclear Compact, Department of Soil Conservation, Iowa Natural Resources Council, Iowa Geological Survey, Mississippi River Parkway Commission and Department of Environmental Quality.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., February 23, 1977

Convened: 10:05 a.m.

Adjourned: 11:15 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Presentation on the Well—Elderly Clinics by Public Health Nurses.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., February 23, 1977

Convened: 10:00 a.m.

Adjourned: 12:00 Noon.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Halvorson, Harper, Higgins, Lipsky, Small, Svoboda and West.

Absent: None.

Excused: Connors.

Review of Board of Accountancy, Architect Examiners Board and Commerce Commission.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 10:00 a.m., February 23, 1977

Convened: 10:05 a.m.

Adjourned: 11:50 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Newhard.

Excused: Gentleman for first hour of the meeting.

Presentation by Joe Baker and Jane Law of District Administration.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 10:00 a.m., February 23, 1977

Convened: 10:10 a.m.

Adjourned: 11:30 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Lageschulte, Smalley and Walter.

Absent: None.

Excused: Harbor, Patchett and Woods.

Reviewed and approved appropriation for various executive, legislative and judicial departments; the department of general services and the executive council for capital improvements.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 10:00 a.m., February 23, 1977

Convened: 10:15 a.m.

Adjourned: 11:50 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Schroeder.

Absent: None

Excused: Spencer.

Craig Beek, Bureau of Criminal Investigation, continued presentation on budget requests.

COMMITTEE ON ETHICS

Scheduled: 3:30 p.m., February 23, 1977

Convened: 3:50 p.m.

Adjourned: 5:30 p.m.

Present: Harper, chair; Dyrland, vice-chair; Welden, ranking member; Gentleman, Howell and Conley.

Absent: Carlson.

Recommends that the Ethics Committee report found on page 346 of the House Journal be amended as follows and when so AMENDED DO PASS.

H-3071

- 1 Amend the Ethics Committee Report, found on page 346
- 2 of the Journal as follows:
- 3 1. By striking rule 6 and inserting the following:
- 4 6. Each legislator shall file with the chief clerk
- 5 of the house within ten days after the adoption of
- 6 the Code of Ethics by the house, and within ten days
- 7 after the convening of each session of the general
- 8 assembly, a statement on forms provided by the chief
- 9 clerk of the house setting forth the following in-
- 10 formation:
- 11 a. The nature of each business in which she/he is
- 12 engaged and the nature of the business of each company
- 13 in which her/his spouse has a financial interest, and
- 14 which interest provides more than 10% of the repre-
- 15 sentatives and his or her spouse's annual income.
- 16 b. The name of any state or national business, trade,
- 17 labor, farm, professional, religious, educational or
- 18 charitable association, foundation or organization
- 19 which is involved in supporting or opposing legisla-
- 20 tion brought before the general assembly and by which
- 21 her/his partner or business associate is employed or
- 22 retained or has rendered services for compensation
- 23 within the last twelve months.
- 24 c. Every office or directorship held by the legis-
- 25 lator in any corporation, firm, enterprise, labor
- 26 union, farm organization, cooperative, religious,
- 27 educational or charitable association or organiza-
- 28 tion, or trade or professional association held
- 29 during the last twelve months and every membership
- 30 in such an organization which is engaged in actively

31 supporting or opposing legislation in the general
32 assembly. The name of the entity shall be set out.
33 Disclosures required under this rule shall be
34 as of the date filed unless provided to the contrary,
35 and shall be amended to include interests and changes
36 encompassed by this rule that occur while the general
37 assembly is in session. All filings under this rule
38 shall be open to public inspection in the office of
39 the chief clerk of the house at all reasonable times.
40 The chief clerk of the house shall inform the
41 ethics committee of the statements which are filed
42 and shall report to the ethics committee the names
43 of any representatives who appear not to have filed
44 complete statements. The ethics committee shall re-
45 quire any representative who appears not to have
46 filed a complete statement to appear before the
47 committee.

Aye: Harper, Dyrland, Welden, Gentleman, Howell and Conley.

Nay: None.

Absent or Not Voting: Carlson.

COMMITTEE ON WAYS AND MEANS

Scheduled: 3:30 p.m., February 23, 1977

Convened: 3:37 p.m.

Adjourned: 4:10 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Husak, Jochum, Junker, Menke, Oxley, Rinas, Schneklath, Svoboda, Thompson, Wells, Wulff and Wyckoff.

Absent: Cusack (arrived 3:42 p.m.), Daggett (arrived 3:54 p.m.), Howell (arrived 4:09 p.m.), O'Halloran (arrived 4:04 p.m.), Pavich (arrived 3:40 p.m.), Varley (arrived 3:41 p.m.) and Spencer.

Discussed and deferred reconsideration of Study Bill 149.

UNANIMOUS CONSENT CALENDAR
(House Resolution 7)

We hereby respectfully request that House Resolution 7, filed on February 22, 1977 and found on page 441 of the House Journal, be placed on the unanimous consent calendar.

KRAUSE of Kossuth
LAGESCHULTE of Bremer
HARPER of Davis

AMENDMENTS FILED

H-3078	H.F. 66	Newhard of Jones
H-3082	H.F. 209	Thompson of Polk
H-3083	H.F. 210	Schnekloth of Scott
H-3084	H.F. 23	Spear of Lee

On motion by Fitzgerald of Webster the House adjourned at 5:08 p.m. until 11:30 a.m., Friday, February 25, 1977.

JOURNAL OF THE HOUSE

Forty—seventh Calendar Day -- Thirty—fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 25, 1977

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

Prayer was offered by the Honorable Betty Jean Clark, State Representative from Cerro Gordo County.

The Journal of Thursday, February 24, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William A. Seidler, Jr., Jamaica, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee on request of Crawford of Story.

PETITIONS FILED

The following petitions were received and placed on file:

By Gilson of Guthrie from two hundred forty constituents from Guthrie County, urging the legislature to rescind the March 1972 ratification of the equal rights amendment.

By Gentleman of Polk from nine hundred and five residents of Polk County supporting legislation to prohibit smoking in public places except in designated areas.

INTRODUCTION OF BILLS

HOUSE FILE 264, by committee on agriculture, a bill for an act permitting drainage district boards to have repairs costing ten

thousand dollars or less performed without obtaining an engineer's report.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 265, by Egenes, a bill for an act relating to charges made for the use of extension telephones.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 266, by Gilloon, Dyrland, Jochum, Small, Patchett, Svoboda, Garrison, Rinas, Husak, Brandt, Hinkhouse, Spear, O'Halloran and Newhard, a bill for an act relating to allocations to the secondary road fund and the farm-to-market road fund from the road use tax fund based on biennially updated needs studies.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 267, by committee on county government, a bill for an act relating to the investment of certain funds in the custody of the clerk of the district court.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 268, by Brandt, a bill for an act relating to remedies for persons aggrieved by civil rights violations.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 269, by Svoboda, a bill for an act creating a lifeline electrical service demonstration program for elderly low income persons.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 270, by Halvorson, a bill for an act to provide reimbursement to school districts to replace tax revenues which will not be available because of the purchase of land for the open spaces program by the state and making an appropriation.

Read first time and referred to committee on BUDGET.

HOUSE FILE 271, by Walter, a bill for an act exempting the sales of fuels used for residential purposes from the sales tax.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 272, by Byerly, Woods and Monroe, a bill for an act to repeal the special fifteen percent tax imposed on retail liquor licensees.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 273, by Welden, Millen, Harbor, Monroe, Lonergan, Husak, Wyckoff, Oxley, Doyle, Griffee, Walter, Poncy, Koogler, Horn, Anderson, Miller of Buchanan, Pavich, Higgins, Svoboda, Jochum, Dyrland, Hullinger, Dunton, Howell, Dieleman, Krause, Brunow, Gilloon, Hargrave, Perkins, Gilson, Spear, Hinkhouse, Junker, Evans, Brockett, Smalley, Crabb, Daggett, Pellett, West, Lageschulte, Hansen, Tofte, Danker, Lindeen, Stephens, Branstad, Wulff, Schroeder, Bennett, Schneklath, Conlon, Harvey and Stromer, a bill for an act providing that the administrative rules review committee may delay the effective date of a rule until the expiration of forty calendar days during which the general assembly has been in session.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 274, by Woods and Monroe, a bill for an act relating to the establishment of minimum prices for the retail sale of beer.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 275, by Hinkhouse, Gilson, Bennett, Bina, Scheelhaase, Rinas, Den Herder, Tofte, Newhard, Pellett, Husak, Wyckoff and Pelton, a bill for an act providing for the establishment of a resource recovery program at an area community college.

Read first time and referred to committee on ENERGY.

HOUSE FILE 276, by committee on agriculture, a bill for an act to permit severance of certain land from an established drainage or levee district if it is found that the land receives no material benefit from the district.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 277, by committee on natural resources, a bill for an act relating to the authority of the Iowa natural resources council.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 278, by Koogler, a bill for an act to abolish the campaign finance disclosure commission and transfer its duties to the office of the state commissioner of elections.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 279, by committee on judiciary and law enforcement, a bill for an act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 280, by committee on judiciary and law enforcement, a bill for an act relating to establishing a prosecutor internship program.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 281, by committee on judiciary and law enforcement, a bill for an act to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 282, by Jochum, a bill for an act appropriating from the general fund of the state for the employment of two additional migrant labor camp inspectors by the state department of health and stipulating conditions of employment.

Read first time and referred to committee on BUDGET.

HOUSE CONCURRENT RESOLUTION 14
By Committee on Agriculture

1 *Whereas*, aujeszky's disease is increasing in Iowa
2 and throughout the nation; and
3 *Whereas*, aujeszky's disease may have serious economic
4 effects upon the pork industry which is of critical
5 importance to the state of Iowa; and
6 *Whereas*, a state control program for aujeszky's
7 disease is desirable but because aujeszky's disease
8 transcends state boundaries a state program would have
9 only limited success; *Now Therefore*,
10 *Be It Resolved by the House of Representatives, the*
11 *Senate Concurring*, That the United States government is
12 urged to adopt as soon as possible a national aujeszky's
13 disease control or eradication program or both such
14 programs; and
15 *Be It Further Resolved*, That copies of this resolution
16 be forwarded to the United States secretary of agricul-
17 ture and to each member of the Iowa congressional dele-
18 gation.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 164, a bill for an act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the funds appropriated to the commission and authorize the commission access to certain confidential information.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT CALENDAR (House Resolution 8)

We hereby respectfully request that House Resolution 8, filed on Thursday, February 24, 1977 and found on pages 472 and 473 of the House Journal, be placed on the unanimous consent calendar.

WULFF of Black Hawk
BENNETT of Ida
STROMER of Hancock.

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

The House resumed session, Speaker Cochran in the chair.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 177 Education

To establish a professional standards and practices board and to prescribe its duties and to abolish the board of educational examiners and the professional teaching practices commission.

S. B. 178 Budget

Making an appropriation to agencies whose responsibilities relate to energy policy and research.

S. B. 179 State Government

Relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code.

S. B. 180 Budget

Making appropriations to various executive and legislative departments.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 8:00 a.m., February 24, 1977

Convened: 8:05 a.m.

Adjourned: 8:11 a.m.

Present: Small, chair; Lonergan, vice-chair; Brockett, ranking member; Bina, Chiodo, Dieleman, Evans, Halvorson, Koogler, Schroeder, Tauke, Welden and West.

Absent: Anderson, Brunow, Den Herder, Jochum, Krause and Walter.

Assigned bills and dispersed into subcommittees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., February 24, 1977

Convened: 8:05 a.m.

Adjourned: 8:53 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Baker (arrived 8:08 a.m.), Brandt (arrived 8:06 a.m.), Clark of Lee (arrived 8:07 a.m.), Byerly and Junker.

Excused: Harvey.

Study Bill 80, a bill for an act relating to ways condemned by landowners having no access to the property.

Recommended AMEND AND DO PASS.

Aye: Hullinger, Spear, Baker, Brandt, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: Danker and Stromer.

Absent or not voting: Byerly, Clark of Lee, Harvey and Junker.

Study Bill 88, a bill for an act relating to the investment of certain funds in the custody of the clerk of the district court.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens and Wells.

Nay: Stromer and Wyckoff.

Absent or not voting: Byerly, Clark of Lee, Harvey and Junker.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 8:00 a.m., February 24, 1977

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Higgins, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Absent: Patchett (arrived 8:13 a.m.), Smalley (arrived 8:12 a.m.), Garrison and Nielsen.

Excused: Lipsky.

Study Bill 143, a bill for an act relating to establishing a prosecutor internship program.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyland, Gentleman, Higgins, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Garrison, Lipsky and Nielsen.

Discussed House File 248, Juvenile Justice Bill, and assigned bills to subcommittees.

COMMITTEE ON AGRICULTURE

Scheduled: 9:00 a.m., February 24, 1977

Convened: 9:05 a.m.

Adjourned: 9:35 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Absent: Krause (arrived 9:28 a.m.), Byerly and Svoboda.

Excused: Pellett.

Study bill assigned. Approved concurrent resolution regarding the United States government adopting a national aujeszky's disease control and eradication program.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., February 24, 1977

Convened: 9:05 a.m.

Adjourned: 9:55 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: Avenson.

House File 39, a bill for an act relating to the payment of per diem and expenses to certain persons elected to the general assembly.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Nay: None.

Absent or not voting: None.

House File 57, a bill for an act rewriting the requirement that all departments and officials of the state, counties, cities and certain other entities empowered to make purchase of supplies for public purposes purchase such supplies from Iowa state industries under certain circumstances.

Recommended AMEND AND DO PASS.

H-3088

1 Amend House File 57 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Chapter eighteen (18), division one
5 (1), Code 1977, is amended by adding the following
6 new section:

7 **NEW SECTION.** All bid specifications made under
8 this chapter and all other sections of the code which
9 require competitive bidding shall be written to allow
10 as many vendors as possible to submit bids. Any
11 potential vendor who believes the specifications for
12 goods or services were written to arbitrarily preclude
13 or favor a specific potential vendor may appeal the
14 bidding procedure to a district court. Such appeal
15 shall be made within 30 days of the notice to bidders.
16 If the court rules the specifications arbitrarily

17 precluded or favored a specific potential vendor,
18 the agency or governmental subdivision shall pay all
19 court costs including reasonable attorney fees for
20 the complainant and commence new bidding procedures
21 with corrected specifications.

22 Sec. 2. Section two hundred forty-six point one
23 (246.1), Code 1977, is amended by adding the following
24 new unnumbered paragraph:

25 **NEW UNNUMBERED PARAGRAPH.** "Iowa state industries"
26 shall mean prison industries that are established
27 and maintained by the state director in connection
28 with the state penitentiary and men's and women's
29 reformatories.

30 Sec. 3. Chapter two hundred forty-six (246), Code
31 1977 is amended by inserting after section two hundred
32 forty-six point twenty-one (246.21) the following
33 new section:

34 **NEW SECTION.** State agencies and governmental sub-
35 divisions of the state, as defined by section eighteen
36 point one (18.1), subsections three (3) and seven
37 (7), Code 1977, shall submit bid documents to the
38 Iowa state industries on each occasion when any of
39 the goods available from the Iowa state industries
40 are needed.

41 Sec. 4. Section two hundred forty-six point twenty-
42 four (246.24), Code 1977, is amended by striking the
43 section and inserting in lieu thereof the following:

44 **246.24 INFORMATION TO AGENCIES AND GOVERNMENTAL**
45 **SUBDIVISIONS.** The director of general services shall
46 inform all state agencies and governmental subdivisions
47 annually of the requirements of submission of bid
48 documents to the Iowa state industries.

49 Sec. 5. Section two hundred forty-six point twenty-
50 three (246.23), Code 1977, is repealed."

Page 2

1 2. Amend the title page, line 1, by striking,
2 everything after the word "Act" and inserting in lieu
3 thereof the words "requiring competitive bid
4 specifications of state agencies and governmental
5 subdivisions be written to allow as many vendors as
6 possible to submit bids and setting forth bidding
7 procedures for purchase of goods from Iowa state
8 industries."

9 3. Amend the title page, by striking lines 2
10 through 5.

Aye: Monroe, Woods, Harvey, Brandt, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek and West.

Nay: Crawford, Dieleman, Stromer, Tauke and Walter.

Absent or not voting: None.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 10:00 a.m., February 24, 1977

Convened: 10:04 a.m.

Adjourned: 10:16 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Oxley, Pelton and Poncy.

Absent: Nielsen (arrived 10:10 a.m.) and Egenes.

Discussion of Department of Public Instruction budget request. Motion to dissolve joint subcommittee adopted.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., February 24, 1977

Convened: 10:05 a.m.

Adjourned: 11:05 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Presentation by the Retired Seniors Volunteer Program.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., February 24, 1977

Convened: 10:00 a.m.

Adjourned: 12:30 p.m.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Connors,

Halvorson, Harper, Higgins, Svoboda and West.

Absent: Small.

Excused: Lipsky.

Continued hearings on the following departments: Comptroller, Marvin Selden; Watchmaking Examiners, Mr. Palmer; Beer and Liquor Control, Rolland Gallagher; Landscape Architectural Examiners, Milford Fjare and Department of Revenue Director, Gerald D. Bair.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 10:00 a.m., February 24, 1977

Convened: 10:05 a.m.

Adjourned: 11:45 a.m.

Present: Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines (arrived 11:03 a.m.) and Newhard.

Excused: Brunow.

Presentations by Kevin Burns, Director of Social Services Department, on General Administration and Jim Rowen, on data processing in General Administration.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 10:00 a.m., February 24, 1977

Convened: 10:10 a.m.

Adjourned: 11:50 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Hinkhouse, Hoffmann, Middleswart, Pavich, Schneklath and Schroeder.

Absent: Clark of Lee.

Excused: Spencer.

Reviewed and approved bill draft encompassing all the committee recommendations, including corrective changes.

COMMITTEE ON BUDGET

Scheduled: 1:00 p.m., February 24, 1977

Convened: 1:00 p.m.

Adjourned: 2:30 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Jesse, Koogler, Norland, O'Halloran, Varley, Welden, Wells and Wulff.

Absent: None.

Excused: Stromer (arrived 1:35 p.m.) and Den Herder.

Discussed Study Bill 172.

SUBCOMMITTEE ASSIGNMENTS

House File 72

Ways and Means
Anderson, chair
Gilloon
Brandt
Svoboda
Husak
West
Daggett
Schnekloth
Clark of Lee

House File 112

Judiciary and Law
Enforcement
Patchett, chair
Branstad
Woods

House File 116

Ways and Means
Miller of
Buchanan, chair
Davitt
Harvey

House File 133

Judiciary and Law
Enforcement
Woods, chair
Gentleman
Spencer

House File 161

Ways and Means
Miller of
Buchanan, chair
Davitt
Harvey

House File 169

Transportation
Krause, chair
Schroeder
Rinas
Hullinger
Clark of Cerro Gordo

House File 176

Ways and Means
Miller of
Buchanan, chair
Dieleman
Pavich
Spencer
Menke
Conlon
Harvey

House File 182

Ways and Means
Dieleman, chair
Gilloon
Junker
Harbor
Pavich

House File 186

State Government
Griffie, chair
Dieleman
Stromer

House File 191
State Government
Woods, chair
Walter
Tauke

House File 192
Energy
Pelton, chair
Daggett
Doyle
Varley
Svoboda

House File 195
State Government
Stromer, chair
Poncy
Avenson

House File 202
State Government
Poncy, chair
Higgins
West

House File 203
State Government
Poncy, chair
Avenson
Stromer

House File 204
Transportation
Krause, chair
Schroeder
Rinas
Hullinger
Clark of Cerro Gordo

House File 206
Human Resources
Gentleman, chair
Dyrland
Anderson

House File 213
Ways and Means
Anderson, chair
Gilloon
Brandt
Svoboda
Husak
West
Daggett
Schnekloth
Clark of Lee

House File 214
Ways and Means
Bina, chair
Junker
Jochum
Rinas
Clark of Lee

House File 215
Ways and Means
Anderson, chair
Gilloon
Brandt
Svoboda
Husak
West
Schnekloth
Daggett
Clark of Lee

House File 216
State Government
Stromer, chair
Walter
Avenson

House File 217
Commerce
Jochum, chair
Anderson
Den Herder
Lonergan
Welden

House File 218
Commerce
Anderson, chair
Chiodo
Evans
Jochum
Welden

House File 220
Energy
O'Halloran and
Varley, co-chair
Evans
Griffee
Howell

House File 222
Commerce
Jochum, chair
Anderson
Den Herder
Lonergan
Welden

House File 223
Ways and Means
Miller of
Buchanan, chair
Dieleman
Pavich
Spencer
Menke
Conlon
Harvey

House File 233
Labor and Industrial
Relations
Hines, chair
Gilloon
Thompson

House File 234
 Judiciary and Law
 Enforcement
 Shimanek, chair
 Nielsen
 Connors

House File 235
 Transportation
 Krause, chair
 Schroeder
 Rinas
 Hullinger
 Clark of Cerro Gordo

House File 237
 Judiciary and Law
 Enforcement
 Jesse, chair
 Newhard
 Branstad
 Gentleman
 Nielsen

House File 242
 Judiciary and Law
 Enforcement
 Jesse, chair
 Newhard
 Branstad
 Gentleman
 Nielsen

House File 243
 Judiciary and Law
 Enforcement
 Higgins, chair
 Gentleman
 Clark of Cerro Gordo
 Lipsky
 Newhard
 Pelton

House File 248
 Judiciary and Law
 Enforcement
 Higgins, chair
 Gentleman
 Lipsky
 Newhard
 Pelton

House File 250
 Labor and Industrial
 Relations
 Wells, chair
 Small
 Smalley

House File 259
 Labor and Industrial
 Relations
 Connors, chair
 Pavich
 Poncy
 Halvorson
 Thompson

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 158
 Transportation
 Krause, chair
 Egenes
 Monroe
 Rinas
 Clark of Cerro Gordo

S.B. 166
 Transportation
 Krause, chair
 Egenes
 Monroe
 Rinas
 Clark of Cerro Gordo

S.B. 169
 Transportation
 Rinas, chair
 Harbor
 Krause
 Brunow
 Egenes

S.B. 159A
 Ways and Means
 Norland, chair
 Rinas
 Hines
 Jochum
 Wells
 Branstad
 West
 Clark of Lee

S.B. 168
 Agriculture
 Danker, chair
 Krause
 Den Herder

S.B. 170
 State Government
 Tauke, chair
 Brandt
 West

AMENDMENTS FILED

H-3087	H.F. 253	Scheelhaase of Woodbury Menke of O'Brien
H-3089	H.F. 200	Spear of Lee
H-3090	H.F. 228	Husak of Tama Pellett of Cass
H-3091	H.F. 245	Schroeder of Pottawattamie
H-3092	H.F. 254	Welden of Hardin Wulff of Black Hawk

On motion by Fitzgerald of Webster the House adjourned at 12:28 p.m. until 10:00 a.m., Monday, February 28, 1977.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day -- Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 28, 1977

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

Prayer was offered by the Reverend Ned H. Benson, pastor of the Central Presbyterian Church, Des Moines, Iowa.

The Journal of Friday, February 25, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy Turner, Armstrong, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk on request of Speaker Cochran of Webster; O'Halloran of Black Hawk for the morning session and Brandt of Black Hawk on request of Middleswart of Warren; Den Herder of Sioux on request of Daggett of Adams; Evans of Grundy on request of Smalley of Polk; Schroeder of Pottawattamie on request of Millen of Van Buren.

PETITIONS FILED

The following petitions were received and placed on file:

By Gilson of Guthrie from one hundred ninety-eight constituents from Guthrie County urging the legislature to rescind the March 1972 ratification of the equal rights amendment.

By Husak of Tama from twenty-seven constituents from Benton and Tama counties favoring the sale of certified raw milk.

PRESENTATION OF VISITORS

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

Twenty students from Yale—Jamaica—Bagley High School, Jamaica, Iowa, accompanied by Chris Condon. By Gilson of Guthrie.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 98, a bill for an act providing that the director of division of corrections shall pay the salary for commissary personnel at the penitentiary and reformatories.

Also: That the Senate has on February 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 109, a bill for an act to update Iowa specifications and standards for cheese and cheese products.

Also: That the Senate has on February 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 110, a bill for an act relating to testing dairy products for manufacturing purposes.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 251, a bill for an act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws was taken up for consideration.

By unanimous consent, action on House File 251 was temporarily deferred.

House File 150, a bill for an act to repeal provisions relating to the compensation of first deputy county officers in counties having dual county seats, with report of committee recommending passage, was taken up for consideration.

Spear of Lee offered the following amendment H-3093 filed by him from the floor and moved its adoption:

H-3093

- 1 Amend House File 150 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section three hundred forty point
- 5 eight (340.8), Code 1977, is amended by striking
- 6 subsection three (3)."
- 7 2. Renumber sections to conform to this amendment.
- 8 3. Amend the title by striking lines 2 and 3 and
- 9 inserting in lieu thereof the words "deputy county
- 10 officers in certain counties".

Amendment H-3093 was adopted.

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

On the question "Shall the bill pass?" (H.F. 150)

The ayes were, 82:

Anderson	Avenson	Baker	Bennett
Bina	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor

Hargrave	Harper	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Newhard	Nielsen
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schneklath	Shimanek	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Woods	Wulff
		Wyckoff	Mr. Speaker

The nays were, 2:

Lageschulte Small

Absent or not voting, 16:

Binneboese	Brandt	Den Herder	Egenes
Evans	Garrison	Hines	Hullinger
Jesse	Monroe	Norland	O'Halloran
Perkins	Schroeder	Stromer	Walter

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

The House resumed consideration of House File 251, a bill for an act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

Baker of Buena Vista offered amendment H-3096 filed by him from the floor. Division was requested as follows:

H-3096

1 Amend House File 251 as follows:

H-3096A

2 1. Page 2, by inserting after line 15 the
 3 following section:
 4 "Sec. 5. Section one hundred ten point one
 5 (110.1), Code 1977, is amended by inserting after
 6 line fifty-one (51) the following:
 7 Nonresidents raccoon stamp and tags.....\$100.00"

H-3096B

8 2. Page 3, by inserting after line 6 the
9 following sections:
10 "Sec. Section one hundred ten point
11 thirteen (110.13), Code 1977, is amended by
12 striking the section and inserting in lieu thereof
13 the following:
14 110.13 UNLAWFUL OBTAINING OR USE—EFFECT. A
15 nonresident shall not obtain a resident license by
16 falsely claiming residency in the state. The use
17 of a license by a person other than the person to
18 whom the license is issued is unlawful and shall
19 nullify the license. Violation of this section is
20 a misdemeanor punishable by a fine of not more than
21 one hundred dollars or imprisonment in the county
22 jail of not more than thirty days.

H-3096A

23 Sec. Chapter one hundred ten (110), Code
24 1977, is amended by adding the following new
25 section:
26 **NEW SECTION.** A nonresident shall not hunt raccoon
27 unless the nonresident raccoon stamp is affixed to
28 the hunting license and the hunter possesses unused
29 tags. A nonresident shall not possess an untagged
30 raccoon carcass or pelt. The nonresident raccoon
31 stamp shall be issued with twenty tags bearing
32 the same number as the stamp. The tags shall be
33 designed to be used only once. A nonresident shall
34 purchase only one stamp each year."

On motion by Baker of Buena Vista, amendment H-3096A was adopted.

On motion by Baker of Buena Vista, amendment H-3096B was adopted.

Davitt of Warren offered the following amendment H-3098 filed by him from the floor and moved its adoption:

H-3098

- 1 Amend House File 251 as follows:
- 2 1. Page 2, line 13, by striking the word
- 3 "eight" and inserting in lieu thereof the word
- 4 "four".

A non-record roll call was requested.

The ayes were 31, nays 49.

Amendment H-3098 lost.

Miller of Buchanan offered the following amendment H-3099 filed by him from the floor and moved its adoption:

H-3099

- 1 Amend House File 251 as follows:
- 2 1. Page 3, by inserting after line 6 the
- 3 following new section:
- 4 "Sec. Amend chapter one hundred ten (110),
- 5 Code 1977, by adding the following new section:
- 6 **NEW SECTION.** Fur bearing animals which have
- 7 been killed on the highways and roads of this state
- 8 may be salvaged by any citizen of this state when
- 9 the animal has been tagged by a conservation officer."

Amendment H-3099 was adopted.

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

On the question "Shall the bill pass?" (H.F. 251)

The ayes were, 71:

Anderson	Avenson	Baker	Bennett
Bina	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Dieleman	Dunton	Dyrland

Egenes	Fitzgerald	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Hargrave	Harper	Hines	Hoffmann
Horn	Hullinger	Husak	Jesse
Koogler	Krause	Krewson	Lageschulte
Lipsky	Lonergan	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Schnekloth	Shimanek	Smalley	Spear
Svoboda	Thompson	Tofte	Varley
Walter	Welden	West	Woods
	Wulff	Wyckoff	Mr. Speaker

The nays were, 20:

Binneboese	Daggett	Danker	Davitt
Doyle	Harbor	Harvey	Hinkhouse
Howell	Jochum	Junker	Lindeen
Menke	Pellett	Rinas	Scheelhaase
Spencer	Stephens	Tauke	Wells

Absent or not voting, 9:

Brandt	Den Herder	Evans	Garrison
Higgins	O'Halloran	Schroeder	Small
Stromer			

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

House File 245, a bill for an act relating to the use of fishing hooks was taken up for consideration.

Brunow of Appanoose offered the following amendment H-3097 filed by him from the floor and moved its adoption:

H-3097

- 1 Amend House File 245 as follows:
- 2 1. Page 1, line 10, by striking all after
- 3 the period.
- 4 2. Page 1, by striking line 11.
- 5 3. Page 1, line 12, by striking that line
- 6 and inserting in lieu thereof the following: "No
- 7 person shall".
- 8 4. Page 1, by inserting after the word "hook."

- 9 in line 18 the following: "The commission may
 10 determine by rule the number of lines and hooks
 11 in excess of the number provided in this provision
 12 if consistent with sound fish management principles."

Amendment H-3097 was adopted.

With the adoption of amendment H-3097, amendment H-3091, filed by Schroeder of Pottawattamie on February 25, 1977, was ruled out of order.

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

On the question "Shall the bill pass?" (H.F. 245)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Hines	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Oxley
Patchett	Pavich	Pellet	Perkins
Poncy	Rinas	Schneklath	Shimanek
Smalley	Spear	Spencer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 6:

Crawford	Hinkhouse	Jesse	Pelton
Scheelhaase	Stephens		

Absent or not voting, 10:

Brandt	Den Herder	Evans	Garrison
Higgins	Norland	O'Halloran	Schroeder
Small	Stromer		

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

House File 60, a bill for an act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 60)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harper
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklloth
Shimanek	Smalley	Spear	Spencer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Brandt	Den Herder	Evans	Garrison
Higgins	Norland	O'Halloran	Schroeder
Small	Stephens	Stromer	Woods

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

House File 197, a bill for an act relating to certain bikeway and walkway construction projects was taken up for consideration.

Woods of Polk offered the following amendment H-3069 filed by him and Chiodo of Polk:

H-3069

- 1 Amend House File 197, page 1, by striking lines
- 2 1 and 2 and inserting in lieu thereof the following:
- 3 "Section 1. Section three hundred eight A point
- 4 three (308A.3), Code 1977, is amended to read as
- 5 follows:
- 6 308A.3 CERTAIN ELEVATED STRUCTURES PROHIBITED.
- 7 Bikeways and walkways approved as either incidental
- 8 features of highway construction projects primarily
- 9 for motor vehicular traffic or as an independent
- 10 bikeway or walkway construction project constructed
- 11 pursuant to the Highway Act of 1973, 23 U.S.C. 217,
- 12 shall not be constructed as elevated structures joining
- 13 private buildings or so constructed to provide elevated
- 14 access or egress facilities to private buildings
- 15 unless the following conditions are met:
- 16 1. That portion of project funds necessary to
- 17 obtain federal funds is provided by private parties
- 18 benefited by the facilities; and
- 19 2. The owners of private buildings to which access
- 20 or egress facilities are attached shall assume
- 21 maintenance costs of the facilities and liability
- 22 for personal injuries proximately caused by defective
- 23 facilities."

By unanimous consent, the following amendment H-3101, to amendment H-3069, filed by Woods of Polk from the floor was adopted:

H-3101

- 1 Amend amendment H-3069, to House File 197
- 2 as follows:
- 3 1. Page 1, line 15, by striking the words
- 4 "conditions are" and inserting in lieu thereof
- 5 the words "condition is".
- 6 2. Page 1, line 18, by striking the following:
- 7 ";and" and inserting in lieu thereof the following:
- 8 "."
- 9 3. Page 1, by striking all of lines 19 through
- 10 23.

Woods of Polk moved the adoption of amendment H-3069, as amended.

Amendment H-3069, as amended, was adopted.

(House File 197 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

HOUSE FILE 283, by Wells and Bina, a bill for an act relating to civil service requirements for police officers and fire fighters.

Read first time and referred to committee on CITIES.

HOUSE FILE 284, by Woods and Chiodo, a bill for an act relating to the office of a magistrate who devotes his or her entire time to official duties.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 285, by Wells, Spencer, Dunton, Anderson, Den Herder, Patchett, Poncy, Davitt, Schroeder, Conlon, Wulff, Spear, Danker, Dieleman, Lipsky, Stromer, Schnekloth, Brandt, Stephens, Koogler, Lageschulte, Bennett and Cusack, a bill for an act prohibiting smoking in certain public areas and providing a penalty.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 286, by Harper, Wyckoff, Halvorson, West, Harbor, Tofte, Clark of Lee, Smalley and Miller of Buchanan, a bill for an act to exempt certain industrial materials and equipment from retail sales and use taxes.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 287, by Krewson, a bill for an act relating to child custody in dissolution of marriage cases.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 288, by Monroe and Harvey, a bill for an act relating to the membership of the beer and liquor control council.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 289, by Halvorson, a bill for an act restricting the exercise of the right of eminent domain by the Iowa state conservation commission.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 290, by Perkins, Miller of Calhoun, Gilson and Den Herder, a bill for an act to continue guaranteed state aid to elementary and secondary school districts.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 291, by Perkins, Baker, Hansen, Stromer, Wyckoff, Koogler, Daggett, Husak, Scheelhaase and Anderson, a bill for an act relating to the service records of deceased veterans.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 292, by Spencer, a bill for an act relating to the age to operate a motorboat.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 293, by Bennett, a bill for an act relating to the limitation on charitable devises by will.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 294, by Wyckoff, Halvorson, Miller of Buchanan, Harbor and Tofte, a bill for an act to allow a tax credit to individuals for the portion of corporate dividends upon which a tax has been paid by the corporation.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 295, by Halvorson, a bill for an act relating to the statute of limitation for actions based in tort and founded upon injury to person or property caused by improvements to real property.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 296, by Spencer, a bill for an act relating to the taking of pheasants and providing a penalty.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 297, by Branstad, a bill for an act to allocate ten percent of the sales tax revenue from the general fund of the state to the road use tax fund.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 298, by committee on budget, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

Read first time and PLACED ON THE BUDGET CALENDAR.

CONSIDERATION OF BILLS

The House resumed consideration of House File 197, a bill for an act relating to certain bikeway and walkway construction projects.

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

On the question "Shall the bill pass?" (H.F. 197)

The ayes were, 58:

Anderson	Avenson	Bina	Binneboese
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Doyle
Dyrland	Egenes	Fitzgerald	Gentleman
Griffee	Hargrave	Higgins	Hoffmann
Horn	Hullinger	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lipsky	Middleswart	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Shimanek
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	Woods
		Wulff	Mr. Speaker

The nays were, 32:

Baker	Bennett	Branstad	Byerly
Crabb	Cusack	Daggett	Danker
Davitt	Dieleman	Dunton	Gilloon
Gilson	Halvorson	Hansen	Harper
Harvey	Hinkhouse	Husak	Koogler
Lindeen	Loneragan	Menke	Millen
Miller, K.D.	Poncy	Schneklath	Small
Stephens	Welden	West	Wyckoff

Absent or not voting, 10:

Brandt	Connors	Den Herder	Evans
Garrison	Harbor	Hines	Howell
Nielsen	Schroeder		

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

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

The House resumed session, Speaker Cochran in the chair.

MOTIONS TO RECONSIDER

(House File 150)

I move to reconsider the vote by which House File 150 passed the House on February 28, 1977.

DANKER of Pottawattamie

(House File 251)

I move to reconsider the vote by which House File 251 passed the House on February 28, 1977.

BENNETT of Ida

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills for the remainder of the day and March 1 and 2 on request of Millen of Van Buren.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 181 Budget**

Making appropriations to various state departments.

S.B. 182 County Government

To prohibit the notation of the amount of the security interest on certificate of title, the release form, or notation certificate for a motor vehicle.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 24, 1977. Had I been present, I would have voted "aye" on House Files 74 and 212; amendments H-3067, H-3073, H-3076, H-3079 and Senate File 63.

KOOGLER of Mahaska

I was necessarily absent from the House chamber on Monday morning, February 28, 1977. Had I been present I would have voted "aye" on House Files 60, 150, 245 and 251.

O'HALLORAN of Black Hawk

I was necessarily absent when the vote on Senate File 61 was taken. Had I been present I would have voted "nay".

SPENCER of Clay

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 9:00 a.m., February 25, 1977

Convened: 9:07 a.m.

Adjourned: 10:00 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Perkins and Varley.

Absent: Griffee (arrived 9:25 a.m.), Norland (arrived 9:27 a.m.) and Svoboda.

Excused: Daggett.

Discussion of further amendments to House File 75, relating to energy efficiency standards for buildings and factory built structures in the state building code.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., February 25, 1977

Convened: 9:05 a.m.

Adjourned: 10:04 a.m.

Present: Higgins, chair; Crawford, ranking member; Anderson, Baker, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Absent: Newhard.

Excused: Walter, vice-chair; Brunow.

Debated certificate of need study bill.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., February 25, 1977

Convened: 9:02 a.m.

Adjourned: 11:03 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poney, Small, Smalley, Thompson and Wells.

Absent: Chiodo (arrived 9:13 a.m.)

Discussion of Study Bill 32 and consideration of amendments. Made subcommittee assignments.

COMMITTEE ON BUDGET

Scheduled: 10:00 a.m., February 25, 1977

Convened: 10:05 a.m.

Adjourned: 11:50 a.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Welden, Wells and Wulff.

Absent: None.

Excused: Den Herder and Varley.

Study Bill 172, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

Recommended AMEND AND DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, O'Halloran, Stromer, Welden, Wells and Wulff.

Nay: Norland.

Absent or not voting: Den Herder and Varley.

SPONSOR ADDED (House Files 218, 262 and 268)

Cusack of Scott requested to be added as a sponsor of House Files 218, 262 and 268.

AMENDMENTS FILED

H-3094	H.F. 254	Koogler of Mahaska Thompson of Polk Patchett of Johnson Miller of Calhoun
H-3100	H.F. 66	Monroe of Des Moines
H-3102	S.F. 94	Spear of Lee
H-3103	H.F. 41	Miller of Buchanan
H-3104	H.F. 101	Miller of Buchanan
H-3105	H.F. 251	Bennett of Ida
H-3106	H.F. 148	Miller of Buchanan

On motion by Fitzgerald of Webster the House adjourned at 4:03 p.m. until 10:00 a.m., Tuesday, March 1, 1977.

JOURNAL OF THE HOUSE

Fifty—first Calendar Day -- Thirty—sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 1, 1977

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

Prayer was offered by the Reverend E. Charles Anderson, pastor of the St. Ansgar Lutheran Church, Waterloo, Iowa.

The Journal of Monday, February 28, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. G. L. Schmit, Cedar Rapids, Iowa.

PRESENTATION OF VISITORS

Thompson of Polk presented to the House Petri Fernstrom a foreign exchange student from Valpurintie, Finland. Petri attends Valley High School and is the guest of the David Buchers.

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

Twenty—five fifth grade students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mary Huggins and Mrs. Andsager. By Thompson of Polk.

Sixteen students from Harding Jr. High School, Des Moines, Iowa, accompanied by Sophie Pargas Vlassis. By Byerly of Polk and Jesse of Polk.

Forty students from Holmes Jr. High School, Cedar Falls, Iowa, accompanied by Dave Andreasen. By O'Halloran of Black Hawk.

Forty seniors from Nora Springs—Rock Falls Jr.—Sr. High School, Nora Springs, Iowa, accompanied by Mike Pope. By Howell of Floyd.

PETITIONS FILED

The following petitions were received and placed on file:

By Danker of Pottawattamie from six hundred eighty constituents ; six hundred fifty—three favoring the receipt of two fair appropriations for Pottawattamie County and twenty—seven who oppose a state gas tax based on a percentage of the retail price.

By Wulff of Black Hawk from sixty—nine constituents favoring reinstatement of the death penalty.

By Varley of Adair from five hundred two constituents ; four hundred seventy—six urging the legislature to rescind the ratification of the equal rights amendment and twenty—six favoring the sale of certified raw milk.

By Lipsky of Linn from twenty—three constituents favoring the sale of certified raw milk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 41, a bill for an act relating to the management of state records.

Also: That the Senate has on February 25, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 119, a bill for an act relating to the regulation of savings and loan associations.

Also: That the Senate has on February 25, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 125, a bill for an act relating to prohibited traps.

Also: That the Senate has on February 25, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 126, a bill for an act to repeal the requirement of a special permit tag to sell furs outside the state.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 254, a bill for an act to require inclusion of achievements of women, minorities, and others in total school program and to require English—language arts, was taken up for consideration.

Koogler of Mahaska offered the following amendment H—3094 filed by Koogler et. al, and moved its adoption:

H—3094

- 1 Amend House File 254 as follows:
- 2 1. Page 1, line 15, by striking the following:
- 3 "~~Where feasible, the~~" and inserting in lieu
- 4 thereof the following "~~The~~".

Roll call was requested by Junker of Woodbury and Gentleman of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—3094 be adopted?"

The ayes were, 44:

Avenson
Crawford
Egenes

Brandt
Cusack
Fitzgerald

Clark, B.J.
Doyle
Garrison

Connors
Dyrland
Gentleman

Griffee	Hargrave	Harper	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Jesse	Jochum
Koogler	Krewson	Lipsky	Lonergan
Miller, O.L.	Monroe	O'Halloran	Patchett
Pavich	Pelton	Schroeder	Shimanek
Stromer	Svoboda	Thompson	Varley
Wells	West	Wulff	Mr. Speaker

The nays were, 50:

Anderson	Baker	Bennett	Bina
Binneboese	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, J.H.	Conlon
Crabb	Danker	Den Herder	Dieleman
Dunton	Evans	Gilloon	Gilson
Halvorson	Hansen	Husak	Junker
Krause	Lageschulte	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Newhard
Nielsen	Oxley	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Small
Smalley	Spear	Spencer	Stephens
Tauke	Tofte	Walter	Welden
Woods	Wyckoff		

Absent or not voting, 6:

Daggett	Davitt	Harbor	Hullinger
Norland	Pellett		

Amendment H-3094 lost.

Koogler of Mahaska offered the following amendment H-3107 filed by Koogler, Thompson, Patchett and Miller of Calhoun from the floor and moved its adoption:

H-3107

- 1 Amend House File 254 as follows:
- 2 1. Page 1, line 15, by striking the following:
- 3 "Where feasible" and inserting in lieu thereof the
- 4 following: "When applicable".

Amendment H-3107 was adopted.

Tauke of Dubuque offered the following amendment H-3108 filed by him from the floor and moved its adoption:

H-3108

- 1 Amend House File 254 as follows:
- 2 1. Page 1, line 16, by inserting after the
- 3 word "persons" the words "~~who have made signifi-~~
- 4 ~~cant contributions to a given area of study~~".

Amendment H-3108 was adopted.

Welden of Hardin offered the following amendment H-3092 filed by him and Wulff of Black Hawk:

H-3092

- 1 Amend House File 254 as follows:
- 2 1. Page 2, line 35, by adding after the word
- 3 history "~~one-half unit of economics with emphasis~~
- 4 ~~on the operation of our private enterprise system~~".

Patchett of Johnson rose on a point of order that amendment H-3092 was not germane.

The Speaker ruled the point well taken and amendment H-3092 not germane.

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

On the question "Shall the bill pass?" (H.F. 254)

The ayes were, 76:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hargrave

Harper	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	Wulff	Mr. Speaker

The nays were, 19:

Bennett	Branstad	Brockett	Chiodo
Crabb	Danker	Den Herder	Dieleman
Harvey	Lageschulte	Lindeen	Millen
Scheelhaase	Spencer	Stephens	Welden
West	Woods	Wyckoff	

Absent or not voting, 5:

Daggett	Davitt	Harbor	Hullinger
Pellett			

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

MOTION TO RECONSIDER (House File 251)

Bennett of Ida called up for consideration the motion to reconsider House File 251, filed on February 28, 1977, and moved to reconsider the vote by which House File 251, a bill for an act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws, passed the House on February 28, 1977.

A non-record roll call was requested.

The ayes were 79, nays 5.

The motion prevailed.

Bennett of Ida moved to reconsider the vote by which House File 251 was placed on its last reading, which motion prevailed.

Bennett of Ida offered the following amendment H-3105 filed by him and moved its adoption:

H-3105

- 1 Amend House File 251 as follows:
- 2 1. Page 2, line 4, by inserting after the word
- 3 "traps" the words "used for the taking of fur-
- 4 bearing animals".

Amendment H-3105 was adopted.

Halvorson of Clayton offered the following amendment H-3109 filed by Halvorson, Middleswart, Avenson and Byerly from the floor:

H-3109

- 1 Amend House File 251 as follows:
- 2 1. Page 2, by inserting after line 19 the
- 3 following new section:
- 4 "Sec. Section one hundred nine point
- 5 ninety-seven (109.97), Code 1977, is amended by
- 6 striking the section and inserting in lieu thereof
- 7 the following:
- 8 109.97 REPORTS. Fur dealers shall keep
- 9 accurate, current records of their transactions.
- 10 The records shall show the number and kinds of
- 11 hides and skins which have been purchased, the
- 12 date of purchase, and the name and address of the
- 13 seller. Such records shall be open at all reason-
- 14 able times to inspection by the commission. On or
- 15 before May fifteenth of each year, each fur dealer
- 16 shall file a verified inventory with the commission.
- 17 The inventory shall include all transactions for the
- 18 preceding year. All pelts purchased shall, as soon
- 19 as practical, be stamped in a conspicuous manner by
- 20 the fur dealer. Such stamp shall be in indelible
- 21 ink and bear the license number of the dealer."

By unanimous consent the following amendment H-3113, to amendment H-3109, filed by Junker of Woodbury from the floor, was adopted:

H-3113

- 1 Amend amendment H-3109, to House File 251,
- 2 as follows:
- 3 1. Page 1, line 19, by striking the word
- 4 "practical" and inserting in lieu thereof the
- 5 word "practicable".

Halvorson of Clayton moved the adoption of amendment H-3109, as amended.

Amendment H-3109, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 251)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harper
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jochum	Junker	Krewson	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Shimanek	Small

Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 5:

Danker	Jesse	Lipsky	Schroeder
Welden			

Absent or not voting, 6:

Connors	Davitt	Harbor	Hullinger
Koogler	Krause		

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

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

REPORT OF THE COMMITTEE ON ETHICS

Harper of Davis, chair of the committee on ethics, submitted the following report from the committee on ethics:

- 1 Lobbyist Rules
- 2
- 3 1. Definition.
- 4 a. "Lobbying" is the direct communication with, or
- 5 representation before, the full House, a committee thereof
- 6 or one of it's members concerning pending or proposed
- 7 legislation.
- 8 b. "Lobbyist" is any person who lobbies.
- 9 c. "Regular basis" means direct contact with one or more
- 10 representatives at least ten times a month while the General
- 11 Assembly is in session.
- 12 d. "Short term lobbyist" means a person who contacts more
- 13 than one representative and who lobbies on a "non-regular

14 basis”.

15 e. “Non—regular basis” is the direct contact with more
16 than one representative who does not lobby on a “regular
17 basis”.

18 2. All lobbyists shall be required to register with the
19 Chief Clerk’s office prior to engaging in lobbying with the
20 exception of the following:

21 a. An individual who does not lobby on a regular or non—
22 regular basis as a representative of an individual, group,
23 association or corporation.

24 b. Designated representatives of political parties,
25 organized in the state of Iowa representing more than two
26 (2) percent of the total votes cast for governor in the last
27 preceding general election.

28 c. Representatives of the news media engaged only in the
29 reporting and dissemination of news.

30 d. Employees of the federal, state, and local government
31 during the time they are requested or required to appear
32 before the full House, or any committee thereof.

33 e. Employees of federal, state, and local government
34 offices who are the designated representatives of their agency
35 and while taking the official position of their agency, only

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1 when a letter of authorization for such lobbying has been
2 filed in the Chief Clerk’s office prior to such lobbying.

3 f. Constituents of a legislator when lobbying that
4 legislator.

5 3. All lobbyists, other than short—term lobbyists, who
6 are required to register under these rules shall register
7 with the Chief Clerk’s office on a form provided by the Chief
8 Clerk. The lobby registration form shall contain the following
9 information:

10 a. Name, permanent business and residential address,
11 temporary residential and business addresses during the
12 legislative session, and telephone numbers.

13 b. The name and address of each individual, company, firm,
14 corporation, union, association, or cause for which he or
15 she lobbies.

16 c. The general subjects of legislation in which the lobbyist
17 is or may be interested, the number of the bills and
18 resolutions (if known) which will be lobbied, and whether
19 the lobbyist intends to lobby for or against each bill (if
20 known).

21 Only one registration statement need be filed by each
22 lobbyist listing each client represented at the time of
23 registration and to which would be added any additional

24 clients. Any change in or addition to the foregoing inform-
25 ation shall be registered with the Chief Clerk within ten
26 days after the change or addition is known to the lobbyist.
27 4. For each month that the legislature is in session,
28 each registered lobbyist shall file with the Chief Clerk of
29 the House, not later than the twentieth calendar day of the
30 month, a report concerning lobbying activities during the
31 preceding calendar month. Not later than the twentieth
32 calendar day of January, a report shall be filed covering
33 the interim months of the preceding year. The monthly report
34 shall list the totals of all expenditures made or incurred
35 by the lobbyist and their employer in the performance of

Page 3

1 lobbying service.
2 The report shall list the amounts expended directly upon
3 representatives, and shall include subtotals recorded for
4 the following categories:
5 a. food and refreshment,
6 b. entertainment (including the cost of providing a
7 hospitality room),
8 c. the provision of travel for representatives.
9 The report shall also include a listing of the repre-
10 sentatives or their immediate families, upon whom reported
11 expenditures in excess of twenty-five dollars per month are
12 made, and the amount thereof.
13 5. Short term lobbyists may, in lieu of registering under
14 paragraph three (3), register by filing a short form pro-
15 vided by the Chief Clerk's office containing the following
16 information:
17 a. Name.
18 b. Date of filing.
19 c. Business address and phone.
20 d. Residence and phone.
21 e. Organization representing.
22 f. Bill numbers.
23 g. Whether for or against such bills.
24 6. Separate monthly lobbyist activity reports shall be
25 filed for each individual, company, firm, corporation, union,
26 association or cause for which lobbyist lobbies. However,
27 when no expenses are incurred for one or more clients, the
28 lobbyist may file a joint report for such clients. Monthly
29 lobbyist activity reports shall be filed regardless of whether
30 or not a lobbyist incurred expenses during the preceding
31 calendar month.
32 7. Any individual, group, association, corporation, other
33 business entity or government body which employs a lobbyist
34 or expends funds in lobbying, shall file, by its appropriate
35 officer, with the Chief Clerk of the House, not later than

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- 1 the fifteenth of January of each year, an annual report
- 2 containing the expenses incurred in lobbying for the preceding
- 3 calendar year. The report shall include totals for the
- 4 following categories:
 - 5 1. food and refreshment
 - 6 2. entertainment
 - 7 3. travel
 - 8 4. recreation
 - 9 5. lodging
 - 10 6. salary or compensation of any or all registered
 - 11 lobbyists representing the organization
 - 12 7. advertisement
 - 13 8. printing and postage
 - 14 9. other miscellaneous expenses
- 15 8. Any lobbyist who fails to file a monthly lobbyist
- 16 activity report as required by these rules shall be deemed
- 17 to have voluntarily cancelled their registration. The Chief
- 18 Clerk of the House shall notify the lobbyist of such
- 19 cancellation. Such lobbyist shall be prohibited from engaging
- 20 in lobbying activity for the remainder of that calendar year
- 21 on behalf of any employer, client, or cause without
- 22 reregistering to lobby and filing all delinquent reports.
- 23 If, however, within ten (10) days of notice of cancellation
- 24 a monthly activity report is filed, the registration shall
- 25 be automatically reinstated.
- 26 9. A lobbyist who has not incurred reportable expenses
- 27 may, in lieu of filing the monthly lobbyist activity report
- 28 required to be filed under paragraph six (6), file a short
- 29 form monthly report which shall include the following
- 30 information:
 - 31 1. Month which the report covers.
 - 32 2. Name of lobbyist.
 - 33 3. Date of filing.
 - 34 4. Client, employer, or cause.
 - 35 5. Statement that no expenses were incurred.

Page 5.

- 1 10. All statements and reports under these rules shall
- 2 be public records open to public inspection at all reasonable
- 3 times.
- 4 11. Lobbyists shall only be permitted on the floor of
- 5 the House pursuant to Rule 20 of the Rules of the House.
- 6 12. Lobbyists are prohibited from providing to members
- 7 of the House and members may not accept, open-end accounts
- 8 paid for by the lobbyist or employer.

- 9 13. No fee or bonus shall be paid to any lobbyist with
10 reference to any legislative action that is conditioned wholly
11 or in part upon the results attained by the lobbyist.
12 14. No lobbyist, or employer of a lobbyist, shall offer
13 economic or investment opportunity or promise of employment
14 to any member of the House with intent to influence conduct
15 in the performance of official duties.
16 15. The House ethics committee shall prescribe forms and
17 procedures for compliance with these rules.

INTRODUCTION OF BILLS

HOUSE FILE 299, by Doyle, a bill for an act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 300, by Egenes, a bill for an act relating to uninsured motorist coverage for property damage.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 301, by Crabb, a bill for an act creating a department of corrections, prescribing the powers and duties thereof and providing penalties.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 302, by Poncy, a bill for an act relating to the definition of consumer credit transaction.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 303, by Pellett, a bill for an act relating to licensing as health care facilities of certain retirement homes.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 304, by Schroeder and Small, a bill for an act relating to disclosure of criminal history and intelligence data and providing a penalty.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 305, by Brockett, a bill for an act relating to legalizing the sale of real estate by school districts.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 306, by Schroeder, a bill for an act relating to the tax imposed under chapter four hundred twenty-two point forty-three (422.43) of the Code with respect to electrical repair and installation by deleting the words "and installation".

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 307, by Crabb, a bill for an act relating to unemployment compensation during periods of partial unemployment.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 308, by Horn, a bill for an act to establish county school districts with component high school districts and to prescribe their governance.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 309, by West, Welden and Harvey, a bill for an act to require the department of job service to make monthly status reports to employers.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 310, by Brockett and Evans, a bill for an act requiring the preparation of economic impact statements for rules proposed by the department of environmental quality.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 311, by Newhard, Harbor, Tofte, Halvorson and Schroeder, a bill for an act to exempt from the sales and use tax certain tangible personal property purchased for rental purposes.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 312, by Wells, a bill for an act relating to prohibiting the adding of a gratuity to a guest check in restaurants and other food and drink establishments open to the public.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 313, by Krause, Wells and Tauke, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 314, by Harvey, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 315, by Doyle, a bill for an act relating to the selection of petit jury panels.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 316, by Harvey, a bill for an act relating to mechanics' liens.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 317, by Stromer, Harbor, Harvey and West, a bill for an act relating to unemployment compensation providing for the disqualification for failure to accept suitable work.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 318, by Egenes, a bill for an act relating to the issuance of water permits by the Iowa natural resources council or the water commissioner.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 319, by Egenes, West, Jesse and Crabb, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 320, by Wyckoff, Daggett, Hansen, Harvey, Hinkhouse, Husak, Koogler, Millen, Miller of Calhoun, Newhard, Poncy and Wells, a bill for an act relating to changes in the tort liability of governmental subdivisions.

Read first time and referred to committee on CITIES.

HOUSE FILE 321, by Byerly, a bill for an act relating to the payment of attorneys fees for collective bargaining.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

SENATE MESSAGES CONSIDERED

SENATE FILE 98, a bill for an act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE FILE 109, a bill for an act to update Iowa specifications and standards for cheese and cheese products.

Read first time and referred to committee on AGRICULTURE.

SENATE FILE 110, a bill for an act relating to testing dairy products for manufacturing purposes.

Read first time and referred to committee on AGRICULTURE.

CONSIDERATION OF BILLS

Regular Calendar

House File 66, a bill for an act to amend the Iowa uniform controlled substances act to permit the board of pharmacy examiners to add to, delete from or alter the classification of the list of controlled substances established by that act with report of committee recommending passage was taken up for consideration.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rules 69 and 70 were invoked. The vote revealed eighty-eight members present, twelve absent.

Newhard of Jones offered the following amendment H-3078 filed by him:

H-3078

- 1 Amend House File 66 as follows:
2 1. Page 2, by inserting after line 16 the
3 following:
4 "Sec. 3. Section two hundred four point two
5 hundred one (204.201), Code 1977, is amended by add-
6 ing the following new subsection:
7 NEW SUBSECTION 5. The Board shall exclude any
8 non-narcotic substance from a schedule if such sub-
9 stance may, under the Federal Food, Drug, and Cos-
10 metic Act and the law of the State, be lawfully
11 sold over the counter without a prescription."

Monroe of Des Moines offered the following amendment H-3100, to amendment H-3078, filed by him and moved its adoption:

H-3100

- 1 Amend the Newhard amendment H-3078 to House File
2 66 by striking lines 7 through 11 of the amendment
3 and inserting in lieu thereof the following:
4 "NEW SUBSECTION. The board shall exclude from
5 any schedule established under this chapter any
6 proprietary medicines, as defined in section one
7 hundred fifty-five point three (155.3), subsection
8 seven (7), of the Code, which are not narcotic drugs."

Amendment H-3100 was adopted.

Newhard of Jones moved the adoption of amendment H-3078, as amended.

Amendment H-3078, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 66)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harper
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jochum	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Shimanek	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 10:

Binneboese	Chiodo	Connors	Harbor
Hullinger	Jesse	Krause	Oxley
Rinas	Smalley		

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

House File 211, a bill for an act relating to the registration of vessels with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3066 filed by him on February 23, 1977.

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

On the question "Shall the bill pass?" (H.F. 211)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harper
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jochum	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 10:

Binneboese	Chiodo	Connors	Harbor
Hullinger	Jesse	Krause	Monroe
Perkins	Rinas		

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

House File 100, a bill for an act relating to the safeness and suitability of jails with report of committee recommending amendment and passage was taken up for consideration.

Doyle of Woodbury offered amendment H-3048 filed by the committee on judiciary and law enforcement on February 17, 1977 and found on page 405 of the House Journal and moved its adoption:

Amendment H-3048 was adopted.

Speaker pro tempore Nielsen of Polk in the chair at 2:03 p.m.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 100)

The ayes were, 47:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Byerly	Clark, B.J.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Griffee	Higgins	Hinkhouse	Horn
Howell	Hullinger	Jesse	Jochum
Koogler	Krowson	Lipsky	Middleswart
Miller, O.L.	Monroe	Norland	O'Halloran
Patchett	Pavich	Pelton	Shimanek
Spencer	Svoboda	Thompson	Tofte
Walter	Wells	Mr. Speaker (Nielsen)	

The nays were, 47:

Bennett	Branstad	Brockett	Brunow
Chiodo	Clark, J.H.	Daggett	Danker
Davitt	Den Herder	Dieleman	Egenes
Evans	Gilloon	Gilson	Halvorson
Hansen	Harper	Harvey	Hines

Hoffmann	Husak	Junker	Lageschulte
Lindeen	Lonergan	Menke	Millen
Miller, K.D.	Oxley	Pellett	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Smalley	Spear	Stephens	Stromer
Tauke	Varley	Welden	West
Woods	Wulff	Wyckoff	

Absent or not voting, 6:

Harbor	Hargrave	Krause	Newhard
Rinas	Small		

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

House File 225, a bill for an act relating to state approved buoys was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-3110 filed by him from the floor and moved its adoption:

H-3110

- 1 Amend House File 225 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "~~vessel~~" the words "except in emergency".

Amendment H-3110 was adopted.

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

On the question "Shall the bill pass?" (H.F. 225)

The ayes were, 92:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman

Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harper	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimaneck	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 1:

Clark, J.H.

Absent or not voting, 7:

Griffie	Harbor	Hargrave	Krause
Newhard	Rinas	Svoboda	

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

House File 253, a bill for an act relating to the eradication of bovine brucellosis was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-3111 filed by him from the floor and moved its adoption:

H-3111

- 1 Amend House File 253 as follows:
- 2 1. Page 1, by striking all of lines 28
- 3 through 31 and inserting in lieu thereof the
- 4 following:
- 5 "the feeding, fattening or growing of imported
- 6 untested heifers over eight months of age but
- 7 ~~under twenty-four months of age, or native un-~~
- 8 ~~tested female cattle.~~ Rules governing the
- 9 operation of such premises shall".

Admendment H-3111 was adopted.

Menke of O'Brien offered the following amendment H-3087 filed by Scheelhaase of Woodbury and him:

H-3087

- 1 Amend House File 253 as follows:
- 2 1. Page 2, by inserting after line 4 the following
- 3 sections:
- 4 "Sec. Section one hundred sixty-four point
- 5 three (164.3), Code 1977, is amended to read as
- 6 follows:
- 7 164.3 FEMALE CALVES VACCINATED. All native female
- 8 cattle of a dairy breed between the ages of two and
- 9 six months and all native female cattle of a beef
- 10 breed between the ages of two months and ten eight
- 11 months may be officially vaccinated for brucellosis
- 12 according to the method approved by the United States
- 13 department of agriculture. The expense of such
- 14 vaccination shall be borne in the same manner as set
- 15 forth in section 164.6.
- 16 Sec. Section one hundred sixty-four point
- 17 thirteen (164.13), subsections one (1) and two (2),
- 18 Code 1977, are amended to read as follows:
- 19 1. Calves under ~~ten eight~~ months of age, spayed
- 20 heifers, and steers.
- 21 2. Official vaccinates under ~~thirty twenty~~ months
- 22 of age if ~~dairy breed or twenty-four months if beef~~
- 23 ~~breed and accompanied by official calthood vaccination~~
- 24 ~~certificates.~~
- 25 Sec. Section one hundred sixty-four point
- 26 fourteen (164.14), subsection one (1), unnumbered
- 27 paragraph one (1), Code 1977, is amended to read as
- 28 follows:
- 29 Female cattle over ~~ten eight~~ months of age, and
- 30 under twenty-four months not visibly pregnant, may
- 31 enter the state for feeding purposes to be consigned
- 32 to a state-approved premises under quarantine. Such
- 33 cattle as well as native female animals over twenty-
- 34 four months of age that have been consigned to the
- 35 lot may be released from the premises if they meet
- 36 one of the following requirements:"
- 37 2. Renumber sections and correct internal
- 38 references as may be necessary in accordance with
- 39 this amendment.

Schroeder of Pottawattamie offered the following amendment H-3112, to amendment H-3087, filed by him from the floor and moved its adoption:

H-3112

- 1 Amend amendment H-3087, to House File 253,
- 2 as follows:
- 3 1. Page 1, by striking all of lines 29
- 4 through 36 and inserting in lieu thereof the
- 5 following:
- 6 "Female cattle over ~~ten~~ eight months of age,
- 7 ~~and under twenty-four months~~ not visibly pregnant,
- 8 may enter the state for feeding purposes to be
- 9 consigned to a state-approved premises under
- 10 quarantine. Such cattle as well as native female
- 11 animals ~~over twenty-four months of age~~ that have
- 12 been consigned to the lot may be released from
- 13 the premises if they meet one of the following
- 14 requirements:".

Amendment H-3112 was adopted.

Menke of O'Brien moved the adoption of amendment H-3087, as amended.

Amendment H-3087, as amended, was adopted.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 253)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee

Halvorson	Hansen	Hargrave	Harper
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellet
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Thompson	Tofte
Varley	Walter	Wells	West
	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, none.

Absent or not voting, 9:

Harbor	Harvey	Krause	Monroe
Newhard	Rinas	Tauke	Welden
Woods			

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

SENATE FILE 64 SUBSTITUTED FOR HOUSE FILE 102

Doyle of Woodbury asked and received unanimous consent to substitute Senate File 64 for House File 102.

Senate File 64, a bill for an act to provide for a midshift meal to employees of the correctional institutions was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 64)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hargrave
Harper	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Varley	Walter
Wells	West	Wulff	Wyckoff
			Mr. Speaker (Nielsen)

The nays were, 6:

Brockett	Danker	Evans	Thompson
Tofte	Welden		

Absent or not voting, 5:

Harbor	Harvey	Krause	Rinas
Woods			

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

HOUSE FILE 102 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 102 from further consideration by the House.

House File 229, a bill for an act relating to the registration certificates of vessels was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 229)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harper	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Schnekloth	Schroeder	Shimanek
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 5:

Brunow	Gentleman	Hargrave	Poncy
Scheelhaase			

Absent or not voting, 11:

Brockett	Danker	Harbor	Harvey
Higgins	Hullinger	Krause	Rinas
Small	Smalley	Woods	

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

Speaker Cochran in the chair at 3:08 p.m.

SENATE AMENDMENT CONSIDERED

Nielsen of Polk called up for consideration House Concurrent Resolution 4, disapproving the rule and rescission proposed by the Department of Transportation on January 17, 1977, regarding the maximum legal length of a combination of three vehicles, amended by the Senate as follows:

H-3085

- 1 Amend House Concurrent Resolution 4 as follows:
- 2 1. Page 1, line 15, by inserting after the
- 3 word "disapproved" the words "insofar as it applies
- 4 to interstate highways and to highways within five
- 5 miles of interstate highways".

Nielsen of Polk offered the following amendment H-3115, to the Senate amendment H-3085, filed by him from the floor and moved its adoption:

H-3115

- 1 Amend Senate amendment H-3085 to House
- 2 Concurrent Resolution 4 as follows:
- 3 1. Page 1, by striking lines 1 through 5.

Roll call was requested by Tauke of Dubuque and Gilloon of Dubuque.

Rule 69 was invoked.

On the question "Shall amendment H-3115, to the Senate amendment H-3085, be adopted?"

The ayes were, 59 :

Baker

Bennett

Binneboese

Byerly

Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Fitzgerald	Gilson	Halvorson	Hansen
Harvey	Higgins	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jesse
Junker	Koogler	Krause	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Nielsen	Pavich	Pellet	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Smalley	Spear	Spencer
Stephens	Stromer	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 39:

Anderson	Avenson	Bina	Brandt
Branstad	Brockett	Brunow	Clark, J. H.
Crawford	Cusack	Dyrland	Egenes
Evans	Garrison	Gentleman	Gilloon
Griffie	Hargrave	Harper	Hines
Horn	Jochum	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pelton	Shimanek	Svoboda
Tauke	Thompson	Varley	

Absent or not voting, 2:

Harbor	Small
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Amendment H-3115 was adopted.

Nielsen of Polk moved that the House concur in the Senate amendment H-3085, as amended.

A non-record roll call was requested.

The ayes were 54, nays 36.

The motion prevailed and the House concurred in the Senate amendment H-3085, as amended.

Nielsen of Polk moved that the resolution, as amended by the Senate, further amended and concurred in by the House, be adopted.

Roll call was requested by Pelton of Clinton and Krewson of Polk.

Rules 69 and 70 were invoked.

On the question "Shall the resolution be adopted?" (HCR-4)

The ayes were, 56:

Baker	Bennett	Binneboese	Branstad
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Evans	Gilson	Halvorson	Hansen
Harper	Harvey	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jesse
Junker	Koogler	Krause	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Nielsen	Pavich	Pellett	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Smalley	Spear	Stromer
Tofte	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 41:

Anderson	Avenson	Bina	Brandt
Brockett	Brunow	Clark, J.H.	Crawford
Cusack	Den Herder	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Griffie	Hargrave	Higgins	Hines
Horn	Jochum	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pelton	Shimanek	Spencer
Svoboda	Tauke	Thompson	Varley
Walter			

Absent or not voting, 3:

Harbor	Small	Stephens
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The motion prevailed and the resolution was adopted.

MOTION TO RECONSIDER LOST
(House Concurrent Resolution 4)

Nielsen of Polk asked for unanimous consent that House Concurrent Resolution 4 be immediately messaged to the Senate.

Objection was raised.

Nielsen of Polk moved to reconsider the vote by which House Concurrent Resolution 4 was adopted by the House.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 36, nays 59.

The motion lost.

MOTION TO RECONSIDER
(House File 100)

I move to reconsider the vote by which House File 100 failed to pass the House on March 1, 1977.

JUNKER of Woodbury
SCHEELHAASE of Woodbury

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 183 Transportation

Relating to registration plates, transfers and semi-annual fees for motor vehicles; out-of-state, expiration and issuance of chauffeur's license.

S.B. 184 Judiciary and Law Enforcement

Relating to payment of pension funds and insurance benefits to beneficiaries in cases involving a dissolution of marriage.

S.B. 185 Budget

Making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

S.B. 186 Judiciary and Law Enforcement

Relating to the Iowa Civil Rights Act of 1965.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 28, 1977. Had I been present, I would have voted "aye" on House Files 60, 150, 197, 245, 251 and all amendments filed thereto.

GARRISON of Black Hawk

I was necessarily absent from the House chamber the afternoon of March 1, 1977 to prepare committee work. Had I been present, I would have voted "aye" on House Files 66, 102, 211, 225 and 253 and Senate File 64; "nay" on House File 100.

KRAUSE of Kossuth

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 3:30 p.m., February 28, 1977

Convened: 4:10 p.m.

Adjourned: 4:46 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Pellett, Pelton and Svoboda.

Absent: Middleswart (arrived 4:14 p.m.), Varley (arrived 4:14 p.m.), Norland and Perkins.

House File 75, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Recommended AMEND AND DO PASS.

H-3114

- 1 Amend House File 75 by striking everything after
- 2 the enacting clause and inserting in lieu thereof
- 3 the following:
- 4 "Section 1. Section one hundred three A point
- 5 three (103A.3), Code 1977, is amended by adding the
- 6 following new subsection:
- 7 **NEW SUBSECTION.** "New construction" means
- 8 construction of buildings and factory-built structures
- 9 which is commenced on or after January 1, 1978.
- 10 Notwithstanding the definition in subsection fifteen
- 11 (15) of section one hundred three A point three
- 12 (103A.3) of the Code, when the term "new construction"
- 13 appears in this chapter, "construction" is limited
- 14 to the erection, reconstruction or conversion of a

15 building or factory—built structure and additions
16 to buildings or factory—built structures and does
17 not include renovations or repairs.

18 Sec. 2. Section one hundred three A point seven
19 (103A.7), unnumbered paragraph two (2), Code 1977,
20 is amended by adding the following new subsection:

21 **NEW SUBSECTION.** The conservation of energy through
22 thermal and lighting efficiency standards for buildings
23 intended for human occupancy or use.

24 Sec. 3. Section one hundred three A point eight
25 (103A.8), Code 1977, is amended by adding the following
26 new subsection:

27 **NEW SUBSECTION.** Limit the application of thermal
28 efficiency standards for energy conservation to new
29 construction which will incorporate a heating or
30 cooling system or which will use more than a minimal
31 amount of energy as determined by the commissioner.
32 The commissioner may exempt any new construction from
33 thermal efficiency standards for energy conservation
34 if the commissioner determines that the standards
35 are unreasonable as they apply to a particular
36 building. The commissioner shall consult with the
37 energy policy council regarding standards for energy
38 conservation prior to the promulgation of the
39 standards.

40 Sec. 4. Section one hundred three A point ten
41 (103A.10), Code 1977, is amended by adding the
42 following new subsection:

43 **NEW SUBSECTION.** Notwithstanding the provisions
44 of subsection one (1) of section one hundred three
45 A point twenty-two (103A.22) of the Code:

46 a. Provisions of the state building code
47 establishing thermal efficiency energy conservation
48 standards shall be applicable to all new construction
49 owned by the state, an agency of the state or a
50 political subdivision of the state, to all new

Page 2

1 construction located in a governmental subdivision
2 which has adopted either the state building code or
3 local building regulations and to all new construction
4 in the state wherever located which will contain more
5 than fifty thousand cubic feet of enclosed space
6 except buildings used primarily for agricultural
7 purposes.

8 b. Provisions of the state building code

9 establishing lighting efficiency standards shall be
10 applicable to all new construction owned by the state,
11 an agency of the state or a political subdivision
12 of the state.

13 Sec. 5. Section one hundred three A point nineteen
14 (103A.19), Code 1977, is amended by adding the
15 following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. Plans and specifications
17 for all new construction of buildings containing in
18 excess of fifty thousand cubic feet of enclosed space
19 except buildings used primarily for agricultural
20 purposes shall be reviewed by a registered architect
21 or a registered engineer for compliance with applicable
22 thermal and lighting efficiency standards. A statement
23 that the review has been made shall be signed and
24 sealed by the registered architect or registered
25 engineer and filed with the commissioner prior to
26 the commencement of construction."

Aye: O'Halloran, Howell, Daggett, Doyle, Evans, Griffee, Hinkhouse,
Hullinger, Lindeen, Middleswart, Pelton, Svoboda and Varley.

Nay: None.

Absent or Not Voting: Welden, Binneboese, Danker, Norland, Pellett and
Perkins.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 3:30 p.m., February 28, 1977

Convened: 4:15 p.m.

Adjourned: 6:17 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member;
Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland,
Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of
Buchanan, Newhard and Tofte.

Absent: Garrison.

Excused: Schroeder.

Study Bill 108, a bill for an act to require that a certificate of need be
obtained as a condition of offering certain new health care services or
developing certain new health care facilities in this state, to prescribe the
procedures by which certificates of need shall be applied for and may be
granted or denied, to require that hospitals and health care facilities adopt

uniform accounting procedures and submit annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations.

Recommended AMEND AND DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Gentleman, Hargrave, Lipsky, Lonergan and Newhard.

Nay: Baker, Hansen, Krewson, Miller of Buchanan and Tofte.

Absent or Not Voting: Garrison and Schroeder.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., February 28, 1977

Convened: 4:08 p.m.

Adjourned: 5:30 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Horn, Lageschulte, Pavich, Poncey, Small, Smalley, Thompson and Wells.

Absent: Hines (arrived 4:30 p.m.).

Discussion of Study Bill 32, an Act amending the public employment relations act.

AMENDMENTS FILED

H-3116	H.F. 212	Brandt of Black Hawk
H-3117	H.F. 57	Junker of Woodbury
		Tauke of Dubuque
H-3118	H.F. 39	Monroe of Des Moines

On motion by Fitzgerald of Webster the House adjourned at 3:38 p.m., until 10:00 a.m., Wednesday, March 2, 1977.

JOURNAL OF THE HOUSE

Fifty—second Calendar Day -- Thirty—seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 2, 1977

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

Prayer was offered by Father Robert Hedges, pastor of St. Timothy's Episcopal Church, West Des Moines, Iowa.

The Journal of Tuesday, March 1, 1977 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills for March 3 and 4 on request of Millen of Van Buren.

SPECIAL PRESENTATION

Lipsky of Linn presented to the House Rob Henry, winner of the Iowa Oratorical Contest. Rob, who is a student at Washington High School in Cedar Rapids, Iowa, will be competing in the regional contest at St. Louis, Missouri. He is the son of Mrs. Ed McHenry and was accompanied by his coach and teacher, Nick Spencer.

PRESENTATION OF VISITORS

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

Fifty second grade students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Marilyn Clauss and Jackie Santoro. By Thompson of Polk.

Ninety seventh and eighth grade students from West Branch Community School, West Branch, Iowa, accompanied by Mr.

Krueger and Miss Poplisky. By Hinkhouse of Cedar.

PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago from seventeen residents of Sioux City, Iowa, seeking rescission of the equal rights amendment in Iowa.

By Stromer of Hancock from one hundred forty-one residents of the Dows Community School District who oppose the mandate that on the September enrollment date in 1980 and each year thereafter, each school district having less than three hundred enrollment would be forced to reorganize within two years with another district and favoring that school district reorganization originate with the citizens involved.

By Bina of Scott from seven faculty members of Marycrest College, Davenport, Iowa, opposing the proposed establishment of an autonomous professional standards board for education with control over teacher preparation and certification of teachers.

By Krewson of Polk from eleven constituents favoring legislation to require a mandatory deposit on beverage containers in Iowa.

By Monroe of Des Moines from two hundred twenty-one constituents; one hundred twelve against House File 57 which expands industries and one hundred nine favoring reviewal of past policies regarding the purchase of office furniture for state offices.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 112, a bill for an act requiring that each judicial district develop and maintain a community-based correctional program and providing for the administration, support and content of these programs.

Also: That the Senate has on February 28, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 140, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

Also: That the Senate has on February 28, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 141, a bill for an act relating to the definition of withholding agent for income tax purposes and making the Act retroactive.

Also: That the Senate has on February 28, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 144, a bill for an act relating to the use of artificial light on or in the waters of the state.

Also: That the Senate has on February 28, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 8, urging the Congress and President of the United States to formulate a national energy policy.

Also: That the Senate has on February 28, 1977, amended and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 10, providing that the plans of the Iowa state conservation commission for a basin to provide moorings for boats at West Okoboji be disapproved.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE CONCURRENT RESOLUTION 10

H-3120

- 1 Amend House Concurrent Resolution 10 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "at" the words "Gull Point State Park on".

SENATE CONCURRENT RESOLUTION 8

By Ramsey, Hultman, Shaw, Gallagher
and Culver

1 *Whereas*, as a result of critical heating fuel short—
2 ages in the eastern states federal legislation has been
3 proposed to give the President of the United States the
4 authority to reallocate natural gas supplies; and
5 *Whereas*, Iowa too currently has a precarious supply
6 demand balance during this unusually cold winter season
7 although major changes in distribution and storage
8 capacity combined with dedication to energy conserva—
9 tion techniques instituted during previous harsh win—
10 ters have enabled the state to withstand this winter's
11 demands; and
12 *Whereas*, it should be noted that almost thirteen
13 percent of all natural gas consumed in Iowa is used for
14 the production of anhydrous ammonia and without this
15 fertilizer, Iowa farmers could not provide the one point
16 one billion bushels of corn annually which are so vital
17 to the nation and the world; and
18 *Whereas*, the state would not object to the diversion
19 of natural gas allocated to Iowa to aid homes and hos—
20 pitals in those states where the shortage is critical;
21 *Now Therefore*,
22 *Be It Resolved by the Senate, the House Concurring*,
23 That the General Assembly urges the President of the
24 United States to recognize the importance of Iowa's and
25 the midwest's present natural gas allocation in meeting
26 essential residential and agricultural production needs.
27 *Be It Further Resolved*, That the General Assembly
28 urges the President of the United States to not penalize
29 the people of Iowa for their dedication to energy con—
30 servation and energy management foresight by diverting

Page 2

1 the state's fuel supplies to an extent that might
2 jeopardize the security and well-being of Iowans.
3 *Be It Further Resolved*, That the General Assembly
4 urges the Congress and the President of the United
5 States to formulate a national energy policy, as state
6 efforts to promote energy conservation and management
7 are currently being stalled by uncertainties concern—
8 ing the substance and direction of anticipated future
9 national efforts in this area.
10 *Be It Further Resolved*, That the secretary of the
11 senate is directed to send a copy of this resolution
12 to the President of the United States and the members
13 of Iowa's congressional delegation.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 231, a bill for an act relating to the authority of the director of revenue to sell cigarette stamps through banks was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 231)

The ayes were, 86:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffee
Halvorson	Hansen	Hargrave	Harper
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Hullinger	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Varley	Walter	Welden
Wells	West	Woods	Wulff
		Wyckoff	Mr. Speaker

The nays were, 9:

Crabb	Doyle	Howell	Husak
Menke	Monroe	O'Halloran	Stephens
Tofte			

Absent or not voting, 5:

Absent or not voting, 5:

Gilloon
Small

Harbor

Jesse

Scheelhaase

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

Regular Calendar

House File 82, a bill for an act creating a division of radiation protection within the state department of health, prescribing its powers and duties and providing penalties for violations with report of committee recommending amendment and passage was taken up for consideration.

Doyle of Woodbury offered amendment H-3052 filed by the committee on energy on February 17, 1977 and found on pages 411 through 413 of the House Journal.

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

The House resumed session, Speaker Cochran in the chair.

(Amendment H-3052 to House File 82 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 156, a bill for an act providing an appropriation to departments and agencies whose responsibilities relate to agricultural affairs and economic development.

STEVEN C. CROSS, Secretary

SPONSOR ADDED
(House File 268)

Garrison of Black Hawk requested to be added as a sponsor of House File 268.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 187 State Government

Requiring professional and occupational licensees to participate in continuing education as a condition of license renewal or inactive licensee reentry, delegating rule-making authority, and eliminating mandatory annual renewal of licenses.

S. B. 188 Agriculture

Authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties.

S. B. 189 Education

To establish programs for gifted and talented children and to provide a means for financing the programs.

S. B. 190 Natural Resources

Relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

The House reconvened, Speaker Cochran in the chair.

SPECIAL ORDER
(House File 210)

Fitzgerald of Webster asked and received unanimous consent that House File 210 be made a special order of business for 10:15 a.m., Thursday, March 10, 1977.

HOUSE FILE 82 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that action on House File 82 be deferred.

ADOPTION OF THE REPORT OF THE
COMMITTEE ON RULES

Nielsen of Polk called up for consideration the report of the committee on rules filed on February 9, 1977 and found on pages 335 and 336 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H-3044 filed by him and moved its adoption:

H-3044

- 1 Amend the report of the Committee on Rules
- 2 amending the temporary House Rules found on page 335
- 3 of the House Journal as follows:
- 4 1. By striking all of lines 2 through 32.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 50, nays 45.

Amendment H-3044 was adopted.

With the adoption of amendment H-3044, the Speaker ruled amendment H-3127, filed by Danker of Pottawattamie from the floor, out of order.

Nielsen of Polk offered the following amendment H-3119 filed by him from the floor and moved its adoption:

H-3119

- 1 Amend the report of the Committee on Rules
- 2 found on page 335 of the House Journal as follows:
- 3 1. Page 1, by adding after line 32 the follow-
- 4 ing:
- 5 "2. By striking paragraph one (1) of the Rule 33.2
- 6 and inserting in lieu thereof the following:
- 7 The members of the majority floor leadership
- 8 shall cause a weekly debate calendar to be prepared
- 9 and distributed to the House members by the Chief
- 10 Clerk. Said calendar shall be available by noon on
- 11 the last session day of any week when floor action
- 12 by the House is scheduled for the next week. Any
- 13 bill, except budget and ways and means bills, not
- 14 listed on the debate calendar shall not be consid-
- 15 ered by the House during the week covered by the
- 16 debate calendar."

Amendment H-3119 was adopted.

Menke of O'Brien offered the following amendment filed by him from the floor:

H-3126

- 1 Amend the report of the Committee on Rules
- 2 found on page 335 of the House Journal as follows:
- 3 1. By inserting after line 45 the following:
- 4 "3. Amend the House Rules by adding the
- 5 following new proposed rule:
- 6 **DISTURBANCES**
- 7 No person shall operate a radio or tape recorder
- 8 in the House Chambers unless operated with an ear
- 9 phone between the hours of 8:00 a.m. and 6:00 p.m."

Koogler of Mahaska asked for unanimous consent to amend amendment H-3126 by striking the word "recorder" in line 7 and inserting in lieu thereof the word "player".

Objection was raised.

Koogler of Mahaska moved to suspend the rules to amend amendment H-3126 by striking the word "recorder" in line 7 and inserting in lieu thereof the word "player".

A non-record roll call was requested.

The ayes were 62, nays 9.

The motion prevailed and the rules were suspended.

Koogler of Mahaska offered the following amendment H-3131, to amendment H-3126, filed by him from the floor and moved its adoption:

H-3131

- 1 Amend amendment H-3126 to the Report of the
- 2 Committee on Rules as follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "recorder" and inserting in lieu thereof the
- 5 word "player".

Amendment H-3131 was adopted.

Menke of O'Brien moved the adoption of amendment H-3126, as amended.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 38, nays 57.

Amendment H-3126, as amended, lost.

Fitzgerald of Webster offered the following amendment H-3129, filed by him and Millen of Van Buren from the floor, and moved its adoption:

H-3129

- 1 Amend the report of the Committee on Rules
- 2 found on page 335 of the House Journal as follows:
- 3 1. By inserting after line 45 the following:
- 4 "3. Amend House Rule 34.2 as follows:
- 5 1. Line 2, by striking the word "seven" and
- 6 inserting in lieu thereof the word "five".
- 7 2. Line 14, by striking the word "seven" and
- 8 inserting in lieu thereof the word "five".

Amendment H-3129 was adopted.

Nielsen of Polk asked and received unanimous consent that the Chief Clerk be authorized to remove all reference to gender in the House rules.

Nielsen of Polk moved the adoption of the report of the committee on rules, as amended.

A non-record roll call was requested.

The ayes were 87, nays 5.

The motion prevailed and the report was adopted.

Nielsen of Polk moved the adoption of the temporary rules of the House, as amended.

A non-record roll call was requested.

The ayes were 84, nays 5.

The motion prevailed and the temporary rules of the House, as amended, were adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Higgins of Scott for the remainder of the day, March 3 and 4, on request of Rinas of Linn.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 1, 1977

Convened: 7:30 a.m.

Adjourned: 10:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Lindeen and Miller of Calhoun.

Absent: Hargrave (arrived 8:05 a.m.), Doyle, Hines and Newhard.

Presentations on Aid to Dependent Children by Harold Templeman and Dr. Ivan F. Beutler, including Standard of Need Study.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., March 1, 1977

Convened: 8:10 a.m.

Adjourned: 10:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Koogler, Norland, Stromer, Varley, Welden, Wells and Wulff.

Absent: Jesse (arrived 8:37 a.m.).

Excused: O'Halloran.

Study Bill 178, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Recommended AMEND AND DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Norland, Varley, Welden, Wells and Wulff.

Nay: Koogler and Stromer.

Absent or Not Voting: O'Halloran.

Consideration of Study Bill 171.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., March 1, 1977

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Absent: Clark of Lee (arrived 9:35 a.m.).

Jim Lightsey, Aeronautics Division of Department of Transportation, gave presentation of aircraft pool.

COMMITTEE ON COMMERCE

Scheduled: 3:30 p.m., March 1, 1977

Convened: 3:40 p.m.

Adjourned: 3:45 p.m.

Present: Lonergan, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke, Walter, Welden and West.

Excused: Small, chair.

Held subcommittee meetings.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 3:30 p.m., March 1, 1977

Convened: 3:45 p.m.

Adjourned: 3:56 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Absent: Stromer (arrived 4:49 p.m.).

Assigned bills to subcommittee.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 3:30 p.m., March 1, 1977

Convened: 3:50 p.m.

Adjourned: 6:05 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Nielsen, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: None.

Assigned bills to subcommittees. Continued discussion on House File 248, juvenile justice bill. Discussion of proposed changes and amendments will be continued at the next meeting.

AMENDMENTS FILED

H-3121	H.F. 100	Evans of Grundy West of Marshall
H-3122	H.F. 82	Schroeder of Pottawattamie Brandt of Black Hawk Hargrave of Johnson
H-3123	H.F. 224	Lageschulte of Bremer Harvey of Scott Davitt of Warren Clark of Cerro Gordo
H-3124	H.F. 224	Schroeder of Pottawattamie
H-3125	H.F. 252	Miller of Buchanan
H-3128	H.F. 82	Horn of Linn

H-3130

H.F. 150

Spear of Lee

On motion by Fitzgerald of Webster the House adjourned at 4:58 p.m. until 10:00 a.m., Thursday, March 3, 1977.

JOURNAL OF THE HOUSE

Fifty—third Calendar Day -- Thirty—eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 3, 1977

The House met pursuant to adjournment, Speaker pro tempore Nielsen of Polk in the chair.

Prayer was offered by Father Benedict J. Kenkel, pastor of St. Anthony's Church, Des Moines, Iowa.

The Journal of Wednesday, March 2, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lawrence Matthews, Resident, Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo for the morning session on request of Wulff of Black Hawk.

PRESENTATION OF VISITORS

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

Sixty second grade students accompanied by Mrs. Manthe and Mrs. Coolman; twenty—five fifth grade students, accompanied by Mrs. Braswell, from Western Hills Elementary School, West Des Moines, Iowa. By Thompson of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Miller of Calhoun from one hundred eighty-eight constituents from Fonda Community School District, Fonda, Iowa, opposing further school reorganization.

By Gilson of Guthrie from one hundred twenty-seven residents of Guthrie, Adair, Carroll and Cass counties urging legislation to rescind the March 1972 ratification of the equal rights amendment.

INTRODUCTION OF BILLS

HOUSE FILE 322, by Horn, a bill for an act relating to the rights of an employee of the state or its political subdivisions.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 323, by Menke, Connors and Crabb, a bill for an act relating to widow and widower workers' compensation benefits.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 324, by Tauke, a bill for an act relating to negligence.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 325, by Hansen, Branstad, Welden, Wyckoff, Menke, Tofte, Miller of Buchanan, Daggett and Evans, a bill for an act relating to unemployment compensation qualifications.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 326, by committee on county government, a bill for an act relating to ways condemned by landowners having no access to the property.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE MESSAGES CONSIDERED

SENATE FILE 41, a bill for an act relating to the management of state records.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 112, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE FILE 119, a bill for an act relating to the regulation of savings and loan associations.

Read first time and referred to committee on COMMERCE.

SENATE FILE 125, a bill for an act relating to prohibited traps.

Read first time and referred to committee on NATURAL RESOURCES.

SENATE FILE 126, a bill for an act to repeal the requirement of a special permit tag to sell furs outside the state.

Read first time and referred to committee on NATURAL RESOURCES.

SENATE FILE 140, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by

corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

Read first time and referred to committee on WAYS AND MEANS.

SENATE FILE 141, a bill for an act relating to the definition of withholding agent for income tax purposes and making the Act retroactive.

Read first time and referred to committee on WAYS AND MEANS.

SENATE FILE 144, a bill for an act relating to the use of artificial light on or in the waters of the state.

Read first time and referred to committee on NATURAL RESOURCES.

SENATE FILE 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

Read first time and PASSED ON FILE.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 1, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 128, a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

Also: That the Senate has on March 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 155, a bill for an act appropriating funds to the department of general services for a demonstration solar energy unit.

Also: That the Senate has on March 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 160, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Also: That the Senate has on March 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 161, a bill for an act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

Also: That the Senate has on March 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 162, a bill for an act making an appropriation to the judicial department.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 209, a bill for an act to amend the statutes relating to school districts by permitting the school board secretary to designate an alternate person to receive nomination papers relating to school elections, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) of the Code authorizing the appointment of a secretary of the school board and a treasurer of the school district, and two hundred ninety-eight point twenty-two (298.22) of the Code, authorizing the school board secretary to register bonds by legalizing all acts of a treasurer of the school district appointed in compliance with section two hundred seventy-nine point three (279.3) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code was taken up for consideration.

Monroe of Des Moines offered the following amendment H-3132 filed by him from the floor and moved its adoption:

H-3132

- 1 Amend House File 209 as follows:
 2 1. Page 1, by striking lines 31,32 and 33, and
 3 inserting in lieu thereof the following:
 4 "279.3 APPOINTMENT OF SECRETARY AND TREASURER.
 5 At a regular or special meeting of the board held
 6 in July prior to or on July fifteenth the board shall
 7 appoint a secretary who shall".
 8 2. Page 2, by striking line 3 and inserting in
 9 there of the words "the date of appointment, and
 10 the".
 11 3. Page 2, by inserting after line 11 the
 12 following:
 13 "Sec. — ' Section two hundred seventy-nine point
 14 thirty-two (279.32), unnumbered paragraph one (1),
 15 Code 1977, is amended to read as follows:
 16 The board shall fix the compensation to be paid
 17 the secretary. No member of the board ~~or treasurer~~
 18 shall receive compensation for official services,
 19 ~~except that in consolidated districts that contain~~
 20 ~~a city having a population less than one thousand,~~
 21 ~~the.~~ The board may pay a legally qualified school
 22 treasurer a reasonable compensation.
 23 4. Page 3, line 23, by striking the words "district
 24 treasurers" and inserting in lieu thereof the words
 25 "board secretaries".
 26 5. Amend the title, line 1 by striking the word
 27 "amend" and inserting in lieu thereof the following:
 28 "make technical amendments to".
 29 6. Amend the title , line 4 by adding after the
 30 word "elections," the following: "by permitting any
 31 school board to compensate a school treasurer,".

Amendment H-3132 was adopted.

Thompson of Polk asked and received unanimous consent to withdraw amendment H-3082 filed by her on February 24, 1977.

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

On the question "Shall the bill pass?" (H.F. 209)

The ayes were, 82:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Byerly	Chiado	Clark, J. H.	Conlon
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harper	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Kogler	Krause	Krewson
Lageschulte	Lindeen	Loneragan	Middleswart
Miller K.D.	Miller, O.L.	Monroe	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 1:

Menke

Absent or not voting, 17:

Branstad	Brunow	Clark, B.J.	Cochran
Cusack	Den Herder	Doyle	Gentleman
Harbor	Hargrave	Higgins	Jesse
Lipsky	Millen	Newhard	Norland
Scheelhaase			

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

House File 39, a bill for an act relating to payment of per diem and expenses to certain persons elected to the general assembly with report of committee recommending passage was taken up for consideration.

Monroe of Des Moines offered the following amendment H-3118 filed by him and moved its adoption:

H-3118

- 1 Amend House File 39 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SUBSECTION: Persons who have been declared
- 5 elected to serve in the general assembly in accord-
- 6 ance with the provisions of section fifty point
- 7 forty-one (50.41) of the Code may be paid the same
- 8 per diem or".

Amendment H-3118 was adopted.

Harvey of Scott asked and received unanimous consent to temporarily defer action on amendment H-3135.

Schroeder of Pottawattamie offered the following amendment H-3134 filed by him from the floor and moved its adoption:

H-3134

- 1 Amend House File 39 as follows:
- 2 1. Page 1, line 6 by inserting after the word
- 3 "attending" the words "legislative orientation".

A non-record roll call was requested.

The ayes were 36, nays 42.

Amendment H-3134 lost.

Welden of Hardin offered the following amendment H-3133 filed by him from the floor:

H-3133

- 1 Amend House File 39, as follows:
- 2 1. Page 1, line 8 by inserting after the
- 3 period the following: "However, no member of the
- 4 General Assembly shall be paid per diem or expenses
- 5 authorized by Subsection one (1) of this section
- 6 for more than one hundred days per annum."

Monroe of Des Moines rose on a point of order that amendment H-3133 was not germane.

The Speaker ruled the point well taken and amendment H-3133 not germane.

Welden of Hardin moved that the rules governing germaneness be suspended for the consideration of amendment H-3133.

Roll call was requested by Welden of Hardin and Menke of O'Brien.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-3133?"

The ayes were, 40:

Bennett	Brockett	Chiodo	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Halvorson
Hansen	Harvey	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lindeen
Menke	Miller, K.D.	Oxley	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Woods	Wulff	Wyckoff

The nays were, 44:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Byerly	Connors
Davitt	Dieleman	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Griffie	Harper	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, O.L.	Monroe	Norland
O'Halloran	Patchett	Pavich	Perkins
Poncy	Rinas	Small	Spear
Spencer	Walter	Wells	Mr. Speaker (Nielsen)

Absent or not voting, 16:

Branstad	Brunow	Clark, B.J.	Cochran
Cusack	Den Herder	Doyle	Gentleman
Harbor	Hargrave	Higgins	Lipsky
Millen	Newhard	Scheelhaase	Svoboda

The motion lost.

Lageschulte of Bremer offered the following amendment H-3135 filed by Branstad, Lageschulte and Harvey from the floor:

H-3135

1 Amend House File 39, as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following section:
 4 "Section 1. Section two point ten (2.10), sub-
 5 section one (1), Code 1977, is amended to read as
 6 follows:
 7 1. Every member of the general assembly except
 8 the speaker of the house and majority and minority
 9 floor leaders of the senate and house shall receive
 10 an annual salary of eight thousand dollars for each
 11 year while serving as a member of the general
 12 assembly. The majority and minority floor leaders
 13 of the senate and house shall receive an annual
 14 salary of nine thousand five hundred dollars for each
 15 year while serving in such capacity. In addition,
 16 each such member, ~~except members from Polk County,~~
 17 shall receive the sum of twenty dollars per day for
 18 expenses of office, except travel, for each day the
 19 general assembly is in session commencing with the
 20 first day of a legislative session and ending with
 21 the day of final adjournment of each legislative
 22 session as indicated by the journals of the house and
 23 senate, ~~however if during a legislative session both~~
 24 ~~houses, pursuant to a resolution, recess or adjourn~~
 25 ~~for a period of time, then expenses shall not be paid~~
 26 ~~during the time of recess or adjournment. Members~~
 27 ~~from Polk County shall receive ten dollars per day.~~
 28 Travel expenses shall be paid at the rate established
 29 by section 79.9 for actual travel in going to and
 30 returning from the seat of government by the nearest
 31 traveled route for not more than one time per week
 32 during a legislative session. However, any increase

33 from time to time in the mileage rate established by
34 section 79.9 shall not become effective for members of
35 the general assembly until the convening of the next
36 general assembly following the session in which the
37 increase is adopted; and this provision shall prevail
38 over any inconsistent provision of any present or
39 future statute."

Harvey of Scott offered the following amendment H-3136, to amendment H-3135, filed by him from the floor and moved its adoption:

H-3136

- 1 Amend amendment H-3135 to House File 39 as
- 2 follows:
- 3 1. Page 1, line 25, by striking "for a period
- 4 of time".
- 5 2. Page 1, line 26, by inserting after the
- 6 word "adjournment." the words "~~However, members~~".

Amendment H-3136 was adopted.

Patchett of Johnson rose on a point of order that amendment H-3135, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-3135 not germane.

Harvey of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-3135.

Roll call was requested by Harvey of Scott and Clark of Lee.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-3135?"

The ayes were, 38:

Bennett
Conlon

Brockett
Crabb

Byerly
Crawford

Clark, J.H.
Daggett

Danker	Egenes	Evans	Halvorson
Hansen	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lindeen	Menke
Millen	Miller, K.D.	Oxley	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 46:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Chiodo	Connors
Davitt	Dieleman	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Griffie	Harper	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller, O. L.	Monroe
O'Halloran	Patchett	Pavich	Perkins
Poncy	Rinas	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Mr. Speaker (Nielsen)		

Absent or not voting, 16:

Branstad	Brunow	Clark, B.J.	Cochran
Cusack	Den Herder	Doyle	Gentleman
Harbor	Hargrave	Higgins	Lipsky
Newhard	Norland	Scheelhaase	Stromer

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millen of Van Buren and Stromer of Hancock for the remainder of the day and March 4, 1977 on request of Schroeder of Pottawattamie.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 39)

The ayes were, 53:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Crawford	Davitt
Dieleman	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Harper	Harvey	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Krewson
Lonergan	Middleswart	Miller, O.L.	Monroe
O'Halloran	Patchett	Pavich	Poncy
Rinas	Schroeder	Small	Spear
Spencer	Svoboda	Tauke	Tofte
Varley	Walter	Wells	Woods
Mr. Speaker (Nielsen)			

The nays were, 33:

Bennett	Brockett	Clark, J.H.	Conlon
Crabb	Daggett	Danker	Egenes
Evans	Gentleman	Halvorson	Hansen
Hoffmann	Husak	Junker	Lageschulte
Lindeen	Lipsky	Menke	Miller, K.D.
Oxley	Pellett	Pelton	Perkins
Schnekloth	Shimanek	Smalley	Stephens
Thompson	Welden	West	Wulff
Wyckoff			

Absent or not voting, 14:

Branstad	Clark, B.J.	Cochran	Cusack
Den Herder	Doyle	Harbor	Hargrave
Higgins	Millen	Newhard	Norland
Scheelhaase	Stromer		

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

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Nielsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Cochran of Webster and Bina of Scott on request of Walter of Pottawattamie; O'Halloran of Black Hawk on request of Hullinger of Decatur; Husak of Tama on request of Wyckoff of Benton; Halvorson of Clayton on request of Baker of Buena Vista; Varley of Adair on request of Lipsky of Linn, all for the remainder of the day and March 4; Chiodo of Polk for a portion of the day on request of Byerly of Polk; Egenes of Story for the remainder of the day, March 4 and the morning session March 7 on request of Stephens of Plymouth.

PRESENTATION OF VISITORS

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

Twenty high school students from Christian Heritage High School, Cedar Falls, Iowa. By Brandt of Black Hawk.

HOUSE CONCURRENT RESOLUTION 15

By Lipsky

- 1 *Whereas*, large amounts of tax dollars are spent
- 2 annually on various state and local law enforcement
- 3 agencies throughout the state; and
- 4 *Whereas*, the quality of law enforcement varies
- 5 among the various communities and rural areas of the
- 6 state; and
- 7 *Whereas*, there are wide disparities in salaries,
- 8 retirement benefits, training requirements, equipment,
- 9 and law enforcement throughout the state; and
- 10 *Whereas*, overlapping jurisdictions cause an expen—
- 11 sive duplication of law enforcement services to the
- 12 citizens of Iowa; *Now Therefore*,
- 13 *Be It Resolved by the House of Representatives, the*
- 14 *Senate Concurring*, That the Legislative Council is

15 directed to approve the establishment of a comprehen—
16 sive study of the feasibility of establishing a single
17 statewide law enforcement agency, to be conducted by
18 the appropriate standing committees of the House and
19 Senate. The study shall include but not be limited
20 to a procedure for governance which will provide a voice
21 for both state and local entities, a single retirement
22 system, and cost comparisons between the present systems
23 and a uniform statewide system; and
24 *Be It Further Resolved*, That the standing committees
25 to which the study is assigned shall submit a report of
26 their recommendations, accompanied by legislative bill
27 drafts to carry out the recommendations, to the Legis—
28 lative Council and the General Assembly meeting in 1978.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 16

By Junker

1 *Whereas*, the routing of highways influences economic
2 development and growth along its corridors; and
3 *Whereas*, the routing and construction of a highway removes
4 valuable agricultural property from the production of food;
5 and
6 *Whereas*, the general assembly has not reviewed the policies
7 of the state department of transportation relating to the
8 routing of a highway; and
9 *Whereas*, the determination of where a highway will be
10 located has a tremendous impact upon the citizens of this
11 state; *Now Therefore*,
12 *Be It Resolved by the House of Representatives, the Senate*
13 *Concurring*, That the legislative council is authorized to
14 create a study committee as provided by law, composed of
15 members of the Senate and the House of Representatives repre—
16 senting both political parties, to conduct a study during
17 the 1977 interim relating to the policies of the state
18 department of transportation in selecting a route for the
19 construction of highways; and
20 *Be It Further Resolved*, That the study committee shall
21 prepare a report of its findings and recommendations and
22 submit it to the legislative council and the members of the
23 Sixty—seventh General Assembly, 1978 Session, accompanied
24 by legislative bill drafts designed to carry out the
25 recommendations of the study committee.

Laid over under Rule 25.

HOUSE RESOLUTION 10

By Wulff and Garrison

- 1 *Whereas*, the West Waterloo High School wrestling
2 team has won the Class AAA wrestling championship, and
3 *Whereas*, this achievement continues a tradition
4 of wrestling excellence; *Now Therefore*,
5 *Be It Resolved* that the membership of the House
6 of Representatives of the Sixty—seventh General Assembly
7 of the State of Iowa extend heartiest congratulations
8 to the West Waterloo High School wrestling team for
9 winning the Class AAA state wrestling championship.

Laid over under Rule 25.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Your committee on House administration reports the following resignations from the officers and employees of the House:

Megan Manning — Aide to PIO, effective January 28, 1977.

Also:

Mr. Speaker: Your committee on House administration reports the following appointments to the officers and employees of the House:

Murray Lee — Aide to PIO, effective March 8, 1977.

James D. Wells, Chair

INTRODUCTION OF BILLS

HOUSE FILE 327, by committee on budget, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 328, by committee on budget, a bill for an act making appropriations to various executive and legislative departments.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 329, by committee on budget, a bill for an act making an appropriation to the judicial department.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 330, by committee on ways and means, a bill for an act relating to the additional personal property tax phaseout.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 69 was invoked. The vote revealed eighty-one members present, nineteen absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 77, a bill for an act relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 77)

The ayes were, 82:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Hansen	Hargrave	Harper
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Jochum
Junker	Koogler	Krause	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Walter
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, none.

Absent or not voting, 18:

Bina	Branstad	Chiodo	Cochran
Doyle	Egenes	Garrison	Halvorson
Harbor	Higgins	Husak	Jesse
Krewson	Millen	O'Halloran	Stromer
Varley	Welden		

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

MOTION TO RECONSIDER PREVAILED
(House File 150)

Danker of Pottawattamie called up for consideration the motion to reconsider House File 150, filed on February 28, 1977, and moved to reconsider the vote by which House File 150, a bill

for an act to repeal provisions relating to the compensation of first deputy county officers in counties having dual county seats, passed the House on February 28, 1977.

A non-record roll call was requested.

The ayes were 81, nays none.

The motion prevailed.

Danker of Pottawattamie moved to reconsider the vote by which House File 150 was placed on its last reading, which motion prevailed.

Spear of Lee moved to reconsider the vote by which amendment H-3093 was adopted by the House on February 28, 1977, which motion prevailed.

Spear of Lee offered the following amendment H-3130, to amendment H-3093, filed by him and moved its adoption:

H-3130

- 1 Amend the amendment H-3093 to House File 150 as
- 2 follows:
- 3 1. Page 1, by striking line 6 and inserting in
- 4 lieu thereof the following: "the section and insert—
- 5 ing in lieu thereof the following:
- 6 340.8 DEPUTY SHERIFFS.
- 7 1. Each deputy sheriff shall receive an annual
- 8 salary as follows:
- 9 a. The first deputy sheriff, and the second such
- 10 deputy if a second deputy sheriff is required, shall
- 11 receive an annual salary of not more than eighty-five
- 12 percent of the amount of the salary of the sheriff,
- 13 as fixed by the board of supervisors.
- 14 b. In counties over two hundred fifty thousand
- 15 population where more than two deputies are required,
- 16 said deputies shall be paid an amount not to exceed
- 17 seventy-five percent of the annual salary of the
- 18 sheriff.
- 19 c. All other deputy sheriffs shall receive an
- 20 annual salary as fixed by the board of supervisors,
- 21 but not to exceed the salaries of the first or sec-
- 22 ond deputies.

23 2. Upon certification by the sheriff to the
 24 board of supervisors of the annual salary for each
 25 deputy as above provided, the board of supervisors
 26 may certify to the county auditor of any such
 27 county the annual salary certified by the sheriff.
 28 The board of supervisors shall fix all compensation
 29 for extra help and clerks."

By unanimous consent, the following amendment H-3140, to amendment H-3130, to amendment H-3093, filed by Junker of Woodbury from the floor, was adopted:

H-3140

1 Amend amendment H-3130 to House File 150 as
 2 follows:
 3 1. Page 1, line 9, by striking the word
 4 "such".
 5 2. Page 1, line 10, by inserting after the
 6 first word "deputy" the word "sheriff".

Spear of Lee moved the adoption of amendment H-3130, to amendment H-3093, as amended.

Amendment H-3130, as amended, was adopted.

On motion by Spear of Lee, amendment H-3093, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 150)

The ayes were, 78:

Anderson	Avenson	Binneboese	Brandt
Brockett	Brunow	Byerly	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Hansen
Hargrave	Harper	Harvey	Hines

Hinkhouse	Horn	Howell	Hullinger
Jochum	Junker	Koogler	Krause
Krewson	Lindeen	Lipsky	Lonergan
Menke	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wulff
	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 3:

Bennett	Lageschulte	Poncy
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Absent or not voting, 19:

Baker	Bina	Branstad	Chiodo
Clark, B.J.	Cochran	Doyle	Egenes
Halvorson	Harbor	Higgins	Hoffmann
Husak	Jesse	Middleswart	Millen
O'Halloran	Stromer	Varley	

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

SENATE AMENDMENT CONSIDERED

Spencer of Clay called up for consideration House Concurrent Resolution 10, providing that the plans of the Iowa state conservation commission for a basin to provide moorings for boats at West Okoboji be disapproved, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3120

- 1 Amend House Concurrent Resolution 10 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "at" the words "Gull Point State Park on".

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

Spencer of Clay moved that the resolution as amended by the Senate and concurred in by the House, be adopted. (HCR 10)

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 73, nays 4.

The motion prevailed and the resolution, as amended, was adopted.

MOTIONS TO RECONSIDER
(House File 209)

I move to reconsider the vote by which House File 209 passed the House on March 3, 1977.

KOOGLER of Mahaska

(House File 39)

I move to reconsider the vote by which House File 39 passed the House on March 3, 1977.

SCHROEDER of Pottawattamie

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 191 County Government

Relating to vacating and closing highways.

S. B. 192 Education

Relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 3rd day of March, 1977: House File 164.

DAVID L. WRAY,
Chief Clerk of the House

Report adopted.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 2, 1977

Convened: 7:34 a.m.

Adjourned: 10:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Lindeen and Miller of Calhoun.

Absent: Hargrave (arrived 8:10 a.m.), Hines (arrived 9:05 a.m.) and Newhard.

Presentations by representatives of the Department of Social Services, Kevin Burns and Charles Ballanger on medical assistance programs for Title XIX and Penny Bjournsted on management program for Title XIX.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., March 2, 1977

Convened: 8:10 a.m.

Adjourned: 10:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: Den Herder (arrived 8:20 a.m.), Jesse.

Study Bill 171, a bill for an act making appropriations to state agencies having responsibilities for soil, water, and environmental resources.

Recommended AMEND AND DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, O'Halloran, Varley, Welden and Wells.

Nay: Koogler, Norland, Stromer and Wulff.

Absent or not voting: Jesse.

Consideration of Study Bill 185.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 8:00 a.m., March 2, 1977

Convened: 8:20 a.m.

Adjourned: 9:50 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Nielsen, Oxley, Pelton and Poncy.

Absent: None.

Tentatively approved the proposed budget for the Iowa Commission for the Blind, Higher Education Facilities Commission, Bonus Board, Educational Radio Television Facility, Tuition Grant Program, Scholarship Program and Vocational Technical Tuition.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., March 2, 1977

Convened: 9:15 a.m.

Adjourned: 9:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Excused: Gilloon.

Made a budget recommendation of \$37,560 for the Spanish Speaking People's Commission.

COMMITTEE ON BUDGET

Scheduled: 12:30 p.m., March 3, 1977

Convened: 12:40 p.m.

Adjourned: 1:45 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Koogler, Stromer, Varley, Welden, Wells and Wulff.

Absent: Norland (arrived 1:00 p.m.).

Excused: O'Halloran and Stromer.

Study Bill 180, a bill for an act making appropriations to various executive and legislative departments.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: O'Halloran and Stromer.

Study Bill 174, a bill for an act making an appropriation to the judicial department.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Norland, O'Halloran and Stromer.

Study Bill 185, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Recommended AMEND AND DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: Welden.

Absent or Not Voting: None.

COMMITTEE ON WAYS AND MEANS

Scheduled 1:50 p.m., March 2, 1977

Convened: 1:55 p.m.

Adjourned: 2:25 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Conlon, Cusack, Davitt, Den Herder, Dieleman, Dunton, Gilloon, Harvey, Hines, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Schneklath, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: Clark of Lee (arrived 1:56 p.m.), Daggett (arrived 2:00 p.m.), Egenes (arrived 2:16 p.m.), Horn (arrived 1:57 p.m.), Rinas (arrived 1:57 p.m.) and Harbor.

Study Bill 149, a bill for an act relating to the additional personal property tax phase out.

Recommended AMEND AND DO PASS.

Aye: Norland, Miller of Buchanan, Anderson, Bina, Brandt, Cusack, Davitt, Dieleman, Dunton, Gilloon, Hines, Horn, Howell, Husak, Jochum, O'Halloran, Oxley, Pavich, Rinas, Spencer, Svoboda, Wells and Wyckoff.

Nay: West, Bennett, Branstad, Clark of Lee, Conlon, Daggett, Den Herder, Egenes, Harvey, Junker, Menke, Schneklath, Thompson, Varley and Wulff.

Absent or not voting: Harbor.

LABOR AND INDUSTRIAL RELATIONS

Scheduled: 4:56 p.m., March 2, 1977

Convened: 4:56 p.m.

Adjourned: 6:35 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Hines, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: Horn (arrived 5:07 p.m.)

Discussion of sections 22 and 23 of Study Bill 32, an act amending the public employment relations act. Considered amendments. Assigned bills to subcommittee.

AMENDMENTS FILED

H-3137	H.F. 298	Schroeder of Pottawattamie Millen of Van Buren Stromer of Hancock Wyckoff of Benton Husak of Tama Crabb of Crawford Branstad of Winnebago West of Marshall Schneklath of Scott Welden of Hardin Brockett of Marshall Junker of Woodbury Varley of Adair Smalley of Polk Pellett of Cass Hansen of O'Brien Daggett of Adams Lindeen of Henry Danker of Pottawattamie Lageschulte of Bremer Halvorson of Clayton Clark of Lee Perkins of Greene Gilson of Guthrie
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H-3138

H.F. 280

Miller of Buchanan

H-3139

H.F. 279

Miller of Buchanan

On motion by Fitzgerald of Webster the House adjourned at 4:13 p.m. until 11:30 a.m., Friday, March 4, 1977.

JOURNAL OF THE HOUSE

Fifty—fourth Calendar Day -- Thirty—ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 4, 1977

The House met pursuant to adjournment, Speaker pro tempore Nielsen in the chair.

A musical prayer was offered by Kim Kolenbrander, Pella; Katie Maguire, Davenport; Cinda Dierenfeld, Deep River; Anna Rose Hustedde, Cedar Falls; Charlotte Law, Des Moines; Chris Bishop, Boone and Joanne Griep, Dubuque, House Pages.

The Journal of Thursday, March 3, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Paul Ferguson, Lake City, Iowa.

PRESENTATION OF VISITORS

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

Twenty—two eighth grade students from Clearfield Community School, Clearfield, Iowa, accompanied by Mildred Mathews. By Daggett of Adams.

Twenty—five students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Dyer. By Thompson of Polk.

Fifty—five seventh and eighth grade students from Cedar Valley Community School, Somers, Iowa, accompanied by Alice Healey, Diane Reeves and Larry Sims. By Miller of Calhoun.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford on request of Wyckoff of Benton; Harper of Davis on request of Fitzgerald of Webster; Hansen of O'Brien on request of Miller of Calhoun; Oxley of Linn and Spencer of Clay on request of Hullinger of Decatur; Lindeen of Henry, Stephens of Plymouth and Menke of O'Brien on request of Davitt of Warren; Avenson of Fayette on request of Dyrland of Clayton; Perkins of Greene on request of Baker of Buena Vista; Wells of Linn on request of Anderson of Jasper; Brockett of Marshall and Smalley of Polk on request of Evans of Grundy.

PETITIONS FILED

The following petitions were received and placed on file:

By Hoffmann of Muscatine from twenty constituents who are against House Concurrent Resolution 6, relating to the Iowa Commission for the Blind services in the State House.

By Brunow of Appanoose from twenty-one constituents opposing House Concurrent Resolution 6, relating to the Iowa Commission for the Blind services in the State House, and urging support of the Commission.

INTRODUCTION OF BILLS

HOUSE FILE 331, by committee on state government, a bill for an act relating to meetings of the board of parole and the grant or denial of parole.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 332, by committee on ways and means, a bill for an act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

QUORUM CALL

Roll call was requested by Horn of Linn and Koogler of Mahaska to determine that a quorum was present. The vote was:

Present, 57:

Anderson	Baker	Bennett	Brandt
Branstad	Chiodo	Clark, B.J.	Conlon
Connors	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilson	Griffee	Harvey
Hines	Hinkhouse	Horn	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Lipsky	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Patchett
Pavich	Pellett	Pelton	Poncy
Schnekloth	Shimanek	Small	Spear
Svoboda	Tauke	Thompson	Walter
Welden	West	Woods	Wyckoff
Mr. Speaker (Nielsen)			

Absent, 43:

Avenson	Bina	Binneboese	Brockett
Brunow	Byerly	Clark, J.H.	Cochran
Crabb	Den Herder	Doyle	Egenes
Gilloon	Halvorson	Hansen	Harbor
Hargrave	Harper	Higgins	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Lonergan	Menke	Millen
Norland	O'Halloran	Oxley	Perkins
Rinas	Scheelhaase	Schroeder	Smalley
Spencer	Stephens	Stromer	Tofte
Varley	Wells	Wulff	

ADOPTION OF HOUSE RESOLUTION 10

Garrison of Black Hawk asked and received unanimous consent for the immediate consideration of House Resolution 10, filed on March 3, 1977 and found on page 602 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 7

Pursuant to House Rule 26, the Speaker announced that House Resolution 7, filed on February 22, 1977 and found on pages 441 and 442 of the House Journal, was adopted by unanimous consent.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 4, 1977, he approved and transmitted to the Secretary of State the following bills:

House File 164, an act to change the time when that portion of the report of the Advisory Commission on Corrections Relief relating to juvenile corrections must be submitted.

Senate File 32, an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the act retroactive.

Senate File 51, an act to repeal the authority of the War Surplus Commodities Board.

Senate File 53, an act relating to the expenditure of federal funds for county buildings or facilities.

EXPLANATION OF VOTE

Due to my attending a conference in the Governor's Office the morning of March 3, in order to hear the final report of the Task Force on Corrections, I missed several votes.

Had I been present I would have voted "aye" on House Files 209 and 39, and "nay" on the motions to suspend the rules on H-3133 and H-3135.

CUSACK of Scott

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 3, 1977

Convened: 7:30 a.m.

Adjourned: 10:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines and Newhard.

Presentations by: Bob Griggs and Dr. John Norwood of the Iowa Pharmaceutical Association and Jim Rowen — Department of Social Services on Medical Carrier.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 8:00 a.m., March 3, 1977

Convened: 8:13 a.m.

Adjourned: 9:45 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Branstad, Brockett, Davitt, Oxley, Pelton and Poncy.

Absent: Baker (arrived 8:21 a.m.), Egenes (arrived 8:23 a.m.) and Nielsen (arrived 8:20 a.m.).

Tentatively approved the proposed budget for General Office Administration, Vocational Education Administration, Vocational Education, Vocational Rehabilitation, Migrant Education, Professional Teaching Practices Commission, Vocation Youth Organization Fund, School Food Service, School Budget Review Committee and Merged Area Schools.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 3, 1977

Convened: 8:15 a.m.

Adjourned: 9:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Made budget recommendations of \$59,338 for the Status of Women and \$213,190 for the Parole Board.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., March 3, 1977

Convened: 1:45 p.m.

Adjourned: 3:30 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Koogler, Krewson, Poncey, Spear, Thompson and Wulff.

Absent: Horn (arrived 1:50 p.m.) and Small (arrived 1:57 p.m.).

Excused: Norland (arrived at 2:00 p.m.) and Stromer.

Discussion of Study Bill 1 and assignment of bills.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 2:00 p.m., March 3, 1977

Convened: 2:07 p.m.

Adjourned: 3:30 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Avenson, Bennett, Evans, Garrison, Miller of Buchanan, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Absent: Chiodo (arrived 2:14 p.m.), Griffiee (arrived 2:25 p.m.), Halvorson (arrived 2:14 p.m.), Pelton (arrived 2:28 p.m.), Varley (arrived 2:20 p.m.) and Jesse.

Excused: O'Halloran

Study Bill 125, a bill for an act relating to the licenses and certificates for the taking of fish and game.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Halvorson, Avenson, Chiodo, Evans, Garrison, Miller of Buchanan, Perkins, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: Spencer, Bennett, Pelton and Scheelhaase.

Absent or Not Voting: Griffee, Jesse and O'Halloran.

Study Bill 151, a bill for an act relating to the authority of the department of environmental quality to issue permits for public water supply system.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffee, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Jesse and O'Halloran.

Discussed and deferred Study Bill 190. Assigned bills to subcommittee.

COMMITTEE ON TRANSPORTATION

Scheduled: 2:00 p.m., March 3, 1977

Convened: 2:00 p.m.

Adjourned: 2:02 p.m.

Present: Krause, chair; Harper, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Davitt, Hoffmann, Lageschulte, Lipsky, Oxley and Schnekloth.

Absent: Clark of Cerro Gordo, Doyle, Egenes, Hullinger, Monroe, Rinas and Woods.

Excused: Harbor and Dunton.

Subcommittees met.

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:00 a.m., March 4, 1977

Convened: 8:15 a.m.

Adjourned: 9:30 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Brandt, Branstad, Conlon, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harvey, Howell, Junker, Menke, Oxley, Pavich, Rinas, Schneklath, Thompson, Wells, Wulff and Wyckoff.

Absent: Clark of Lee (arrived 8:17 a.m.), Cusack (arrived 8:19 a.m.), Spencer (arrived 8:20 a.m.), Svoboda (arrived 8:20 a.m.), Den Herder, Egenes, Hines, Horn, Husak, Jochum and Varley.

Excused: Bina, Harbor and O'Halloran.

Study Bill 60, a bill for an act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harvey, Howell, Junker, Menke, Oxley, Pavich, Rinas, Schneklath, Spencer, Svoboda, Thompson, Wells, Wulff and Wyckoff.

Nay: None.

Absent or Not Voting: Bina, Den Herder, Egenes, Harbor, Hines, Horn, Husak, Jochum, O'Halloran and Varley.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 10:00 a.m., March 4, 1977

Convened: 10:10 a.m.

Adjourned: 10:25 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Absent: Avenson, Higgins and Stromer.

House File 157, a bill for an act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employees' retirement system.

Recommended DO PASS AS A COMMITTEE BILL.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Griffee, Hansen, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke and Walter.

Nay: None.

Absent or Not Voting: Avenson, Higgins, Jesse and Stromer.

Study Bill 165, a bill for an act relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Griffee, Hansen, Middleswart, Poncy, Shimanek, Tauke and Walter.

Nay: None.

Absent or Not Voting: Avenson, Higgins, Jesse, Junker, Patchett, Stromer and West.

Study Bill 170, a bill for an act relating to meetings of the board of parole and the grant or denial or parole.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or Not Voting: Avenson, Higgins and Stromer.

SUBCOMMITTEE ASSIGNMENTS

House File 6
Budget
Cusack, chair
Norland
Den Herder

House File 21
Budget
Jesse, chair
Dunton
Welden

House File 33
Budget
Cusack, chair
Norland
Den Herder

House File 20
Budget
Cusack, chair
Avenson
Den Herder

House File 24
Budget
Avenson, chair
Varley
Wells
Wulff

House File 40
Budget
Koogler, chair
Wells
Stromer

House File 48
Budget
Avenson, chair
Varley
Wells
Wulff

House File 63
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

House File 95
Budget
Jesse, chair
Dunton
Welden

House File 153
Budget
Cusack, chair
Avenson
Den Herder

House File 159
Budget
Jesse, chair
Dunton
Welden

House File 163
Human Resources
Newhard, chair
Schroeder
Cusack
Tofte
Garrison

House File 172
Budget
Jesse, chair
Dunton
Welden

House File 173
Budget
Cusack, chair
Avenson
Den Herder

House File 177
Budget
Koogler, chair
Stromer
O'Halloran

House File 193
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

House File 196
Natural Resources
Miller of
Buchanan, chair
Halvorson
Jesse

House File 198
Human Resources
Dyrland, chair
Lipsky
Crawford
Cusack
Walter
Hansen

House File 199
Human Resources
Walter, chair
Clark of Cerro Gordo
Higgins

House File 219
County Government
Wyckoff, chair
Hinkhouse
Danker

House File 226
Natural Resources
Wyckoff, chair
Avenson
Pelton

House File 236
County Government
Hinkhouse, chair
Miller of Calhoun
Harvey

House File 238
Education
Dyrland, chair
Baker
Koogler
Small
Brockett
Krewson

House File 260
Judiciary and Law
Enforcement
Patchett, chair
Pelton
Shimanek

House File 261
Judiciary and Law
Enforcement
Jesse, chair
Nielsen
Newhard
Branstad
Gentleman

House File 266
Transportation
Rinas, chair
Harbor
Krause
Brunow
Egenes

- House File 268
Judiciary and Law
Enforcement
Dyrland, chair
Garrison
Smalley
- House File 270
Budget
Cusack, chair
Avenson
Den Herder
- House File 275
Energy
Hinkhouse, chair
Pellett
Middleswart
Binneboese
Danker
- House File 282
Budget
Cusack, chair
Avenson
Den Herder
- House File 284
Judiciary and Law
Enforcement
Patchett, chair
Pelton
Shimanek
- House File 287
Judiciary and Law
Enforcement
Gentleman, chair
Patchett
Newhard
- House File 289
Natural Resources
Wyckoff, chair
Scheelhaase
Stephens
- House File 292
Natural Resources
Chiodo, chair
Miller of Buchanan
Bennett
- House File 293
Judiciary and Law
Enforcement
Nielsen, chair
Shimanek
Connors
- House File 295
Judiciary and Law
Enforcement
Nielsen, chair
Lipsky
Patchett
- House File 296
Natural Resources
Wyckoff, chair
Scheelhaase
Pelton
- House File 307
Labor and Industrial
Relations
Horn, chair
Gilloon
Chiodo
Egenes
Branstad
- House File 309
Labor and Industrial
Relations
Horn, chair
Chiodo
Gilloon
Egenes
Branstad
- House File 310
Natural Resources
Jesse, chair
Halvorson
Garrison
- House File 317
Labor and Industrial
Relations
Horn, chair
Gilloon
Chiodo
Egenes
Branstad
- House File 318
Natural Resources
Perkins, chair
Evans
Varley
- House File 321
Labor and Industrial
Relations
Connors, chair
Pavich
Poncy
Halvorson
Thompson
- House Concurrent
Resolution 5
Budget
Cusack, chair
Avenson
Den Herder
- House Concurrent
Resolution 8
Budget
Cusack, chair
Norland
Den Herder
- Senate File 35
Human Resources
Lipsky, chair
Lonergan
Walter

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 113

County Government
Spear, chair
Miller of Calhoun
Pellett

S.B. 182

County Government
Wyckoff, chair
Oxley
Junker

S.B. 183

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

S.B. 190

Natural Resources
Welden, chair
Middleswart
Evans

S.B. 192

Education
Dyrland, chair
Baker
Koogler
Small
Brockett
Krewson

AMENDMENTS FILED

H-3141

H-3142

H-3143

H.F. 48

H.F. 210

Report of the

Committee on Ethics. Brandt of Black Hawk

Welden of Hardin

Halvorson of Clayton

On motion by Fitzgerald of Webster the House adjourned at
11:45 a.m. until 10:00 a.m., Monday, March 7, 1977.

JOURNAL OF THE HOUSE

Fifty—seventh Calendar Day -- Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 7, 1977

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

Prayer was offered by the Reverend Philip V. Ryan, pastor of the St. Anthony Church, Knoxville, Iowa.

The Journal of Friday, March 4, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Henry L. Hallinger, Resident, Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of West of Marshall.

PRESENTATION OF VISITORS

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

Thirty—eight seventh and eighth grade students from St. Mary's School, Humboldt, Iowa, accompanied by Mrs. LaBounty, Sister George Marie and Sister Joe Seal. By Cochran of Webster.

Sixty sixth grade students from Hubbell Elementary School, Des Moines, Iowa, accompanied by Novella Bredbenner and Dolla Johnson. By Gentleman of Polk.

Forty high school students from St. Edmond High School, Fort Dodge, Iowa, accompanied by Mary O'Keefe and Bill Kibby. By

PETITIONS FILED

The following petitions were received and placed on file:

By Norland of Worth from sixteen members of the Federated Women's Club opposing House Concurrent Resolution 6 and favoring the continuing need of the Iowa Commission for the Blind to continue to operate the food commission in the State House.

By Dyrland of Clayton from four residents of Sherrill, Iowa, in favor of the sale of certified raw milk.

By O'Halloran of Black Hawk from two hundred seventy-three constituents from Cedar Falls urging legislation of more definite and severe penalties for violent crimes; four hundred eighty-one residents of the Des Moines — Altoona area urging the consideration and passage of Senate File 4/House File 187 for the regulation of the use of beverage containers.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 149, a bill for an act relating to mandatory wage assignment in child support orders.

Also: That the Senate has on March 2, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 163, a bill for an act making appropriations to various executive and legislative departments.

STEVEN C. CROSS, Secretary

ADOPTION OF HOUSE RESOLUTION 8

Pursuant to House Rule 26, the Speaker announced that House Resolution 8, filed on February 24, 1977 and found on pages 472 and 473 of the House Journal, was adopted by unanimous consent.

CONSIDERATION OF BILLS

Regular Calendar

House File 277, a bill for an act relating to the authority of the Iowa natural resources council was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-3145 filed by him from the floor and moved its adoption:

H-3145

- 1 Amend House File 277 as follows:
- 2 1. Page 3, by striking all of lines 34 and 35.
- 3 2. Page 4, by striking all of lines 1 through
- 4 13.

Roll call was requested by Avenson of Fayette and Middleswart of Warren.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3145 be adopted?"

The ayes were, 6:

Danker	Halvorson	Harvey	Husak
Schroeder	Wyckoff		

The nays were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland

Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Hansen
Harbor	Hargrave	Harper	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Mr. Speaker

Absent or not voting, 6:

Byerly	Daggett	Egenes	O'Halloran
Small	Svoboda		

Amendment H—3145 lost.

Perkins of Greene offered the following amendment H—3147, filed by him from the floor, and moved its adoption:

H—3147

- 1 Amend House File 277 as follows:
- 2 1. Page 3, by inserting after line 33 the
- 3 following new section:
- 4 "Sec. . Section four hundred fifty—five A
- 5 point twenty—one (455A.21), Code 1977, is amended
- 6 to read as follows:
- 7 455A.21 PRIORITY OF PERMITS. In the consider—
- 8 ation of applications for permits, priority will
- 9 be given to persons in the order applications are
- 10 received. However, persons who have made diversion
- 11 or withdrawal of water for a beneficial use prior
- 12 to May 16, 1957, will be accorded priority accord—
- 13 ing to the actual date of said diversion or with—
- 14 drawal. The water commissioner or the council on
- 15 appeal shall exercise their judgment on the duration
- 16 and frequency of withdrawal and the quantity of water
- 17 for which a permit may be granted. The use of water
- 18 for ordinary household purposes, for poultry, live—
- 19 stock and domestic animals shall have priority over

20 other uses. Any person with an existing irrigation
 21 system in use prior to May 16, 1957, shall be issued
 22 a permit to continue, unless by the use thereof some
 23 other riparian user is damaged. In the consideration
 24 of applications for permits by regulated users, the
 25 declared policies and principles of beneficial use,
 26 as set forth in this chapter, shall be the standard
 27 for the determination of the disposition of the
 28 applications for said permits. Nothing in this
 29 chapter shall impair the vested right of any person.
 30 Prior orders of the council shall not be invalidated
 31 by the provisions of sections 455A.19 to 455A.32."

Amendment H-3147 was adopted.

Action on House File 277 was deferred.

House File 281, a bill for an act to clarify jurisdiction and venue provisions in cases of dissolution of marriage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 281)

The ayes were, 93:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Oxley	Patchett	Pavich	Pellett

Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Daggett	Egenes	Hines	Norland
O'Halloran	Small	Wells	

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

Ways and Means Calendar

House File 330, a bill for an act relating to the additional personal property tax phaseout, was taken up for consideration.

West of Marshall offered the following amendment H-3149 filed by him from the floor:

H-3149

- 1 House File 330 is amended by striking line 3 of
- 2 the title page.

Fitzgerald of Webster moved the previous question on House File 330, with respect to the filing of amendments only.

Roll call was requested by Branstad of Winnebago and Stromer of Hancock.

Rules 69 and 70 were invoked.

On the question "Shall the previous question motion on amendments prevail?"

The ayes were, 53:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Griffie	Hargrave	Harper	Higgins
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Norland	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Spear
Spencer	Walter	Woods	Wyckoff
			Mr. Speaker

The nays were, 40:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Den Herder	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Oxley	Pellett	Pelton	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wulff

Absent or not voting, 7:

Daggett	Egenes	Newhard	O'Halloran
Small	Svoboda	Wells	

The motion prevailed.

(House File 330 and amendment H-3149 pending at recess.)

REREFERRED TO BUDGET COMMITTEE
(House Files 298 and 329)

Cusack of Scott asked and received unanimous consent that House Files 298 and 329, presently on the budget calendar, be rereferred to the committee on budget.

REFERRED TO BUDGET COMMITTEE
(Senate File 156)

The Speaker announced that Senate File 156, previously passed on file, was referred to the committee on budget.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Calhoun for the afternoon session on request of Hansen of O'Brien.

PRESENTATION OF VISITORS

Sixty fifth grade students from Clive Elementary School, Des Moines, Iowa, accompanied by Mrs. Telshaw and Mrs. Sauerman. By Krewson of Polk and Thompson of Polk.

SENATE MESSAGES CONSIDERED

SENATE FILE 155, a bill for an act appropriating funds to the department of general services for a demonstration solar energy unit.

Read first time and referred to committee on BUDGET.

SENATE FILE 160, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Read first time and referred to committee on BUDGET.

SENATE FILE 161, a bill for an act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

Read first time and referred to committee on BUDGET.

SENATE FILE 162, a bill for an act making an appropriation to the judicial department.

Read first time and referred to committee on BUDGET.

MOTION TO RECONSIDER WITHDRAWN
(House File 209)

Koogler of Mahaska asked and received unanimous consent to withdraw the motion to reconsider House File 209 filed by him on March 3, 1977.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 69 was invoked. The vote revealed seventy-five members present, twenty-five absent.

Ways and Means Calendar

The House resumed consideration of House File 330, a bill for an act relating to the additional personal property tax phaseout, and amendment H-3149.

West of Marshall moved the adoption of amendment H-3149.

Roll call was requested by West of Marshall and Evans of Grundy.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3149 be adopted?"

The ayes were, 43:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Den Herder	Dunton	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Husak	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Oxley	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff	Wyckoff	

The nays were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hargrave	Harper	Higgins	Hines
Hinkhouse	Hörn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Monroe	Nielsen
Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 5:

Daggett	Danker	Egenes	Miller, O.L.
Newhard			

Amendment H—3149 lost.

Harbor of Mills offered the following amendment H—3144 filed by him from the floor and moved its adoption:

H—3144

- 1 Amend House File 330 by striking everything
- 2 after the enacting clause and inserting in lieu
- 3 thereof the following:
- 4 Section 1. Section four hundred twenty—seven A

5 point nine (427A.9), Code 1977, is amended by inser—
6 ting after unnumbered paragraph two (2) the following
7 new unnumbered paragraph:

8 **NEW PARAGRAPH.** For the tax year beginning July
9 1, 1977, and ending June 30, 1978, the additional per—
10 sonal property tax credit shall be increased only in
11 the event that in the immediately preceding tax year
12 the growth of state general fund revenues, adjusted
13 for changes in rate or basis, exceeds twelve (12) per—
14 cent.

Roll call was requested by Harbor of Mills and Varley of Adair.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3144 be adopted?"

The ayes were, 45:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Den Herder	Dunton	Evans
Gentleman	Gilson	Halverson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Oxley	Pellett	Pelton
Schnekloth	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wulff
Wyckoff			

The nays were, 49:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gilloon	Griffee	Hargrave
Harper	Higgins	Hines	Horn
Howell	Hullinger	Jochum	Koogler
Krause	Loneragan	Middleswart	Monroe
Nielsen	Norland	O'Halloran	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
			Mr. Speaker

Absent or not voting, 6:

Daggett
Newhard

Egenes
Schroeder

Jesse

Miller, O.L.

Amendment H-3144 lost.

Branstad of Winnebago offered the following amendment H-3155 filed by him from the floor and requested division as follows:

H-3155

- 1 Amend House File 330 as follows:

H-3155A

- 2 1. Page 1, line 11, by striking the words
- 3 "~~five and one-half twelve~~" and inserting in lieu
- 4 thereof the words "five and one-half".

H-3155B

- 5 2. Page 1, line 13, by inserting after the
- 6 period of the following: "for the tax year beginning
- 7 July 1, 1977, and ending June 30, 1978, the amount
- 8 of the additional personal property tax credit shall
- 9 be fixed at seventy thousand (70,000) dollars."

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H-3155A.

Branstad of Winnebago moved the adoption of amendment H-3155B.

Roll call was requested by Junker of Woodbury and Harbor of Mills.

Rule 69 was invoked.

On the question "Shall amendment H-3155B be adopted?"

The ayes were, 42:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Den Herder	Dunton	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Junker
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Oxley	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Tofte	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 49:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hargrave	Harper	Higgins	Hines
Horn	Howell	Hullinger	Jochum
Koogler	Krause	Lonergan	Monroe
Nielsen	Norland	O'Halloran	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
			Mr. Speaker

Absent or not voting, 9:

Daggett	Egenes	Husak	Jesse
Krewson	Middleswart	Miller, O.L.	Newhard
Thompson			

Amendment H-3155B lost.

Harbor of Mills offered the following amendment H-3148 filed by him from the floor and requested division as follows:

H-3148

1 Amend House File 330 as follows:

H-3148A

- 2 1. Page 1, line 11, by striking the word
 3 "twelve" and inserting in lieu thereof the word
 4 "nine".

H-3148B

- 5 2. Page 1, by inserting after line 25 the fol-
 6 lowing:
 7 "Notwithstanding the provisions of section four
 8 hundred twenty-seven A point one (427A.1) of the Code,
 9 for the purposes of the credit provided in this chapter
 10 ten (10) percent of the assessed valuation of all
 11 property of each taxpayer that is centrally assessed
 12 by the department of revenue shall be deemed personal
 13 property."
 14 3. Page 1, by striking all of lines 26 through 35.
 15 4. Page 2, by striking all of lines 1 through 16.
 16 5. By renumbering the remaining section.

Harbor of Mills asked and received unanimous consent to withdraw amendment H-3148A.

Gilloon of Dubuque rose on a point of order that amendment H-3148B was not germane.

The Speaker ruled the point not well taken and amendment H-3148B germane.

Harbor of Mills moved the adoption of amendment H-3148B.

Amendment H-3148B lost.

Varley of Adair offered the following amendment H-3151 filed by Varley, Den Herder, Stromer, Schnekloth, Harbor and West from the floor and requested division as follows:

H-3151

- 1 Amend House File 330 as follows:

H-3151A

- 2 1. Page 1, line 11, by striking the words "twelve
 3 percent" and inserting in lieu thereof the words "nine

4 percent, except that for the tax year beginning July
 5 1, 1977, the tax credit shall not be increased unless
 6 the growth of the general fund revenues, adjusted
 7 for changes in rate or basis, for the tax year
 8 beginning July 1, 1976 and ending June 30, 1977,
 9 exceeds twelve percent”.

H-3151B

10 2. Page 2, lines 5 and 6, by striking the words
 11 “thirty-eight million six hundred thousand
 12 (38,600,000)” and inserting in lieu thereof the words
 13 “forty-one million seven hundred thousand
 14 (41,700,000)”.

Varley of Adair moved the adoption of amendment H-3151A.

Roll call was requested by Lipsky of Linn and Welden of Hardin.

Rule 69 was invoked.

On the question “Shall amendment H-3151A be adopted?”

The ayes were, 43:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Den Herder	Dunton	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lindean	Lipsky
Menke	Millen	Miller, K.D.	Oxley
Pellett	Pelton	Schneklath	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff	Wyckoff	

The nays were, 50:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hargrave	Harper	Higgins	Hines
Hinkhouse	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause

Lonergan	Middleswart	Monroe	Nielsen
Norland	O'Halloran	Patchett	Pavich
Rinas	Scheelhaase	Schroeder	Small
Spear	Spencer	Svoboda	Walter
Wells	Mr. Speaker		

Absent or not voting, 7:

Daggett	Egenes	Miller, O.L.	Newhard
Perkins	Poncy	Woods	

Amendment H-3151A lost.

Varley of Adair moved the adoption of amendment H-3151B.

Roll call was requested by Junker of Woodbury and Harbor of Mills.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3151B be adopted?"

The ayes were, 46:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Den Herder	Dunton	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Oxley	Pellett	Pelton
Schnekloth	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hargrave	Harper	Higgins	Hines
Horn	Howell	Hullinger	Jesse

Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 2:

Daggett Newhard

Amendment H-3151B lost.

Schnekloth of Scott asked and received unanimous consent to withdraw the following amendment H-3154 filed by him from the floor:

H-3154

- 1 Amend House File 330 as follows:
- 2 1. Page 1, line 11, by striking the word "twelve"
- 3 and inserting in lieu thereof the word "seven".

Harbor of Mills offered the following amendment H-3150 filed by him from the floor:

H-3150

- 1 Amend House File 330, page 1, by inserting after
- 2 line 25 the following:
- 3 "All property assessed and taxed as real pro-
- 4 perty not eligible for the credit provided in this
- 5 section shall be considered real property for the pur-
- 6 poses of division IV (four) of chapter four hundred
- 7 twenty-two (422) of the Code and chapter four hundred
- 8 twenty-three (423) of the Code, and not considered
- 9 tangible personal property subject to any tax therein
- 10 imposed."

Gilloon of Dubuque rose on a point of order that amendment H-3150 was not germane.

The Speaker ruled the point well taken and amendment H-3150 not germane.

West of Marshall rose on a point of order and invoked Rule 32 on House File 330, referring the bill to the committee on budget.

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 32 for the consideration of House File 330.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 330)

The ayes were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffiee
Hargrave	Harper	Higgins	Hines
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker

The nays were, 46:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Den Herder	Dunton	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Oxley	Pellett	Pelton
Schneklloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff	Wyckoff		

Absent or not voting, 2:

Daggett

Newhard

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

MOTION TO RECONSIDER LOST
(House File 330)

Gilloon of Dubuque moved to reconsider the vote by which House File 330 passed the House.

Branstad of Winnebago moved that the motion to reconsider be deferred and retained.

Roll call was requested by Schroeder of Pottawattamie and Junker of Woodbury.

On the question "Shall the motion to defer prevail?"

The ayes were, 42:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Den Herder	Egenes	Evans
Gentleman	Halvorson	Hansen	Harvey
Hoffmann	Husak	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Oxley	Pellet
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 53:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Gilloon	Gilson	Griffie	Hargrave
Harper	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Loneragan
Middleswart	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas

Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
			Mr. Speaker

Absent or not voting, 5:

Daggett	Dunton	Garrison	Harbor
Newhard			

The motion lost.

On the motion to reconsider House File 330, a non-record roll call was requested.

The ayes were 44, nays 51.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Newhard of Jones on request of Fitzgerald of Webster.

EXPLANATION OF VOTE

I was necessarily absent from the House chambers Thursday afternoon, March 3, 1977, and Friday morning March 4, 1977, to attend the State-Federal Assembly of the National Conference of State Legislatures in Washington, D.C., as a member of the Urban Development Standing Committee. Had I been present, I would have voted "aye" on House Files 77 and 150.

BINA of Scott

I was necessarily absent from the House chamber on Thursday afternoon, March 3, 1977. Had I been present I would have voted "aye" on House Files 77 and 150; due to illness I was necessarily absent from the House chamber on Monday morning, March 7, 1977. Had I been present I would have voted "aye" on House File 281 and on the previous question motion on amendments to House File 330; "nay" on amendment H-3145 to House File 277.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on amendment H-3149 to House File 330. Had I been present I would have voted "aye".

DANKER of Pottawattamie

COMMUNICATION FROM THE FAMILY PRACTICE EDUCATION ADVISORY BOARD

There is on file in the office of the Chief Clerk the fourth annual report of the Family Practice Education Advisory Board submitted in compliance with Chapter 148C of the Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 193 State Government

Relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, grievances of employees subject to the policies of the legislative council, and making certain provisions of the Act retroactive.

AMENDMENTS FILED

H-3146	H.F. 228	Koogler of Mahaska
H-3152	H.F. 277	Miller of Buchanan
H-3153	H.F. 277	Junker of Woodbury
H-3156	Report of the Committee on Ethics	Nielsen of Polk
H-3157	H.F. 210	Koogler of Mahaska
H-3158	H.F. 210	Koogler of Mahaska
H-3159	H.F. 267	Miller of Buchanan
H-3160	Report of the Committee on Ethics	Welden of Hardin Harper of Davis
H-3161	H.F. 224	Miller of Buchanan
H-3162	Report of the Committee on Ethics	Monroe of Des Moines

H-3163	H.F. 210	Welden of Hardin Millen of Van Buren Stromer of Hancock Branstrad of Winnebago Brockett of Marshall Evans of Grundy Wyckoff of Benton
H-3164	Report of the Committee on Ethics	Schroeder of Pottawattamie
H-3165	H.F. 63	Doyle of Woodbury
H-3166	H.F. 210	Pelton of Clinton
H-3167	H.F. 327	Wulff of Black Hawk
H-3168	H.F. 327	Welden of Hardin Millen of Van Buren
H-3169	H.F. 94	Scheelhaase of Woodbury
H-3170	H.F. 277	Halvorson of Clayton Varley of Adair Crabb of Crawford Wyckoff of Benton Schroeder of Pottawattamie Pelton of Clinton Shimanek of Jones Tofte of Winneshiek
H-3171	Report of the Committee on Ethics	Tauke of Dubuque
H-3172	H.F. 210	Welden of Hardin Millen of Van Buren
H-3173	H.F. 210	Woods of Polk Baker of Buena Vista

On motion by Fitzgerald of Webster the House adjourned at 5:02 p.m. until 10:00 a.m., Tuesday, March 8, 1977.

JOURNAL OF THE HOUSE

Fifty—eighth Calendar Day -- Forty—first Session Day

Hall of The House of Representatives
Des Moines, Iowa, Tuesday, March 8, 1977

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

Prayer was offered by the Reverend Everett Epperson, pastor of the First Christian Church, Onawa, Iowa.

The Journal of Monday, March 7, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gary Lawrence, Ackley, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Danker of Pottawattamie from one hundred ninety—one constituents asking that the deer seasons for 1977 either be closed or greatly reduced in length and number of licenses issued.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

Also: That the Senate has on March 3, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 158, a bill for an act to amend or revise certain Code sections affected by the repeal of former chapter two hundred fifty-four (254) of the Code.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Budget Calendar

House File 327, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense was taken up for consideration.

Halvorson of Clayton offered the following amendment H-3177 filed by him and Scheelhaase of Woodbury from the floor and moved its adoption:

H-3177

- 1 Amend House File 327 as follows:
- 2 1. Page 2, line 28, by striking the figures
- 3 "503.174" and inserting in lieu thereof the
- 4 figures "531,574".

Roll call was requested by Avenson of Fayette and Pavich of Pottawattamie.

On the question "Shall amendment H-3177 be adopted?"

The ayes were, 13:

Bennett	Clark, B. J.	Conlon	Halvorson
Harvey	Hoffmann	Pelton	Scheelhaase
Schnekloth	Schroeder	Stephens	Thompson
Varley			

The nays were, 76:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, J. H.
Connors	Crawford	Cusack	Daggett

Danker	Davitt	Den Herder	Dieleman
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Hansen	Harbor	Hargrave
Harper	Higgins	Hines	Hinkhouse
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O. L.
Norland	Oxley	Patchett	Pavich
Pellett	Perkins	Poncy	Rinas
Shimanek	Small	Smalley	Spear
Spencer	Svoboda	Tauke	Tofte
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

Absent or not voting, 11:

Crabb	Doyle	Dunton	Horn
Koogler	Millen	Monroe	Newhard
Nielsen	O'Halloran	Stromer	

Amendment H-3177 lost.

Spencer of Clay offered the following amendment H-3179 filed by him from the floor:

H-3179

- 1 Amend House File 327 as follows:
- 2 1. Page 2, line 34, by inserting after the word
- 3 "purposes" the words " , not more than \$50,000 of which
- 4 shall be used for recruiting and retention".
- 5 2. Page 2, line 34, by striking the numerals
- 6 "\$1,648,000" and inserting in lieu there of the numerals
- 7 "\$1,698,000".

Small of Johnson in the chair at 11:12 a.m.

Spencer of Clay moved the adoption of amendment H-3179.

Roll call was requested by Avenson of Fayette and Middleswart of Warren.

Rule 70 was invoked.

Under the provisions of Rule 71, Daggett of Adams and Krause of Kossuth refrained from voting.

On the question "Shall amendment H-3179 be adopted?"

The ayes were, 37:

Baker	Bennett	Brandt	Branstad
Byerly	Clark, B. J.	Clark, J. H.	Conlon
Crabb	Crawford	Danker	Egenes
Evans	Gentleman	Griffee	Hansen
Harvey	Hoffmann	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Millen
Monroe	Oxley	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Spencer
Stephens	Stromer	Tauke	Thompson
Wulff			

The nays were, 59:

Anderson	Avenson	Bina	Binneboese
Brockett	Brunow	Chiodo	Cochran
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Halvorson
Harbor	Hargrave	Harper	Higgins
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Menke	Middleswart
Miller, K. D.	Miller, O. L.	Nielsen	Norland
O'Halloran	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Smalley
Spear	Svoboda	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Small)	

Absent or not voting, 4:

Connors	Daggett	Krause	Newhard
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Amendment H-3179 lost.

Schroeder of Pottawattamie offered the following amendment H-3183 filed by him from the floor and moved its adoption:

H-3183

- 1 Amend House File 327 as follows:
- 2 1. Page 3, line 8, by striking the words
- 3 "other than state" and inserting in lieu thereof
- 4 the words "any other".

Roll call was requested by Schroeder of Pottawattamie and Bennett of Ida.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Krause of Kossuth and Daggett of Adams refrained from voting.

On the question "Shall amendment H-3183 be adopted?"

The ayes were, 45:

Baker	Bennett	Brandt	Branstad
Brockett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Danker	Doyle
Dunton	Egenes	Evans	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hansen	Harvey	Hoffmann	Krewson
Lageschulte	Lindeen	Lonergan	Menke
Millen	Monroe	Pellett	Pelton
Perkins	Schnekloth	Schroeder	Shimanek
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
Wulff			

The nays were, 51:

Anderson	Avenson	Bina	Binneboese
Brunow	Byerly	Chiodo	Cochran
Connors	Cusack	Davitt	Den Herder
Dieleman	Dyrland	Fitzgerald	Gilloon
Harbor	Hargrave	Harper	Higgins
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Lipsky	Middleswart
Miller, K.D.	Miller, O.L.	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Smalley	Spear
Svoboda	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	
		(Small)	

Absent or not voting, 4:

Daggett

Krause

Newhard

Norland

Amendment H-3183 lost.

Wulff of Black offered the following amendment H-3167 filed by him and moved its adoption:

H-3167

- 1 Amend House File 327 as follows:
- 2 1. Page 3, line 25, by striking the figure
- 3 "3,462,000" and inserting in lieu thereof the figure
- 4 "3,652,000".
- 5 2. Page 4, line 23, by striking the word "reduced".
- 6 3. Page 4, by striking lines 24 through 27 and
- 7 inserting in lieu thereof the words "maintained at
- 8 the current matching state-to-local funds for existing
- 9 telecommunication terminals and the same matching
- 10 formula be provided for one terminal for those counties
- 11 which do not presently have any terminals but install
- 12 such terminals during the 1977-1978 fiscal year."

Roll call was requested by Avenson of Fayette and Stromer of Hancock.

Rule 70 was invoked.

On the question "Shall amendment H-3167 be adopted?"

The ayes were, 45:

Bennett	Brandt	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Danker	Den Herder
Egenes	Garrison	Gentleman	Halvorson
Hansen	Harvey	Hoffmann	Hullinger
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Miller, O.L.	Pellett	Pelton	Schneklath
Schroeder	Shimanek	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff			

The nays were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brunow	Byerly	Chiодо
Cochran	Cusack	Davitt	Dieleman
Doyle	Dyrland	Evans	Fitzgerald
Gilloon	Gilson	Griffee	Harbor
Hargrave	Harper	Higgins	Hines
Hinkhouse	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Smalley	Svoboda	Walter.
Wells	Woods	Wyckoff	Mr. Speaker.
			(Small)

Absent or not voting, 3:

Daggett	Dunton	Newhard
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Amendment H-3167 lost.

Miller of Buchanan offered the following amendment H-3188 filed by him from the floor and moved its adoption:

H-3188

1 Amend House File 327 as follows:
 2 1. Page 4, by inserting after line 33 the
 3 following:
 4 "7. The department of public safety to
 5 regulate and enforce motor vehicle laws governing
 6 traffic control and laws designed to maintain
 7 the public peace, pursuant to duties as provided
 8 in section eighty point nine (80.9), of the Code,
 9 may seek the cooperation of the Iowa national
 10 guard to enforce motor vehicle traffic control and
 11 safety laws at large public gatherings where traffic
 12 control and safety may require additional enforce-
 13 ment facilities. Under this provision the Iowa
 14 national guard may provide assistance only with "on
 15 duty" members assigned by the adjutant general of
 16 the guard who will be subject to the direction of
 17 the department of public safety while enforcing the
 18 motor vehicle traffic control laws."

A non-record roll call was requested.

The ayes were 65, nays 22.

Amendment H-3188 was adopted.

(House File 327 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Newhard of Jones on request of Binneboese of Plymouth.

PRESENTATION OF VISITORS

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

Eight students from Graceland College, Lamoni, Iowa, accompanied by William Outhouse, Harry Dennis and Bill Russell. By Hullinger of Decatur.

Sixty fifth grade students from Clive Elementary School, Des Moines, Iowa, accompanied by Mrs. Telshaw.

Fifty fifth grade students from Nevada Community School, Nevada, Iowa, accompanied by Lee Fain, Dale Dunn, Monica Gallagher and LeAnn Meouw. By Hines of Story.

Thirty-one Distributive Education students from Cresco, Waukon and Decorah, Iowa, accompanied by Richard Gaard. By Griffie of Chickasaw, Halvorson of Clayton and Tofte of Winneshiek.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of House File 327, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Harper of Davis offered the following amendment H-3176 filed by Harper, Rinas, Cusack, Dunton, Den Herder, Avenson, Tauke and Krause from the floor:

H-3176

- 1 Amend House File 327 as follows:
- 2 1. Page 5, line 2, by striking the words "except
- 3 as otherwise provided,".
- 4 2. Page 5, lines 10, 11, and 12, by striking the
- 5 words "for the period July 1, 1977 through June 30,
- 6 1979,".

QUORUM CALL

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

Harper of Davis moved the adoption of amendment H-3176.

Amendment H-3176 was adopted.

Doyle of Woodbury offered the following amendment H-3192 filed by him and Schroeder of Pottawattamie from the floor:

H-3192

- 1 Amend House File 327 as follows:
- 2 1. Page 3, line 25, by striking the figure
- 3 "3,462,000" and inserting in lieu thereof the figure
- 4 "3,499,000".
- 5 2. Page 3, by inserting after line 25 the
- 6 following:
- 7 "From funds appropriated by this subsection the
- 8 sum of one hundred thousand (100,000) dollars shall
- 9 be used for the purchase of radio parts."

Small of Johnson in the chair at 2:05 p.m.

Doyle of Woodbury moved the adoption of amendment H-3192.

A non-record roll call was requested.

The ayes were 29, nays 54.

Amendment H-3192 lost.

Tauke of Dubuque offered amendment H-3178 filed by Tauke, Den Herder, Avenson, Jesse, Varley, Wells, Dyrland, Rinas and Halvorson from the floor and requested division as follows:

H-3178

1 Amend House File 327 as follows:

H-3178A

2 1. Page 5, line 12, by striking the figures
3 "1979" and inserting in lieu thereof the figures
4 "1978".

H-3178B

5 2. Page 6, by inserting after line 4 the
6 following:
7 "4. For the purpose of matching available
8 federal planning and construction funds to be
9 used in the planning and construction of the
10 Iowa segments of the Great River Road...\$250,000".

Tauke of Dubuque asked and received unanimous consent to withdraw amendment H-3178A.

Tauke of Dubuque moved the adoption of amendment H-3178B.

Roll call was requested by Varley of Adair and Rinas of Linn.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3178B be adopted?"

The ayes were, 56:

Anderson	Avenson	Bennett	Brandt
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Den Herder	Dieleman
Dyrland	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harper
Harvey	Hinkhouse	Hoffmann	Jesse
Jochum	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Monroe	Patchett	Pellett	Pelton
Perkins	Schneklath	Schroeder	Shimanek
Spear	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	Wulff	Mr. Speaker (Small)

The nays were, 38:

Baker	Bina	Binneboese	Branstad
Brockett	Cochran	Cusack	Davitt
Doyle	Dunton	Egenes	Evans
Griffie	Harbor	Hargrave	Hines
Horn	Howell	Hullinger	Husak
Junker	Koogler	Krause	Lonergan
Middleswart	Miller, O.L.	Nielsen	O'Halloran
Oxley	Pavich	Poncy	Rinas
Scheelhaase	Smalley	Spencer	Svoboda
Woods	Wyckoff		

Absent or not voting, 6:

Chiodo	Fitzgerald	Higgins	Newhard
Norland	West		

Amendment H-3178B was adopted.

Harbor of Mills offered the following amendment H-3180 filed by him from the floor and moved its adoption:

H-3180

- 1 Amend House File 327 as follows:
- 2 Page 7, by inserting after line 27 the following

3 section:

4 "Sec. The department of transportation shall
5 not expend any funds for the employment of new persons
6 or to fill new positions until such time as the number
7 of employees in the department are reduced in number
8 by death, resignation, retirement, or discharge for
9 cause and equal not more than ninety percent of the
10 table of organization of the department as approved
11 by the Budget Committee. This section shall not apply
12 to the chief executive officer of the department."

Roll call was requested by Clark of Lee and Pelton of Clinton.

On the question "Shall amendment H-3180 be adopted?"

The ayes were, 37:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Den Herder	Dyrland	Egenes	Evans
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Hullinger	Husak	Junker
Lageschulte	Lindeen	Millen	Miller, K.D.
Miller, O.L.	Pellett	Pelton	Schnekloth
Schroeder	Smalley	Stephens	Stromer
Thompson	Welden	West	Wulff
Wyckoff			

The nays were, 55:

Anderson	Baker	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Hargrave	Harper
Harvey	Hines	Horn	Jesse
Jochum	Koogler	Krause	Krewson
Lipsky	Loneragan	Menke	Monroe
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Shimanek	Spear	Spencer	Svoboda
Tauke	Tofte	Varley	Walter
Wells	Woods	Mr. Speaker	
		(Small)	

Absent or not voting, 8:

Avenson	Brockett	Higgins	Howell
Middleswart	Newhard	Nielsen	Norland

Amendment H-3180 lost.

Gilloon of Dubuque offered the following amendment H-3186 filed by him from the floor and moved its adoption:

H-3186

1 Amend House File 327 as follows:

2 1. Page 8, by inserting after line 10 the
3 following sections:

4 "Sec. Section three hundred seven A point two
5 (307A.2), Code 1977, is amended by adding the following
6 new subsection:

7 **NEW SUBSECTION.** Biennially beginning July 1, 1977,
8 prepare, adopt and cause to be published the results
9 of a study of all secondary, farm-to-market and local
10 secondary roads in the state. The study shall be
11 so designed to investigate present deficiencies and
12 future twenty-year maintenance and construction needs
13 of the roads and the ability of each applicable
14 authority to meet the needs for the planning, con-
15 struction, repair and maintenance of roads within
16 their jurisdiction. The commission shall have the
17 authority to gather information necessary to complete
18 this study and shall be furnished such assistance
19 from any state agency as necessary to prepare, update
20 and publish prior to December thirty-first in odd-
21 numbered years the biennial report to be referred
22 to as the "biennial needs study" for the purposes
23 of this chapter and chapter three hundred twelve (312)
24 of the Code.

25 Sec. Section three hundred twelve point three
26 (312.3), subsection one (1), Code 1977, is amended
27 by striking the subsection and inserting in lieu
28 thereof the following:

29 1. Apportion among the counties sixty percent
30 of the allocation from the road use tax funds credited
31 to the secondary road fund of the counties based upon

32 the latest biennial update of the twenty-year highway
 33 need study report developed by the state department
 34 of transportation referred to as the "biennial needs
 35 study".

36 Forty percent of the allocation from the road use
 37 tax funds credited to the secondary road fund of
 38 counties shall be allocated among the counties in
 39 the proportion that the area of such county bears
 40 to the total area of the state.

41 Sec. Section three hundred twelve point five
 42 (312.5), unnumbered paragraph three (3), Code 1977,
 43 is amended to read as follows:

44 Need allotment farm-to-market road funds shall be
 45 allotted among the counties in the ratio that the
 46 needs of the farm-to-market roads in each county bear
 47 to the total needs of the farm-to-market roads in
 48 the state for the twenty-year program developed by
 49 the automotive safety foundation and filed with the
 50 Iowa highway study committee created by chapter 426,

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1 Acts of the Fifty-eighth General Assembly, and which
 2 is on record at the department based upon the "biennial
 3 needs study".

Rinas of Linn rose on a point of order that amendment
 H-3186 was not germane.

The Speaker ruled the point well taken and amendment
 H-3186 not germane.

Gilloon of Dubuque moved that the rules governing
 germaneness be suspended for the consideration of amendment
 H-3186.

Roll call was requested by Gilloon of Dubuque and Krewson of
 Polk.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider
 amendment H-3186?"

The ayes were, 48:

Brandt	Brockett	Byerly	Chiodo
Clark, J.H.	Crawford	Davitt	Dieleman
Dyrland	Egenes	Garrison	Gentleman
Gilloon	Halvorson	Hargrave	Hinkhouse
Hoffmann	Horn	Husak	Jesse
Jochum	Krewson	Lageschulte	Lindeen
Lipsky	Millen	Monroe	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pelton	Shimanek	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	West	Woods	Wulff

The nays were, 46:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Cochran	Conlon	Crabb	Cusack
Daggett	Danker	Den Herder	Doyle
Dunton	Evans	Fitzgerald	Gilson
Griffie	Hansen	Harbor	Harper
Higgins	Hines	Howell	Hullinger
Junker	Koogler	Krause	Lonergan
Menke	Miller, K.D.	Miller, O.L.	Pellett
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Spencer	Wells
		Wyckoff	Mr. Speaker (Small)

Absent or not voting, 6:

Clark, B.J.	Connors	Harvey	Middleswart
Newhard	Norland		

The motion, having failed to receive a constitutional majority, lost.

Welden of Hardin offered the following amendment H-3168 filed by him and Millen of Van Buren and moved its adoption:

H-3168

- 1 Amend House File 327 as follows:
- 2 1. Page 7, by inserting after line 32 the fol-
- 3 lowing section:

4 "Sec.— No funds appropriated in sections
5 five (5), six (6), eight (8) and eleven (11) of this
6 Act may be used to develop, operate or maintain any
7 vehicle race track or vehicle park outside the right—
8 of—way of the primary road system including, but not
9 limited to, motorcycle parks unless a specific appro—
10 priation is made for a particular project or category
11 of projects.

Amendment H—3168 was adopted.

Junker of Woodbury offered the following amendment H—3194
filed by him from the floor and moved its adoption:

H—3194

1 Amend House File 327 as follows:
2 1. Page 7, by inserting after line 32 the
3 following section:
4 "Sec.— No position, funded under this Act,
5 vacated by death, resignation, retirement, or
6 discharge for cause shall be filled unless the
7 department receives approval for such an action
8 from the executive council."

Amendment H—3194 was adopted.

Schroeder of Pottawattamie offered the following amendment
H—3181 filed by him from the floor:

H—3181

1 Amend House File 327 as follows:
2 1. Page 13, by inserting after line 16
3 the following:
4 "Sec.— Notwithstanding chapter nineteen
5 A (19A) of the Code, department and agency heads of
6 departments and agencies receiving funds appropriated
7 by this Act may place at least one employee, but not
8 more than two percent of all employees of the de—
9 partment or agency, on a probationary status by giving
10 an employee written notice of such action. The pro—
11 bationary status shall last not more than six months
12 from the time of receipt of the notice. Prior to or
13 at the end of the six—month period the employee may
14 be discharged, reduced in grade, returned to the

15 previous status, or increased in grade. Not later
16 than five months after receiving notice of the pro-
17 bationary status, the employee shall be informed
18 why the action of the agency or department head has
19 been taken and what the employee must do to main-
20 tain the present employment status or qualify for an
21 increase in grade.”
22 2. Renumber the sections in accordance with this
23 amendment.

Rinas of Linn rose on a point of order that amendment H-3181 was not germane.

The Speaker ruled the point well taken and amendment H-3181 not germane.

Schroeder of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H-3181.

A non-record roll call was requested.

The ayes were 35, nays 45.

The motion lost.

Byerly of Polk offered the following amendment H-3196 filed by him from the floor:

H-3196

1 Amend House File 327 as follows:
2 Page 7 after line 27 by adding the following:
3 “Sec. EMPLOYEE INCENTIVE PLAN.
4 1. Notwithstanding chapter nineteen A (19A) of
5 the Code, if an employee of the state department of
6 transportation retires and another person is not
7 employed to fill the position vacated because of
8 retirement, those persons who perform the functions
9 of the retiring employee shall be granted incentive
10 pay in the manner and subject to the conditions
11 provided in this section. The incentive pay equal
12 to one-half the total salary which the retiring
13 employee was receiving at the time of retirement shall

14 be paid equally to those who assume the work of the
15 retiring employee, and shall be paid from funds which
16 are available to the department because another person
17 is not hired to replace the retiring employee. The
18 remaining one-half of funds which become available
19 shall be deposited in the fund from which appropriated,
20 and the appropriation of the department which shall
21 be reduced by such amount.

22 2. Incentive pay shall not be part of salary
23 subject to chapter ninety-seven B (97B) of the Code
24 and shall not be computed as salary for determining
25 retirement benefits or matching funds for the purpose
26 of chapter ninety-seven B (97B) of the Code. However,
27 such amounts as may become available to an employee
28 under this section shall be considered as salary for
29 the purposes of computing any cost of living increases
30 which may be authorized by the general assembly.
31 Incentive pay shall not be computed as salary which
32 may be due because of overtime work.

33 3. A supervisory employee shall not be eligible
34 to receive incentive pay. Incentive pay shall not
35 be paid to any person unless two or more employees
36 present a petition to a supervisor or department head
37 asking to fill the vacancy resulting from retirement.
38 The incentive pay shall be reevaluated each year by
39 the immediate supervisor for the persons receiving
40 the incentive pay or by the head of the department
41 or division participating in the incentive pay program.

42 4. The provisions of this section shall become
43 effective July 1, 1977 and shall apply to the state
44 department of transportation commencing with such
45 date.

46 The director of the state department of
47 transportation shall develop guidelines and rules
48 pursuant to chapter seventeen A (17A) of the Code
49 to carry out the provisions of this section. The
50 director of the state department of transportation

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1 shall give notice to all employees of the department
2 who may be eligible for incentive pay of the fact
3 that they are eligible prior to initiating any action
4 to replace the position vacated."

Rinas of Linn rose on a point of order that amendment
H-3196 was not germane.

The Speaker ruled the point well taken and amendment H-3196 not germane.

Nielsen of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H-3196.

A non-record roll call was requested.

The ayes were 56, nays 33.

The motion prevailed and the rules were suspended.

Schroeder of Pottawattamie offered the following amendment H-3205, to amendment H-3196, filed by him from the floor:

H-3205

- 1 Amend amendment H-3196, to House File 327,
- 2 found on page 7, as follows:
- 3 1. Page 2, by inserting after line 4 the
- 4 following:
- 5 "Sec. Notwithstanding chapter nineteen
- 6 A (19A) of the Code, department and agency heads of
- 7 departments and agencies receiving funds appropriated
- 8 by this Act may place at least one employee, but not
- 9 more than two percent of all employees of the de-
- 10 partment or agency, on a probationary status by giving
- 11 an employee written notice of such action. The pro-
- 12 bationary status shall last not more than six months
- 13 from the time of receipt of the notice. Prior to or
- 14 at the end of the six-month period the employee may
- 15 be discharged, reduced in grade, returned to the
- 16 previous status, or increased in grade. Not later
- 17 than five months after receiving notice of the pro-
- 18 bationary status, the employee shall be informed
- 19 why the action of the agency or department head has
- 20 been taken and what the employee must do to main-
- 21 tain the present employment status or qualify for an
- 22 increase in grade."

Hines of Story rose on a point of order that amendment H-3205 was not germane.

The Speaker ruled the point not well taken and amendment H-3205 germane.

Schroeder of Pottawattamie moved the adoption of amendment H-3205, to amendment H-3196.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 28, nays 60.

Amendment H-3205 lost.

Action on amendment H-3196 was temporarily deferred.

Lipsky of Linn moved to reconsider the vote by which amendment H-3183 failed to be adopted by the House.

A non-record roll call was requested.

The ayes were 48, nays 40.

The motion prevailed and the House reconsidered amendment H-3183.

Schroeder of Pottawattamie moved the adoption of amendment H-3183.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 44, nays 45.

Amendment H-3183 lost.

Brunow of Appanoose moved to reconsider the vote by which amendment H-3178B was adopted by the House.

A non-record roll call was requested.

The ayes were 55, nays 30.

The motion prevailed and the House reconsidered amendment H-3178B.

Tauke of Dubuque moved the adoption of amendment H-3178B.

A non-record roll call was requested.

The ayes were 33, nays 52.

Amendment H-3178B lost.

Koogler of Mahaska offered the following amendment H-3197 filed by him from the floor and moved its adoption:

H-3197

- 1 Amend House File 327 as follows:
- 2 1. Page 7, by inserting after line 13 the
- 3 following:
- 4 "6. For the purpose of matching available
- 5 federal planning and construction funds to be
- 6 used in the planning and construction of the Iowa
- 7 segments of the Great River Road.....\$250,000".

A non-record roll call was requested.

The ayes were 76, nays 15.

Amendment H-3197 was adopted.

Brunow of Appanoose moved to reconsider the vote by which amendment H-3194 was adopted by the House.

A non-record roll call was requested.

The ayes were 53, nays 36.

The motion prevailed and the House reconsidered amendment H-3194.

Junker of Woodbury moved the adoption of amendment H-3194.

A non-record roll call was requested.

The ayes were 31, nays 50.

Amendment H-3194 lost.

The House resumed consideration of amendment H-3196.

Connors of Polk offered the following amendment H-3208, to amendment H-3196, filed by Connors, Hines and Pavich from the floor and moved its adoption:

H-3208

- 1 Amend amendment H-3196, to page 7 of House
- 2 File 327, as follows:
- 3 1. Page 1, by striking lines 22 through 30
- 4 and inserting in lieu thereof the following:
- 5 "2. Such amounts as may become available to
- 6 an employee under this section shall be considered
- 7 salary for the purposes of computing retirement
- 8 benefits under chapter ninety-seven B (97B) of the
- 9 Code, and any cost of living increases which may
- 10 be authorized by the General Assembly."

Roll call was requested by Branstad of Winnebago and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall amendment H-3208 be adopted?"

The ayes were, 39:

Anderson	Baker	Bina	Binneboese
Brandt	Byerly	Chiodo	Connors
Crawford	Cusack	Daggett	Davitt

Dieleman	Dunton	Dyrland	Fitzgerald
Garrison	Hansen	Higgins	Hines
Horn	Howell	Hullinger	Husak
Jochum	Lipsky	Nielsen	Norland
Patchett	Pavich	Pellett	Perkins
Poncy	Scheelhaase	Spear	Svoboda
Walter	Wells	Wulff	

The nays were, 52:

Bennett	Branstad	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Danker	Den Herder	Evans	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Harbor	Hargrave	Harper	Harvey
Hinkhouse	Hoffmann	Jesse	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Loneragan	Menke	Millen
Miller, K.D.	Miller, O.L.	Monroe	O'Halloran
Pelton	Rinas	Schneklath	Schroeder
Shimanek	Smalley	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Welden	West	Wyckoff	Mr. Speaker (Small)

Absent or not voting, 9:

Avenson	Cochran	Doyle	Egenes
Middleswart	Newhard	Oxley	Varley
Woods			

Amendment H-3208 lost.

Byerly of Polk moved the adoption of amendment H-3196.

Roll call was requested by Chiodo of Polk and Nielsen of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-3196 be adopted?"

The ayes were, 38:

Baker	Bennett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Daggett
Dieleman	Dyrland	Gentleman	Gilson

Halvorson	Hansen	Hines	Hoffmann
Horn	Husak	Jesse	Junker
Krewson	Lipsky	Miller, K.D.	Nielsen
Norland	Pellett	Perkins	Poncy
Schnekloth	Smalley	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Woods	Wulff		

The nays were, 57:

Anderson	Avenson	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Cochran	Connors	Crabb	Crawford
Cusack	Danker	Davitt	Den Herder
Doyle	Dunton	Evans	Fitzgerald
Garrison	Gilloon	Griffie	Harbor
Hargrave	Harper	Higgins	Hinkhouse
Howell	Hullinger	Jochum	Koogler
Krause	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, O.L.
Monroe	O'Halloran	Patchett	Pavich
Pelton	Rinas	Scheelhaase	Schroeder
Shimanek	Spear	Spencer	Stephens
Welden	Wells	West	Wyckoff
			Mr. Speaker (Small)

Absent or not voting, 5:

Egenes	Harvey	Newhard	Oxley
Stromer			

Amendment H—3196 lost.

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

On the question "Shall the bill pass?" (H.F. 327)

The ayes were, 81:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Clark, J.H.	Cochran
Conlon	Connors	Crawford	Cusack
Daggett	Davitt	Den Herder	Dieleman

Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harper	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Miller, K.D.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimanek	Spear	Spencer
Svoboda	Tauke	Thompson	Varley
Walter	Wells	Woods	Wyckoff
			Mr. Speaker
			(Small)

The nays were, 16:

Branstad	Brockett	Crabb	Danker
Harvey	Millen	Miller, O.L.	Pellett
Schroeder	Smalley	Stephens	Stromer
Tofte	Welden	West	Wulff

Absent or not voting, 3:

Clark, B.J.	Egenes	Newhard
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 327)

Rinas of Linn asked and received unanimous consent that House File 327 be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

STEVEN C. CROSS, Secretary

INTRODUCTION OF BILLS

HOUSE FILE 333, by Woods and Smalley, a bill for an act to protect music copyright users and providing a penalty.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 334, by Halvorson, a bill for an act relating to tort actions resulting from the manufacture or sale of products.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 335, by Hullinger, a bill for an act relating to the registration of vehicles owned and used exclusively for activities for churches and religious organizations.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 336, by Harper, Tauke, Conlon, Brockett, Doyle, Evans, Nielsen, Schroeder, Rinas, Dyrland, Smalley, Hines, Bina, Small, Wells, Hoffmann and Shimanek, a bill for an act to provide maximum statute of limitations for actions for injuries arising out of improvements to real property.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 337, by Wells, a bill for an act relating to the official nickname of the state of Iowa.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 338, by Daggett, a bill for an act to provide that

corporations organized under chapter four hundred ninety-one (491) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 339, by Baker, a bill for an act relating to the share of the decedent's estate passing to the surviving spouse under intestate succession.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 340, by Lipsky, a bill for an act authorizing the enactment of anti-noise ordinances for motor vehicles.

Read first time and referred to committee on ENERGY.

HOUSE FILE 341, by Stromer, Harbor and West, a bill for an act relating to the requirement for unemployment compensation that an individual actively be seeking work.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 342, by Smalley, a bill for an act to provide for an income tax deduction for tuition.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 343, by Anderson, a bill for an act defining the failure to use a seat belt or a motorcycle helmet as contributory negligence.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 344, by Schroeder, a bill for an act relating to attaching portions of a school district to adjoining school districts.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 345, by Higgins, a bill for an act to appropriate funds to the department of social services for the purpose of making state supplementary assistance payments to certain federal supplementary security income recipients and their dependents, who have not previously received such state payments.

Read first time and referred to committee on BUDGET.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 194 Budget

Appropriating funds to the Iowa beer and liquor control department for capital improvements.

S. B. 195 Budget

Relating to and appropriating funds to various regulatory and finance agencies and departments.

S. B. 196 State Government

To allow a school district to appoint as secretary of the school board a person who is also an employee of the board.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on amendment H-3155B to House File 330. Had I been present I would have voted "aye".

THOMPSON of Polk

I was necessarily absent from the House chamber when the vote on amendment H-3177 to House File 327 was taken. Had I been present I would have voted "nay".

O'HALLORAN of Black Hawk

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Scheduled: 3:30 p.m., March 7, 1977

Convened: 5:06 p.m.

Adjourned: 5:09 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan and Schroeder.

Absent: Dyrland, Garrison, Miller of Buchanan and Tofte.

Excused: Cusack and Newhard.

Disbursed into subcommittees.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 5:07 p.m., March 7, 1977

Convened: 5:07 p.m.

Adjourned: 5:43 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Horn, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Hines (arrived 5:13 p.m.) and Small (arrived 5:13 p.m.)

Discussion of amendments to Study Bill 32.

AMENDMENTS FILED

H-3174	Report of the Committee on Ethics	Howell of Floyd
H-3175	Report of the Committee on Ethics	Monroe of Des Moines
H-3182	Ethics Committee Report on Lobbyists	Dyrland of Clayton Tauke of Dubuque
H-3185	Report of the Committee on Ethics	Miller of Buchanan
H-3187	Report of the Committee on Ethics	Evans of Grundy Brockett of Marshall
H-3189	Report of the Committee on Ethics	Schnekloth of Scott
H-3190	Report of the Committee on Ethics	Howell of Floyd
H-3191	Report of the Committee on Ethics	Hines of Story Tauke of Dubuque Rinas of Linn Crawford of Story Lonergan of Boone Evans of Grundy O'Halloran of Black Hawk Thompson of Polk Egenes of Story Cusack of Scott Jochum of Dubuque Svoboda of Iowa Gentleman of Polk Krewson of Polk Pelton of Clinton

		Shimanek of Jones Smalley of Polk Krause of Kossuth
H-3193	Report of the Committee on Ethics	Lipsky of Linn Crawford of Story
H-3195	Report of the Committee on Ethics	Lipsky of Linn Crawford of Story
H-3198	H.F. 210	Stromer of Hancock
H-3199	H.F. 210	Harvey of Scott Tauke of Dubuque Clark of Lee
H-3200	H.F. 210	Bennett of Ida
H-3201	H.F. 210	Miller of Buchanan
H-3202	H.F. 210	Harvey of Scott Hinkhouse of Cedar Schnekloth of Scott Baker of Buena Vista Woods of Polk Byerly of Polk Tauke of Dubuque Miller of Buchanan Shimanek of Jones
H-3203	H.F. 210	Lipsky of Linn Bina of Scott
H-3204	H.F. 210	Lipsky of Linn Tauke of Dubuque Wulff of Black Hawk Rinas of Linn Bina of Scott Wells of Linn Connors of Polk Thompson of Polk
H-3206	H.F. 210	Lipsky of Linn Bina of Scott Thompson of Polk
H-3207	H.F. 210	Harvey of Scott
H-3211	Report of the Committee on Ethics	Welden of Hardin

		Harper of Davis
		Gentleman of Polk
H-3212	Report of the	
	Committee on Ethics	Tauke of Dubuque
H-3213	H.F. 210	Horn of Linn
H-3214	H.F. 277	Baker of Buena Vista
		Avenson of Fayette
H-3215	H.F. 328	Monroe of Des Moines
H-3216	H.F. 210	Howell of Floyd
H-3217	H.F. 41	Brandt of Black Hawk
		Hullinger of Decatur

On motion by Fitzgerald of Webster the House adjourned at 5:13 p.m. until 10:00 a.m., Wednesday March 9, 1977.

JOURNAL OF THE HOUSE

Fifty—ninth Calendar Day -- Forty—second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 9, 1977

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

Prayer was offered by the Reverend Frank Chiodo, pastor of the Christ the King. Catholic Church, Des Moines, Iowa.

The Journal of Tuesday, March 8, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Gary, Cherokee, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rinas of Linn on request of Krause of Kossuth.

PRESENTATION OF VISITORS

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

Fifty seniors from Stuart—Menlo Community School, Stuart, Iowa, accompanied by Chris Samuelson and Dave Fry. By Varley of Adair.

Twenty—three seventh and eighth grade students from Immanuel Lutheran School, Waterloo, Iowa, accompanied by Mr. Barkhau. By Brandt of Black Hawk, Garrison of Black Hawk and Wulff of Black Hawk.

INTRODUCTION OF BILLS

HOUSE FILE 346, by Wyckoff, Halvorson, West and Harbor, a bill for an act making computers and related types of equipment personal property for purposes of property taxation.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 347, by Bina, a bill for an act to provide property tax relief by providing a reimbursement for property taxes paid and rent constituting property taxes paid for certain property owners, providing a penalty, and making an appropriation.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 348, by Crawford, a bill for an act relating to meetings open to the public and providing penalties.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 349, by Tauke, a bill for an act amending the accommodation provision of the criminal code.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 350, by Howell, a bill for an act relating to easements acquired for the construction of electric transmission lines and pipelines and providing a penalty.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 351, by Newhard, a bill for an act to clarify and further define "licensed premises" or "premises"; to remove the restriction that the Iowa beer and liquor control department's headquarters and principal place of business be located only in the

city of Des Moines; to prevent premises on which a liquor control license or beer permit has been suspended from being relicensed within a designated period of time; to prohibit a person holding a liquor control license or beer permit from permitting or engaging in illegal activities on the licensed premises; and to remove the restriction that a retail beer permittee can own only one class of retail beer permit.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 352, by Schroeder and Danker, a bill for an act to make the public indecent exposure provision of the criminal code revision immediately effective and providing a penalty.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 353, by Brandt, a bill for an act making it an unfair or deceptive practice for certain insurance companies to deny to issue disability income coverage to homemakers and providing guidelines for inclusion in such insurance policies.

Read first time and referred to committee on COMMERCE.

SENATE MESSAGES CONSIDERED

SENATE FILE 149, a bill for an act relating to mandatory wage assignment in child support orders.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE FILE 158, a bill for an act to amend or revise certain Code sections affected by the repeal of former chapter two hundred fifty-four (254) of the Code.

Read first time and referred to committee on COUNTY GOVERNMENT.

SENATE FILE 163, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

Read first time and PASSED ON FILE.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 154, a bill for an act abolishing the office of city assessor and city conference boards within six years.

Also: That the Senate has on March 7, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 159, a bill for an act relating to the membership of Iowa law enforcement academy council.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Fitzgerald of Webster asked and received unanimous consent to take up out of order House File 228.

Regular Calendar

House File 228, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law was taken up for consideration.

Koogler of Mahaska offered the following amendment H-3146 filed by him and moved its adoption:

H-3146

- 1 Amend House File 228 as follows:
- 2 1. Page 2, line 11, by striking the word

- 3 "of" and inserting in lieu thereof the following:
 4 "prior to".

Amendment H-3146 was adopted.

Husak of Tama offered the following amendment H-3090 filed by him and Pellett of Cass and moved its adoption:

H-3090

- 1 Amend House File 228 as follows:
 2 1. Page 3, line 30, by striking the words
 3 "the leasing of bulls or".

Amendment H-3090 was adopted.

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

On the question "Shall the bill pass?" (H.F. 228)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B. J.	Clark, J. H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklloth	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Schroeder

Absent or not voting, 8:

Egenes
Nielsen

Gilloon
Rinas

Jesse
Small

Krewson
Woods

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

CONSIDERATION OF REPORTS OF THE COMMITTEE ON ETHICS

Harper of Davis called up for consideration the reports of the committee on ethics filed on February 10, 1977 and found on pages 346 and 347 of the House Journal (with report of committee recommending amendment and passage) and filed on March 1, 1977 and found on pages 543 through 547 of the House Journal.

Gentleman of Polk offered amendment H-3071 filed by the committee on ethics on February 24, 1977 and found on pages 496 and 497 of the House Journal.

Conlon of Polk asked for unanimous consent to amend amendment H-3071 by adding after the word "foundation" on line 18 and after "tion" on line 28 the following: ", governmental unit or agency".

Objection was raised.

Fitzgerald of Webster moved the previous question on the reports of the committee on ethics (relating to the House code of ethics and lobbyist rules), with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 54, nays 33.

The motion prevailed.

Conlon of Muscatine offered the following amendment H-3221, to the committee amendment H-3071, filed by him from the floor and moved its adoption:

H-3221

- 1 Amend amendment H-3071 to the Report of the
- 2 Committee on Ethics, found on page 346 of the
- 3 House Journal, as follows:
- 4 1. Page 1, line 18, by inserting after the word
- 5 "foundation" the following: ", governmental unit
- 6 or agency".
- 7 2. Page 1, line 28, by inserting after the word
- 8 "organization" the words "governmental unit or
- 9 agency".

A non-record roll call was requested.

The ayes were 63, nays 27.

Amendment H-3221 was adopted.

Hullinger of Decatur offered the following amendment H-3223, to the committee amendment H-3071, filed by him from the floor:

H-3223

- 1 Amend amendment H-3071 to the Report of the
- 2 Committee on Ethics, found on page 346 of the
- 3 House Journal, as follows:
- 4 1. Page 1, by inserting after line 47 the
- 5 following paragraph:
- 6 "If any member of the General Assembly is found to
- 7 be in violation of any section of the Code of
- 8 Ethics, the Ethics Committee shall forward a
- 9 report of such violation to the Attorney General's
- 10 office. The Attorney General shall immediately
- 11 proceed under chapter 66.1 of the Code, and the

- 12 Ethics Committee Report shall be considered prima
 13 facie evidence of misconduct as found in chapter
 14 66.1, subsection 2, of the Code."

Junker of Woodbury moved that amendment H-3223 be tabled.

A non-record roll call was requested.

The ayes were 31, nays 55.

The motion lost.

Hullinger of Decatur moved the adoption of amendment H-3223.

Roll call was requested by Hullinger of Decatur and Scheelhaase of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3223 be adopted?"

The ayes were, 46:

Baker	Bennett	Binneboese	Brandt
Branstad	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Connors	Crabb	Daggett
Danker	Dieleman	Doyle	Dunton
Gilloon	Gilson	Halvorson	Harbor
Hargrave	Harper	Harvey	Hinkhouse
Horn	Hullinger	Husak	Junker
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Nielsen	Oxley	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Smalley
Spencer	Tofte	Welden	Wells
Wulff	Wyckoff		

The nays were, 47:

Anderson	Avenson	Bina	Brockett
Brunow	Conlon	Crawford	Cusack
Davitt	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Griffie
Hansen	Higgins	Hines	Hoffmann
Howell	Jesse	Jochum	Koogler

Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Monroe
Newhard	O'Halloran	Patchett	Pavich
Schnekloth	Shimanek	Small	Spear
Stephens	Svoboda	Tauke	Thompson
Varley	Walter	Mr. Speaker	

Absent or not voting, 7:

Den Herder	Norland	Rinas	Schroeder
Stromer	West	Woods	

Amendment H-3223 lost.

(House Code of Ethics and amendment H-3071 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

Dyrland of Clayton presented to the House the Honorable Maurice Hennessey, former member of the House during the Sixty-fifth and Sixty-sixth General Assemblies representing Delaware, Dubuque, Jackson and Jones Counties.

Avenson of Fayette presented to the House the Honorable Harold McCormick, former member of the House during the Sixty-third, Sixty-fourth and Sixty-fifth General Assemblies representing Delaware County.

INTRODUCTION OF BILLS

HOUSE FILE 354, by committee on human resources, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile,

analyze and annually report upon the data so submitted and providing sanctions against violations.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 355, by Wyckoff, a bill for an act relating to the disposition of certain abandoned railroad right-of-way.

Read first time and referred to committee on TRANSPORTATION.

SENATE MESSAGE CONSIDERED

SENATE FILE 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

Read first time and referred to committee on COUNTY GOVERNMENT.

REREFERRED TO COMMITTEE ON TRANSPORTATION (House File 340)

The Speaker announced that House File 340, previously referred to the committee on energy, was rereferred to the committee on transportation.

BUSINESS PENDING

The House resumed consideration of the reports of the committee on ethics and amendment H-3071 as amended filed by the committee on ethics.

Gentleman of Polk asked for unanimous consent to amend amendment H-3071 by adding the words "the representative," on line 20.

Objection was raised.

Gentleman of Polk moved that the rules be suspended to amend amendment H-3071 by adding the words "the representative," on line 20.

Roll call was requested by Harbor of Mills and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 34:

Brandt	Branstad	Clark, B. J.	Clark, J. H.
Conlon	Connors	Crawford	Dyrland
Egenes	Evans	Gentleman	Gilloon
Halvorson	Harvey	Higgins	Hines
Hoffmann	Howell	Jesse	Jochum
Krause	Krewson	Lipsky	Monroe
O'Halloran	Patchett	Pelton	Small
Spear	Stephens	Svoboda	Tauke
Thompson	Varley		

The nays were, 63:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brockett	Brunow
Byerly	Chiodo	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Fitzgerald	Garrison
Gilson	Griffie	Hansen	Harbor
Hargrave	Harper	Hinkhouse	Horn
Hullinger	Husak	Junker	Koogler
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Newhard	Nielsen	Norland	Oxley
Pavich	Perkins	Poncy	Scheelhaase
Schneklloth	Schroeder	Shimanek	Smalley
Spencer	Stromer	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

Absent or not voting, 3:

Den Herder	Pellett	Rinas
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The motion lost.

Tauke of Dubuque asked for unanimous consent to amend amendment H-3071 by striking lines 16 through 23.

Objection was raised.

Gentleman of Polk moved the adoption of amendment H-3071, as amended.

Roll call was requested by Crabb of Crawford and Wyckoff of Benton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3071, as amended, be adopted?"

The ayes were, 33:

Avenson	Brandt	Byerly	Clark, B.J.
Conlon	Crawford	Cusack	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Giloon	Higgins	Hines	Hoffmann
Howell	Jesse	Jochum	Krause
Krewson	Lipsky	Monroe	Norland
O'Halloran	Patchett	Poncy	Small
Spear	Svoboda	Thompson	Varley
Wulff			

The nays were, 65:

Anderson	Baker	Bennett	Bina
Binneboese	Branstad	Brockett	Brunow
Chiodo	Clark, J.H.	Connors	Crabb
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Garrison
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Hinkhouse
Horn	Hullinger	Husak	Junker
Koogler	Lageschulte	Lindeen	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Newhard	Nielsen	Oxley
Pavich	Pellett	Pelton	Perkins
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spencer	Stephens	Stromer
Tauke	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
			Mr. Speaker

Absent or not voting, 2:

Griffee	Rinas
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Amendment H-3071, as amended, lost.

Schroeder of Pottawattamie offered the following amendment H-3164 filed by him and moved its adoption:

H-3164

- 1 Amend the House Code of Ethics as found on
- 2 page 346 of the House Journal as follows:
- 3 1. Page 1, by striking lines 25, 26 and
- 4 27 and inserting in lieu thereof the following:
- 5 "in any representation case. Whenever a
- 6 member of the House appears".

Amendment H-3164 was adopted.

Evans of Grundy offered the following amendment H-3187 filed by him and Brockett of Marshall and moved its adoption:

H-3187

- 1 Amend the report of the Committee on Ethics
- 2 found on page 346 of the House Journal as follows:
- 3 1. Page 2, by inserting after line 21 the follow-
- 4 ing:
- 5 "— A member shall not knowingly fail to inform
- 6 the House of the major effects of a bill, or amend-
- 7 ment, under consideration."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 34, nays 58.

Amendment H-3187 lost.

Howell of Floyd offered the following amendment H-3220 filed by him from the floor:

H-3220

1 Amend the House Code of Ethics, found on
2 page 346 of the House journal, as follows:

3 1. Page 2, by striking lines 22 through 24,
4 and inserting in lieu thereof the following:

5 "6. Each legislator shall file with the office
6 of the chief clerk of the house within ten days
7 after the adoption of this paragraph to the House
8 Code of Ethics, a statement providing the follow-
9 ing information:

10 1. The nature of the major sources of income
11 for each legislator. (other than legislative
12 salaries, expenses and per diem)

13 2. The general nature of all other major
14 investments.

15 3. All offices and directorships held with
16 the following exceptions:

17 a. religious organizations

18 b. fraternal organizations

19 c. service organizations

20 Disclosures required under these rules shall
21 be as of the date filed unless provided to the
22 contrary, and shall be amended to include interests
23 and changes encompassed by this rule that occur
24 while the General Assembly is in session. All
25 filings under this rule shall be open to public
26 inspection in the office of the chief clerk. The
27 chief clerk shall inform the ethics committee of
28 the statements which are filed and shall report
29 to the ethics committee the names of any members
30 who appear not to have filed complete statements.

Harper of Davis rose on a point of order that amendment H-3220 was not germane.

The Speaker ruled the point not well taken and amendment H-3220 germane.

Howell of Floyd moved the adoption of amendment H-3220.

Roll call was requested by Svoboda of Iowa and Gilloon of Dubuque.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3220 be adopted?"

The ayes were, 47:

Anderson	Avenson	Binneboese	Brandt
Branstad	Brunow	Byerly	Clark, B. J.
Clark, J. H.	Conlon	Crawford	Cusack
Dieleman	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Harvey	Higgins	Hines	Hoffmann
Howell	Jesse	Jochum	Krause
Krewson	Lipsky	Loneragan	Miller, O. L.
Monroe	Norland	O'Halloran	Patchett
Pelton	Perkins	Poncy	Shimanek
Small	Spear	Svoboda	Tauke
Thompson	Varley	Wulff	

The nays were, 51:

Baker	Bennett	Bina	Brockett
Chiado	Connors	Crabb	Daggett
Danker	Davitt	Den Herder	Doyle
Dunton	Garrison	Halvorson	Hansen
Harbor	Hargrave	Harper	Hinkhouse
Horn	Hullinger	Husak	Junker
Koogler	Lageschulte	Lindeen	Menke
Middleswart	Millen	Miller, K. D.	Newhard
Nielsen	Oxley	Pavich	Pellett
Scheelhaase	Schneklath	Schroeder	Smalley
Spencer	Stephens	Stromer	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 2:

Griffee Rinas

Amendment H-3220 lost.

Lipsky of Linn offered amendment H-3193 filed by her and Crawford of Story and requested division as follows:

H-3193

- 1 Amend the report of the Committee on Ethics,
- 2 found on page 346 of the House Journal as follows:

H-3193A

- 3 1. Page 2, by striking lines 28 through 35 and
- 4 page 3, lines 1 through 3, and inserting the following:
- 5 "8. Each representative shall file, each month of
- 6 the year, by the twentieth day of the month, with
- 7 the Chief Clerk of the House a report of all items
- 8 or services in excess of five dollars which he or
- 9 she received during the preceding month from a
- 10 lobbyist, or the individual, organization, corpor-
- 11 ation, or cause represented by that lobbyist. This
- 12 filing shall include the date each was received,
- 13 the name of the lobbyist, and the cause represented
- 14 by the lobbyist. The types of items or services may
- 15 include, but shall not be limited to: food and
- 16 refreshments, entertainment, travel, material goods,
- 17 and contributions to the representative's political
- 18 campaign. It shall not be necessary to affix a
- 19 monetary value to each listing.
- 20 9. The Chief Clerk of the House shall submit,
- 21 each month of the year, by the twenty-fifth day of
- 22 that month, to the House ethics committee a list of
- 23 the lobbyists and representatives who appear to have
- 24 failed to file the reports required by rule nine (9)
- 25 of the House Code of Ethics and rule four (4) of the
- 26 House Lobbyist Rules. The House ethics committee
- 27 may require, on its own motion, any lobbyist or
- 28 representative who appears to have failed to file a
- 29 report or who appears to have filed an incomplete
- 30 or inaccurate report to appear before the committee
- 31 to explain the failure to file said report or the
- 32 incomplete or inaccurate report.

H-3193B

- 33 10. Any member of the general assembly may file a
- 34 complaint against a lobbyist or a representative
- 35 alleging violation of law, the House Code of Ethics,
- 36 or the House Lobbyist Rules. The complaint shall be
- 37 in writing, made under oath, and filed with the Chief
- 38 Clerk of the House. The Chief Clerk of the House
- 39 promptly shall transmit the complaint to the chair-

40 man of the House ethics committee, who promptly shall
41 convene that committee to consider the complaint.
42 If the ethics committee determines that the
43 complaint sets out an apparent violation of law, the
44 House Code of Ethics, or the House Lobbyist Rules,
45 it shall set the matter for hearing, and then notify
46 the accused of his or her rights to appear in person,
47 to be represented by counsel, and to cross-examine
48 witnesses. The committee shall hold a hearing,
49 consider all relevant evidence, and make the recomen-
50 dation to the house. Violation of the House

Page 2

1 Lobbyist Rules may result in the suspension of a
2 lobbyist if directed by a two-thirds (2/3) vote of
3 the house in accordance with section 68B.10 of the Code.
4 11. The House ethics committee is authorized to
5 meet during the time the general assembly is not in
6 session to conduct hearings and other business that
7 properly may come before it. If the committee sub-
8 mits a report seeking house action against a lobby-
9 ist after the second regular session has adjourned
10 *sine die*, said report shall be submitted to and
11 considered by the subsequent general assembly.

H-3193C

12 12. All statements and reports under these rules
13 shall be public records open to public inspection
14 at all reasonable times."

Hines of Story asked for unanimous consent to substitute amendment H-3191 for amendment H-3193A.

Objection was raised.

Hines of Story asked for unanimous consent to defer action on amendment H-3193A.

Objection was raised.

Hines of Story moved to defer action on amendment H-3193A.

The motion lost.

Lipsky of Linn moved the adoption of amendment H-3193A.

Roll call was requested by Lipsky of Linn and Harbor of Mills.

On the question "Shall amendment H-3193A be adopted?"

The ayes were, 28:

Brandt	Branstad	Byerly	Clark, B. J.
Clark, J. H.	Conlon	Crawford	Daggett
Egenes	Evans	Gentleman	Gilloon
Higgins	Hines	Hoffmann	Jochum
Krause	Krewson	Lipsky	Monroe
O'Halloran	Patchett	Shimaneck	Spear
Tauke	Thompson	Varley	Wulff

The nays were, 68:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brockett	Brunow
Chiodo	Connors	Crabb	Cusack
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Hinkhouse	Horn	Howell	Husak
Jesse	Junker	Koogler	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K. D.	Newhard	Nielsen
Norland	Oxley	Pavich	Pellet
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Schroeder	Small	Smalley
Spencer	Stephens	Stromer	Svoboda
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 4:

Griffee	Hullinger	Miller, O. L.	Rinas
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Amendment H-3193A lost.

Lipsky of Linn moved the adoption of amendment H-3193B.

Amendment H-3193B lost.

Lipsky of Linn moved the adoption of amendment H-3193C.

Roll call was requested by Lipsky of Linn and Hines of Story.

On the question "Shall amendment H-3193C be adopted?"

The ayes were, 47:

Anderson	Avenson	Bina	Brandt
Branstad	Brockett	Byerly	Clark, B. J.
Clark, J. H.	Conlon	Crawford	Cusack
Daggett	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilson	Halvorson
Harvey	Higgins	Hines	Hoffmann
Howell	Jochum	Junker	Koogler
Krewson	Lageschulte	Lipsky	O'Halloran
Patchett	Pelton	Perkins	Poncy
Shimanek	Small	Spear	Spencer
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	Wulff	

The nays were, 48:

Baker	Bennett	Binneboese	Brunow
Connors	Crabb	Danker	Davitt
Den Herder	Dieleman	Dunton	Garrison
Gilloon	Hansen	Harbor	Hargrave
Harper	Hinkhouse	Horn	Hullinger
Husak	Jesse	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Pellett
Scheelhaase	Schnekloth	Schroeder	Smalley
Stephens	Stromer	Walter	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 5:

Chiodo	Doyle	Griffie	Krause
Rinas			

Amendment H-3193C lost.

Bennett of Ida offered the following amendment H-3218 filed by him from the floor:

H-3218

- 1 Amend the Report of the Committee on Ethics,
- 2 found on page 346 of the House Journal, by adding
- 3 the following new paragraph:
- 4 "No member shall accept expense money for
- 5 authorized legislative business unless that
- 6 authorization is approved by the legislative
- 7 council or by House Resolution."

Junker of Woodbury offered the following amendment H-3219, to amendment H-3218, filed by him from the floor and asked and received unanimous consent that it be withdrawn:

H-3219

- 1 Amend amendment H-3218 to the Report of the
- 2 Committee on Ethics, found on page 346 of the
- 3 House Journal, as follows:
- 4 1. Page 1, by striking all of lines 4
- 5 through 7 and inserting in lieu thereof the
- 6 following:
- 7 "No member shall receive any expense money
- 8 from the state for legislative business conducted
- 9 outside of Iowa unless such expense money is
- 10 approved by House Resolution."

Bennett of Ida moved the adoption of amendment H-3218.

Roll call was requested by Pelton of Clinton and Conlon of Muscatine.

On the question "Shall amendment H-3218 be adopted?"

The ayes were, 33:

Bennett	Branstad	Brockett	Clark, B. J.
Clark, J. H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Hansen	Harvey	Hines	Hoffmann
Junker	Krewson	Lageschulte	Lindeen
Newhard	Pellett	Pelton	Schnekloth
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Varley	West
Wulff			

The nays were, 62:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Connors	Cusack	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Harbor	Hargrave
Harper	Higgins	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Koogler	Krause	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Monroe	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Scheelhaase	Schroeder
Small	Spear	Spencer	Svoboda
Walter	Welden	Wells	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 5:

Chiodo	Griffee	Jesse	Rinas
Tofte			

Amendment H-3218 lost.

Harper of Davis moved the adoption of the House Code of Ethics, as amended.

A non-record roll call was requested.

The ayes were 83, nays 12.

The motion prevailed and the House Code of Ethics was adopted, as amended.

LOBBYIST RULES

Tauke of Dubuque offered the following amendment H-3171 filed by him:

H-3171

1 Amend the Report of the Committee on Ethics, filed
2 March 1, 1977, as follows:

3 1. Page 1, by striking lines 3 through 35.

4 2. By striking pages 2 through 5 and inserting
5 in lieu thereof the following:

6 "1. For the purposes of these rules "lobbyist"
7 is defined as a person who:

8 a. Is paid compensation for encouraging the
9 passage, defeat, or modification of legislation; or

10 b. Expends money under paragraph one (1) of rule
11 eleven (11) of these rules in an attempt to encourage
12 the passage, defeat or modification of legislation;
13 or

14 c. Represents on a regular basis an organization
15 which has as one of its purposes the encouragement
16 of the passage, defeat, or modification of legislation;
17 or

18 d. Is a federal, state, or local government
19 official or employee representing the official position
20 of his or her department, commission, board, or agency
21 and who attempts to encourage the passage, defeat,
22 or modification of legislation.

23 2. The term "lobbyist" shall not include within
24 its definition:

25 a. Officials and employees of a political party
26 organized in the state of Iowa representing more than
27 two percent of the total votes cast for governor in
28 the last preceding general election, but only when
29 representing the political party in an official
30 capacity.

31 b. Representatives of the news media engaged
32 only in the reporting and dissemination of news and
33 editorials.

34 c. Persons requested or required to provide
35 information to a member of the house or to appear
36 before a house committee and who do not actively
37 encourage the passage, defeat, or modification of
38 legislation.

39 d. The governor and lieutenant governor of the
40 state of Iowa, and all other elected state officials.

41 e. Persons who exclusively represent their own
42 interests (as distinguished from the interests of
43 a group, employer, or organization), provided they
44 are neither compensated by anyone for lobbying nor
45 do they incur any reportable expenditures under
46 paragraph one (1) of rule eleven (11) of these rules.

47 3. For purposes of these rules "organization"

48 is defined as a group of people, corporation,
49 governmental subdivision or agency, business trust,
50 estate, trust, partnership, association, or other

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1 entity which encourages the passage, defeat, or
2 modification of legislation and is represented by
3 a registered lobbyist.

4 4. These rules are applicable to lobbying
5 activities involving only the Iowa house of
6 representatives.

7 5. All lobbyists who will make reportable
8 expenditures while lobbying shall, on or before the
9 day their lobbying activity begins, register with
10 the clerk of the house by filing a lobbyist
11 registration statement listing:

12 a. Name, permanent business address, temporary
13 residential and business address in Polk County during
14 the legislative session, and telephone numbers. If
15 two or more lobbyists are associated together or
16 consistently work together in all their lobbying,
17 then they may file a joint registration. The name,
18 permanent business address, temporary residential
19 and business address in Polk County during the
20 legislative session, and telephone numbers of all
21 persons included in the joint registration shall be
22 listed. If a joint registration is filed, then all
23 reports filed pursuant to this Resolution, shall
24 include the activities of all the lobbyists in the
25 joint registration but those activities attributable
26 to each joint registrant need not be disclosed on
27 the reports.

28 b. The name and address of all individuals,
29 companies, firms, corporations, unions, associations
30 or causes for which he or she lobbies.

31 c. The general subjects of legislation in which
32 the lobbyist is or may be interested, the number of
33 the bills and resolutions (if known) which will be
34 lobbied, and whether the lobbyist intends to lobby
35 for or against each bill (if known). If the lobbyist
36 represents more than one person or organization,
37 the lobbyist shall list which organization the lobby-
38 ist represents on each general subject of legislation,
39 bill, or resolution.

40 d. The remuneration, including lobbying fees and
41 all lobbying expenses, expected to be paid during
42 the calendar year by each organization to retain and
43 support the services of the lobbyist to encourage

44 the passage, defeat, or modification of legislation.
45 e. Whether the lobbyist is a person defined in
46 subparagraph (a), (b), (c), or (d) of rule one (1)
47 of these rules.

48 Any change in or addition to the foregoing
49 information shall be registered with the chief clerk
50 of the house within ten days after the change or

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1 addition is known to the lobbyist.

2 6. All lobbyists who will not make reportable
3 expenditures while lobbying shall, on or before the
4 day their lobbying activity begins, register with
5 the chief clerk of the house by filing a lobbyist
6 registration statement listing the same information
7 stated in rule five (5) of these rules. Lobbyists
8 registering under this rule shall also subscribe to
9 a statement that they have read and understand the
10 rules of the house regarding reportable lobbying
11 expenditures and that they will not incur any such
12 expenditures during the year.

13 If a lobbyist subsequently wishes to make
14 expenditures, the lobbyist may cancel the registration
15 under this rule and refile under rule five (5) of
16 these rules. No monthly reports are required of
17 lobbyists registering under this rule. It is a
18 violation of this rule for a lobbyist to make
19 reportable expenditures while registered under this
20 rule.

21 7. All federal, state, and local officials or
22 employees representing the official position of their
23 departments, commissions, boards or agencies shall
24 present to the chief clerk of the house a letter of
25 authorization from their department or agency heads
26 prior to the commencement of their lobbying. The
27 lobbyist registration statement of such officials
28 and employees shall not be deemed complete until the
29 letter of authorization is attached thereto.

30 8. Federal, state, and local officials who wish
31 to lobby in opposition to the official position of
32 their departments, commissions, boards or agencies
33 must indicate such on their lobbyist registration
34 statements.

35 9. No fee or bonus paid any lobbyist shall be
36 contingent wholly or in part upon the action taken
37 or not taken by the house or any member, subcommittee,
38 or committee of the house on any legislative matter.

39 10. Each month of the year, by the twentieth day

40 of that month, separately or jointly registered
41 lobbyists registered under rule five (5) of these
42 rules who have made no reportable expenditures during
43 the month shall file with the chief clerk of the house
44 a report consisting of a simple form stating that
45 no reportable expenditures were incurred during the
46 preceding calendar month.

47 11. Each month of the year, by the twentieth day
48 of that month, separately or jointly registered
49 lobbyists who have made reportable expenditures shall
50 file a monthly report with the chief clerk of the

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1 house concerning their lobbying activities during
2 the preceding calendar month which includes the
3 following:

4 a. The monthly report shall list the totals of
5 all expenditures, excluding expenditures reported
6 under rule twelve (12) or thirteen (13) of these
7 rules, made or incurred by the lobbyist and his or
8 her employer or employers (if the amounts attributable
9 to the employer or employers are known or readily
10 available) expended directly upon the members of the
11 house, collectively, in the performance of lobbying
12 service during the period covered.

13 b. The report shall list the names of each house
14 member or house candidate for whom an amount in excess
15 of twenty-five dollars was expended directly during
16 the preceding month and list such total. The report
17 shall also list the names of the house members or
18 house candidates for whom amounts in excess of fifty
19 dollars were expended on the member and his or her
20 immediate family or the candidate and his or her
21 immediate family during the preceding month and list
22 such totals.

23 c. If a lobbyist represents more than one employer
24 and all employers did not contribute equally to the
25 expenditures, the lobbyist shall, in addition to the
26 other reports required, also list each employer and
27 state their pro rata share.

28 12. Each month of the year, by the twentieth day
29 of that month, separately or jointly registered
30 lobbyists who have joined with other lobbyists in
31 any lobbying activity or shared or split a lobbying
32 expenditure with another lobbyist or lobbyists shall
33 file a report with the chief clerk of the house
34 concerning such matters during the preceding calendar
35 month. The report shall:

- 36 a. Identify by name, address and phone number
37 all lobbyists joining in any lobbying activity or
38 sharing or splitting a lobbying expenditure.
39 b. List the number of the house members and house
40 candidates, upon whom the expenditure was made.
41 c. State the date and describe the purpose of
42 the expenditure.
43 d. State the total amount expended without dividing
44 it or averaging it either among the lobbyists or their
45 employers who joined in the lobbying activity or
46 shared or split the expenditure.
47 If the total amount expended when divided by the
48 number of house members or house candidates attending
49 exceeds fifteen dollars, the report shall also include
50 the names of the house members and house candidates

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- 1 upon whom the expenditure was made.
2 e. If a lobbyist represents more than one employer
3 and all employers did not contribute equally to the
4 expenditures, the lobbyist may, in addition to the
5 other reports required, also list each employer and
6 state their pro rata share.
7 f. Be signed by all the lobbyists joining the
8 activity or sharing the expenditure.
9 13. Each month of the year, by the twentieth day
10 of that month, separately or jointly registered
11 lobbyists who have made an expenditure for a gathering
12 at which all members of the general assembly or members
13 of the general assembly in large numbers are invited
14 shall file a report with the chief clerk of the house
15 concerning such gatherings during the preceding
16 calendar month. Lobbyists who join with other
17 lobbyists or share or split a lobbying expenditure
18 for such gathering shall report under rule twelve
19 (12) of these rules and not under this rule. The
20 report shall:
21 a. State the name, business address and phone
22 number of the lobbyist filing the report.
23 b. List the number of the house members or house
24 candidates who attended the gathering.
25 c. State the total amount expended upon the house
26 members, house candidates or their immediate families.
27 d. If the total amount expended when divided by
28 the number of house members or house candidates
29 attending exceeds fifteen dollars, the report shall
30 also include the names of the house members and house
31 candidates upon whom the expenditure was made.
32 e. If a lobbyist represents more than one employer

33 and all employers did not contribute equally to the
34 expenditures, the lobbyist may, in addition to the
35 other reports required, also list each employer and
36 state their pro rata share.

37 14. A lobbyist or lobbyists who can reasonably
38 expect that an amount will be expended by the lobbyist
39 or lobbyists on one occasion which will result in
40 an expenditure in excess of twenty-five dollars in
41 one calendar month cumulatively upon a house member,
42 a house member's spouse and a house member's
43 unemancipated minor children, shall notify the house
44 member of the expected expenditure before it is
45 expended. Upon notification, if the house member
46 agrees to reimburse the lobbyist either for the
47 expenditure or that portion of it in excess of twenty-
48 five dollars, to the extent of the agreed
49 reimbursement, the expenditure shall not be reportable
50 by the lobbyist, provided that the lobbyist is

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1 reimbursed prior to the date of filing the monthly
2 report required by these rules. The expenditure
3 amount of twenty-five dollars in this rule shall apply
4 to the lobbyist personally, notwithstanding the number
5 of organizations the lobbyist represents.

6 15. If a lobbyist's service on behalf of a
7 particular employer, client, or cause is concluded
8 prior to the end of the calendar year, the lobbyist
9 may cancel his or her registration on appropriate
10 forms supplied by the chief clerk of the house. Upon
11 cancellation of registration, a lobbyist is not
12 required to file monthly lobbyist activity reports,
13 but is prohibited from engaging in any lobbying
14 activity on behalf of that particular employer, client,
15 or cause until re-registering and complying with these
16 rules.

17 16. Any lobbyist who fails to file a monthly
18 lobbyist activity report as required by these rules
19 shall be deemed to have voluntarily canceled his or
20 her registration. The chief clerk of the house shall
21 notify the lobbyist of such cancellation. Such
22 lobbyist shall be prohibited from engaging in any
23 lobbying activity for the remainder of that calendar
24 year on behalf of any employer, client, or cause
25 without re-registering to lobby and filing all
26 delinquent reports.

27 17. Each person registered any time during the
28 calendar year pursuant to rule five (5) of these rules
29 shall file with the chief clerk of the house a year-

30 end report containing the unitemized total annual
31 expenditures related to lobbying for the previous
32 calendar year incurred by each individual, company,
33 firm, corporation, union, association or cause for
34 whom that person lobbies. Such unitemized total
35 required to be filed by this rule shall include, but
36 shall not be limited to:

37 a. The remuneration paid by the person or
38 organization to the lobbyist to retain the lobbyist's
39 services to encourage the passage, defeat, or
40 modification of legislation.

41 b. The expenses incurred to encourage the passage,
42 defeat or modification of legislation including:

- 43 1) food and refreshment,
 - 44 2) entertainment,
 - 45 3) travel for house members,
 - 46 4) recreation,
 - 47 5) lodging,
 - 48 6) advertisement, and
 - 49 7) postage and printing.
- 50 c. Other miscellaneous expenses not listed here

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1 but incurred to encourage the passage, defeat, or
2 modification of legislation.

3 The report required by this paragraph shall be
4 filed with the chief clerk of the house no later than
5 January twentieth of the year subsequent to the
6 calendar year which is reported.

7 18. Lobbyists and the organizations they represent
8 shall not allow any house members to charge any amounts
9 or items to any charge account to be paid for by those
10 lobbyists or by the organizations they represent.

11 19. A lobbyist, or an employer of a lobbyist,
12 shall not offer economic or investment opportunity
13 or promise of employment to any house member with
14 intent to influence his or her conduct in the
15 performance of official duties.

16 20. A lobbyist, or employer of a lobbyist, shall
17 not pay for membership in or contributions to clubs
18 or organizations on behalf of a house member.

19 21. The chief clerk of the house shall submit,
20 each month of the year, by the twenty-fifth day of
21 that month, to the house ethics committee a list of
22 the lobbyists and house members who appear to have
23 failed to file the reports required by these rules.
24 The house ethics committee may require, on its own
25 motion, any lobbyist or house member who appears to

26 have failed to file a report or who appears to have
27 filed an incomplete or inaccurate report to appear
28 before the committee to explain the failure to file
29 said report or the incomplete or inaccurate report.
30 22. Any member of the general assembly, chairman
31 of a statutory political committee, or registered
32 lobbyist may file a complaint against a lobbyist or
33 a house member alleging violation of law or the house
34 rules governing lobbyists. The complaint shall be
35 in writing, made under oath, and filed with the chief
36 clerk of the house. The chief clerk of the house
37 promptly shall transmit the complaint to the chair
38 of the house ethics committee, who promptly shall
39 convene that committee to consider the complaint.
40 If the ethics committee determines that the
41 complaint sets out an apparent violation of law or
42 the house rules governing lobbyists, it shall set
43 the matter for hearing, and then notify the accused
44 of his or her right to appear in person, to be
45 represented by counsel, to present statements and
46 evidence, and to cross-examine witnesses. The
47 committee shall hold a hearing, consider all relevant
48 evidence, and make its recommendation to the house.
49 Violation of the house rules governing lobbyists may
50 result in the suspension of a lobbyist, if directed

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1 by a two-thirds vote of the house in accordance with
2 section sixty-eight B point ten (68B.10) of the Code.
3 23. The house ethics committee is authorized to
4 meet during the time the general assembly is not in
5 session to conduct hearings and other business that
6 properly may come before it. If the committee submits
7 a report seeking house action against a lobbyist after
8 the second regular session of a general assembly has
9 adjourned sine die, said report shall be submitted
10 to and considered by the subsequent general assembly.
11 24. A lobbyist's registration shall be valid for
12 only one calendar year. If an individual desires
13 to continue lobbying activity, he or she must re-
14 register at the beginning of each calendar year.
15 25. These rules governing lobbyists shall be in
16 effect throughout the calendar year, whether or not
17 the general assembly is in session.
18 26. The chief clerk of the house shall prescribe
19 forms and procedures for compliance with these rules.
20 The chief clerk of the house may require a lobbyist
21 to clarify or explain any report.

22 27. All statements and reports under these rules
23 shall be public records open to public inspection
24 at all reasonable times. Records relating to lobbying
25 in one general assembly shall be retained by the chief
26 clerk of the house through the succeeding general
27 assembly."

Tauke of Dubuque offered the following amendment H-3212 to amendment H-3171, filed by him and moved its adoption:

H-3212

1 Amend H-3171 to the Report of the Committee on
2 Ethics, found on page 543 of the House Journal as
3 follows:
4 1. Page 7, line 22, by striking the words "and
5 house members".
6 2. Page 7, line 25, by striking the words "or
7 house member".

Amendment H-3212 was adopted.

Tauke of Dubuque moved the adoption of amendment H-3171, as amended.

A non-record roll call was requested.

The ayes were 35, nays 55.

Amendment H-3171, as amended, lost.

Dyrland of Clayton offered the following amendment H-3182 filed by him and Tauke of Dubuque and requested division as follows:

H-3182

1 Amend the Ethics Committee Report on Lobbyist
2 Rules found on page 543 of the House Journal as follows:

H-3182A

- 3 1. Page 1, line 6, by striking the word "it's"
4 and inserting in lieu thereof the word "its".
5 2. Page 1, line 8, by inserting after the word
6 "person" the words ", other than members of the General
7 Assembly,".
8 3. Page 1, line 16, by striking the words "who
9 does not lobby" and inserting in lieu thereof the
10 words "which does not occur".
11 4. Page 2, line 5, by striking the words ", other
12 than short-term lobbyists,".
13 5. Page 2, by inserting after line 26 the following
14 new paragraph:
15 " _ However, short-term lobbyists may, in lieu of
16 registering under paragraph 3, register by filing a
17 short-form provided by the Chief Clerk containing the
18 following information:
19 a. Name.
20 b. Date of filing.
21 c. Business address and phone.
22 d. Residence and phone.
23 e. Organization representing.
24 f. Bill numbers.
25 g. Whether for or against such bills."
26 6. Page 3, by striking lines 13 through 23.

H-3182B

- 27 7. Page 3, by striking lines 9 through 12 and
28 inserting in lieu thereof the following: "The report
29 shall also list the total amounts expended upon
30 representatives and or their families when the amount
31 of such expenditures exceeds twenty-five dollars for
32 a representative or fifty dollars for a representative
33 and his or her immediate family."

H-3182A

- 34 8. Page 3, line 26, by inserting before the word
35 "lobbyist" the word "the".
36 9. Page 3, line 35, by inserting after the word
37 "officer" the words "or his or her designee".

H-3182C

- 38 10. Page 4, line 3, by striking the word "totals"
39 and inserting in lieu thereof the words "an unitemized
40 total".

H-3182A

- 41 11. Page 5, line 7, by striking the word "may" and
- 42 inserting in lieu thereof the word "shall".

On motion by Dyrland of Clayton, amendment H-3182A was adopted.

Dyrland of Clayton moved the adoption of amendment H-3182B.

Amendment H-3182B lost.

Dyrland of Clayton moved the adoption of amendment H-3182C.

A non-record roll call was requested.

The ayes were 50, nays 28.

Amendment H-3182C was adopted.

Welden of Hardin offered the following amendment H-3211 filed by Welden et. al. Division was requested as follows:

H-3211

- 1 Amend the Report of the Committee on Ethics,
- 2 found on page 543 of the House Journal, as follows:

H-3211A

- 3 1. Page 1, by striking lines 22 and 23 and
- 4 inserting in lieu thereof the words "regular basis".
- 5 2. Page 1, by striking lines 33 through 35.
- 6 3. Page 2, by striking lines 1 and 2.
- 7 4. Page 3, by striking lines 32 and 33 and
- 8 inserting in lieu thereof the following: "7. Any
- 9 individual, company, firm, corporation, union
- 10 association or cause which employs a lobbyist".

H-3211B

- 11 5. Page 5, by inserting after line 3 the
- 12 following:
- 13 "— Employees of federal, state, and local
- 14 government offices who are designated representa—
- 15 tives of their agency shall not lobby on behalf
- 16 of such offices without a letter of authorization
- 17 from such office."

On motion by Welden of Hardin, amendment H-3211A was adopted.

On motion by Welden of Hardin, amendment H-3211B was adopted.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-3162 filed by him on March 7, 1977.

Lipsky of Linn offered the following amendment H-3195 filed by her and Crawford of Story and moved its adoption:

H-3195

- 1 Amend the report of the Committee on Ethics,
- 2 found on page 543 of the House Journal as follows:
- 3 1. Page 3, line 11, by striking the word "Twenty—
- 4 five" and inserting in lieu thereof the word "five".

Amendment H-3195 lost.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-3175 filed by him on March 8, 1977.

Nielsen of Polk offered the following amendment H-3156 filed by him and moved its adoption:

H-3156

- 1 Amend the report of the Committee on Ethics
- 2 found on page 543 of the House Journal as follows:
- 3 1. Page 3, by striking lines 32 through 35.
- 4 2. Page 4, by striking lines 1 through 14.

Roll call was requested by Dyrland of Clayton and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall amendment H-3156 be adopted?"

The ayes were, 47:

Baker	Bennett	Binneboese	Branstad
Byerly	Clark, J. H.	Crabb	Daggett
Danker	Davitt	Den Herder	Doyle
Halvorson	Hansen	Harbor	Harper
Harvey	Hinkhouse	Horn	Hullinger
Husak	Junker	Koogler	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K. D.	Miller, O. L.	Newhard	Nielsen
Oxley	Pavich	Pellett	Poncy
Scheelhaase	Schneklath	Schroeder	Smalley
Stephens	Stromer	Welden	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 44:

Anderson	Avenson	Bina	Brandt
Brunow	Clark, B. J.	Conlon	Connors
Crawford	Cusack	Dieleman	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Hargrave
Hines	Hoffmann	Howell	Jesse
Jochum	Krause	Krewson	Lipsky
Monroe	Norland	O'Halloran	Patchett
Pelton	Perkins	Shimaneck	Small
Spear	Spencer	Svoboda	Tauke
Thompson	Varley	Walter	Wulff

Absent or not voting, 9:

Brockett	Chiodo	Dunton	Griffiee
Higgins	Lageschulte	Rinas	Tofte
Wells			

Amendment H-3156 was adopted.

With the adoption of amendment H-3156, the following amendments are out of order:

H-3160 filed by Welden of Hardin and Harper of Davis on March 7, 1977.

H-3143 filed by Brandt of Black Hawk on March 4, 1977.

H-3190 filed by Howell of Floyd on March 8, 1977.

H-3174 filed by Howell of Floyd on March 8, 1977.

Hines of Story offered the following amendment H-3191 filed by Hines et. al:

H-3191

- 1 Amend the House Code of Ethics found on page
- 2 543 of the House Journal as follows:
- 3 1. Page 5, by inserting after line 17 the
- 4 following:
- 5 "— Members of the House shall not accept
- 6 at any time anything of monetary value from any
- 7 registered lobbyist acting on behalf of that
- 8 registered lobbyist or on behalf of an organization,
- 9 corporation, association or individual such registered
- 10 lobbyist represents seeking thereby to influence the
- 11 defeat, passage, or modification of legislation or
- 12 the conduct of the member in the performance of
- 13 official duties.
- 14 On any session day, members shall not accept
- 15 anything of monetary value from any organization,
- 16 corporation, association or individual represented
- 17 by a registered lobbyist seeking thereby to influence
- 18 the defeat, passage, or modification of legislation
- 19 or the conduct of the member in the performance
- 20 of official duties.
- 21 For the purpose of this section, the receipt
- 22 of information by a member of the House from a
- 23 lobbyist does not constitute the acceptance of a
- 24 thing of monetary value."
- 25 2. Page 3, by striking lines 2 through 12.
- 26 3. Page 4, by striking lines 5 through 9.

Nielsen of Polk offered the following amendment H-3222, to amendment H-3191, filed by Nielsen of Polk and Schroeder of Pottawattamie from the floor and moved its adoption:

H-3222

- 1 Amend amendment H-3191 to the Report of the
- 2 Committee on Ethics found on page 543 of the House
- 3 Journal as follows:
- 4 1. By inserting after the word "association"
- 5 in line 9 the words ", or member thereof".
- 6 2. By inserting after the word "association"
- 7 in line 16 the words ", or member thereof".

A non-record roll call was requested.

The ayes were 45, nays 45.

Amendment H-3222 lost.

Junker of Woodbury rose on a point of order that amendment H-3191 was not germane.

The Speaker ruled the point not well taken and amendment H-3191 germane.

Hines of Story moved the adoption of amendment H-3191.

Roll call was requested by Conlon of Muscatine and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall amendment H-3191 be adopted?"

The ayes were, 45:

Anderson	Avenson	Binneboese	Brandt
Branstad	Clark, B. J.	Conlon	Crawford
Cusack	Dieleman	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Hargrave	Harvey	Hines	Hoffmann
Howell	Jesse	Jochum	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Miller, O.L.	Norland	O'Halloran	Patchett
Pelton	Perkins	Shimanek	Small
Smalley	Spencer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden

The nays were, 49:

Baker	Bennett	Bina	Brunow
Byerly	Clark, J. H.	Connors	Crabb
Daggett	Danker	Davitt	Den Herder
Doyle	Dunton	Dyrland	Garrison
Halvorson	Hansen	Harbor	Harper
Hinkhouse	Horn	Hullinger	Husak
Junker	Koogler	Lindeen	Menke
Middleswart	Millen	Miller, K. D.	Monroe
Newhard	Nielsen	Oxley	Pavich
Pellett	Poncy	Scheelhaase	Schnekloth
Schroeder	Spear	Stephens	Stromer
Walter	West	Woods	Wyckoff
			Mr. Speaker

Absent or not voting, 6:

Brockett	Chiodo	Griffee	Higgins
Rinas	Wells		

Amendment H—3191 lost.

Miller of Buchanan offered amendment H—3185 filed by him on March 8, 1977.

Nielsen of Polk rose on a point of order that the amendment was dilatory and not in order.

The Speaker ruled the point well taken and amendment H—3185 not in order, including amendment H—3189 (to amendment H—3185) filed by Schnekloth of Scott.

Jesse of Polk moved to reconsider the vote by which amendment H—3182B failed to be adopted by the House.

A non—record roll call was requested.

The ayes were 43, nays 47.

The motion lost.

Harper of Davis moved the adoption of the report of the committee on ethics, relating to lobbyist rules, as amended.

A non-record roll call was requested.

The ayes were 74, nays 17.

The motion prevailed and the report, as amended, was adopted.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 197 Natural Resources

Relating to the improvement and maintenance plans of county conservation boards.

S. B. 198 Budget

Making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, watchmaking and landscape architecture.

S. B. 199 Energy

Making an appropriation to the Iowa energy policy council for a study of energy consumption and conservation in state-owned buildings.

COMMUNICATION FROM THE DEPARTMENT OF TRANSPORTATION

There is on file in the office of the Chief Clerk the first Annual Report Concerning House File 1502, enacted by the Sixty-sixth General Assembly, 1976 Session, and submitted by the Department of Transportation.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 8, 1977

Convened: 7:30 a.m.

Adjourned: 9:40 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines (arrived at 7:50 a.m.) and Newhard.

Excused: Doyle.

Presentation by Larry Breeding of Iowa Health Care Facilities.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., March 8, 1977

Convened: 8:00 a.m.

Adjourned: 10:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: None.

Excused: Koogler.

Senate File 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

Recommended AMEND AND DO PASS.

H-3210

- 1 Amend Senate File 156, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 3, line 25, by striking the word
- 4 "three" and inserting in lieu thereof the word "two".
- 5 2. Page 3, line 28, by striking the figure
- 6 "141,477" and inserting in lieu thereof the figure
- 7 "125,000".

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Koogler.

Senate File 160, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Recommended AMEND AND DO PASS.

H-3209

- 1 Amend Senate File 160 as follows:
- 2 1. Page 1, by striking lines 21 through 23.
- 3 2. Page 1, by inserting after line 28 the
- 4 following:
- 5 "Sec. ____ Chapter eight B (8B), Code 1977, is
- 6 repealed."
- 7 3. Renumber the remaining section.
- 8 4. Title page, line 1, by inserting after the
- 9 word "Act" the words "relating to and".

Aye: Cusack, Dunton, Avenson, Jesse, Norland, O'Halloran, Varley and Wells.

Nay: Den Herder, Stromer, Welden and Wulff.

Absent or Not Voting: Koogler.

Study Bill 181, a bill for an act making appropriations to various state departments.

Recommended AMEND AND DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: Welden.

Absent or Not Voting: Koogler.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 8:00 a.m., March 8, 1977

Convened: 8:08 a.m.

Adjourned: 8:45 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Nielsen, Oxley, Pelton and Poncy.

Absent: None.

Tentative vote taken on Board of Regents' budget.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 8:30 a.m., March 8, 1977

Convened: 8:30 a.m.

Adjourned: 10:00 a.m.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Connors, Halvorson, Harper, Higgins, Lipsky, Small, Svoboda and West.

Absent: None.

Distributed for study Study Bills 194 and 195.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., March 8, 1977

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Spencer.

Absent: Schroeder.

Wayne Moore, Vice President of Business and Finance, Dean Charles Donhowe, Dean of Extension and Professor Bert Watkins, Aerospace Engineer, all from Iowa State University, expressed their views to Iowa State's opposition to inclusion in the aircraft pool. Jim Lightsey, Department of Transportation, presented Department of Transportation's view.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 4:30 p.m., March 8, 1977

Convened: 5:18 p.m.

Adjourned: 6:04 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Byerly, Clark of Lee, Gilson, Harvey, Hinkhouse, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Baker (arrived 5:26 p.m.), Brandt (arrived 5:22 p.m.), Gilloon and Hoffmann.

Interested persons spoke regarding whether township trustees have power to levy taxes in a benefited fire district.

AMENDMENTS FILED

H-3224	H.F. 332	Stromer of Hancock Branstad of Winnebago
H-3225	H.F. 125	Harvey of Scott
H-3226	H.F. 210	Horn of Linn
H-3227	H.F. 210	Howell of Floyd
H-3228	H.F. 210	Welden of Hardin
H-3229	H.F. 210	Pellett of Cass
H-3230	H.F. 210	Koogler of Mahaska

On motion by Fitzgerald of Webster the House adjourned at 8:43 p.m. until 10:00 a.m., Thursday, March 10, 1977.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day -- Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 10, 1977

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

Prayer was offered by the Reverend Richard Fredine, pastor of the Trinity Baptist Church, Nashua, Iowa.

The Journal of Wednesday, March 9, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Don Green, Des Moines, Iowa.

PRESENTATION OF VISITORS

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

Twenty-five members of the senior class from Carlisle High School, Carlisle, Iowa, accompanied by Ron Sears. By Anderson of Jasper.

Twenty-nine students from Mid-Prairie Jr. High School, Kalona, Iowa, accompanied by Sandra Riley. By Dunton of Keokuk.

Central Elkader girls basketball team, accompanied by their coaches Bob Garms and Linda Collins and Athletic Director, Don Harms. By Dyrland of Clayton.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 170, a bill for an act correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts relating to insurance guaranty association.

STEVEN C. CROSS, Secretary

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of March, 1977:

House File 128

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

HOUSE FILE 76 WITHDRAWN

Brandt of Black Hawk asked and received unanimous consent to withdraw House File 76 from further consideration by the House.

SPECIAL ORDER (House File 210)

The hour of 10:15 a.m. having arrived, the Speaker announced the special order of business for the consideration of House File 210, a bill for an act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies.

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 32 for the consideration of House File 210.

Welden of Hardin offered the following amendment H-3163 filed by Welden et. al:

H-3163

1 Amend House File 210 by striking everything
2 after the enacting clause and inserting in lieu there—
3 of the following:

4 "Section 1. NEW SECTION. STATEMENT OF LEGISLA—
5 TIVE INTENT. It is the intent of the general assem—
6 bly of the state of Iowa to provide for the orderly
7 use and development of land and related natural re—
8 sources in Iowa, to preserve private property rights,
9 to preserve the use of prime agricultural land for ag—
10 ricultural production, to preserve natural, cultural
11 and historical areas, to provide for future housing,
12 commercial, industrial and recreational needs and
13 for such other uses as needed, to provide for the co—
14 ordination of comprehensive plans for land use, and to
15 control urban sprawl, and thereby provide for the pro—
16 tection and preservation of the private and public in—
17 terest in the land, water, and related resources of
18 this state for the public health, safety and general
19 welfare, and for the benefit of present and future
20 generations.

21 Sec. 2. NEW SECTION. DEFINITIONS. As used in
22 this Act unless the context otherwise requires:

23 1. "State commission" means the state land use
24 policy commission.

25 2. "Land use" means all activities, occupations,
26 practices, and utilization of space, including
27 ground space, water, subsurface and air space.

28 3. "Land use planning" means the art, science,
29 and process of arranging ground space, and its accom—
30 panying activity patterns, structures, systems and
31 functions so as to adapt it most economically, func—
32 tionally, and gracefully to the diverse present and
33 anticipated future activities and occupations of
34 civilized man.

35 4. "Land use policy" means a definite course of
36 action selected after evaluation of alternative courses
37 in order to effectuate wise and prudent decisions for
38 the use of land.

39 5. "Land use guideline" means a statement of the
40 criteria, standards, specifications, and procedures
41 to be used in developing land use policy.

42 6. "Land use goal or objective" means a broad state—
43 ment of ideals, aims, and desired results of land use
44 planning.

45 Sec. 3. NEW SECTION. STATE COMMISSION.

46 1. There is created a state land use policy com-
47 mission of fifteen members appointed by the governor
48 with the consent of two-thirds of the members of the
49 senate. No more than eight members shall be of the
50 same political affiliation. The term of each member

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1 shall be effective on the first day of July of the
2 year of appointment except in the case of a vacancy
3 which shall be filled by appointment of the governor
4 with the consent of two-thirds of the members of the
5 senate for the unexpired term subject to the same
6 qualifications as the original appointment.

7 2. The members of the commission shall be se-
8 lected and appointed for two-year terms subject to
9 the following qualifications:

10 a. Six members shall be persons engaged in ac-
11 tual farming operations with each being a resident
12 of a different soil conservancy district established
13 in section four hundred sixty-seven D point three
14 (467D.3) of the Code and none being a resident of the
15 same county.

16 b. One member shall be selected from the state
17 at large to be a representative of the mining indus-
18 try.

19 c. One member shall be selected from the state
20 at large to be a representative of counties.

21 d. One member shall be selected from the state
22 at large to be a representative of the building and
23 land development industry.

24 e. Two members shall be a representative of a
25 city with a population of over twenty-five thousand.

26 f. One member shall be a representative of a
27 city with a population of at least ten thousand but
28 not over twenty-five thousand.

29 g. One member shall be a representative of a
30 city with a population of under ten thousand.

31 h. Two members shall represent a broad cross
32 section of the public interest.

33 However, the members appointed under paragraphs
34 e, f, g, and h of this subsection shall not be ap-
35 pointed or elected officers or employees of state or
36 federal government.

37 3. In addition to any other notices of meetings
38 of the commission, the following persons shall be
39 notified of the time and place of meetings.

40 The secretary of agriculture, the director of the
41 state agricultural extension service, the director of
42 the state conservation commission, the director of
43 the Iowa natural resources council, the executive
44 director of the office of planning and programming,
45 the state geologist, the director of the Iowa devel-
46 opment commission, the director of the department of
47 transportation, and the director of the energy policy
48 council.

49 4. The state commission shall organize by the
50 election of a chairman and vice chairman from among

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1 its members. Meetings may be called by the chairman
2 at any time and shall be called by the chairman on
3 the written request of a majority of the voting mem-
4 bers. A majority of the members shall constitute a
5 quorum and the concurrence of a quorum of the mem-
6 bers shall be required to determine any matter rela-
7 ting to its official duties.

8 5. Each member of the state commission, not
9 otherwise in the full-time employment of a public
10 agency, is entitled to receive the sum of forty
11 dollars for each day that he is engaged in the discharge
12 of his official duties. Each member is also entitled
13 to receive reimbursement for travel and other neces-
14 sary expenses incurred in the performance of his of-
15 ficial duties.

16 Sec. 4. **NEW SECTION. DUTIES OF THE STATE COM-**
17 **MISSION.** In addition to other duties provided by law,
18 the state commission shall:

19 1. Identify and evaluate the land use policy is-
20 sues in this state.

21 2. Evaluate the impact of current laws, ordi-
22 nances, policies, regulations and taxes in this state
23 upon land use decisions.

24 3. Prepare and recommend, for adoption by the
25 general assembly, a state land use policy and state
26 land use policy guidelines based on the state land
27 use policy objectives specified in section five (5)
28 of this Act.

29 4. Provide for the preparation of a state inven-
30 tory of land and natural resources.

31 5. Provide for the compilation of data related
32 to population densities, population trends, econo-
33 mic characteristics and projections, environmental
34 conditions and trends, and the directions and extent

35 or urban and rural growth.

36 6. Provide for the compilation of statewide pro-
37 jections of the nature, quantity, and compatibility
38 of transportation; housing; urban development, includ-
39 ing the revitalization of existing communities, the
40 development of new cities, and the economic diversi-
41 fication of existing communities having a narrow
42 economic base; rural development; and state and local
43 government services.

44 7. Provide for the preparation of an inventory of
45 state, local government, and private needs and priori-
46 ties concerning the use of federal lands within the
47 state.

48 8. Provide for the preparation of an inventory
49 of public and private institutional and financial re-
50 sources, including citizen public interest organiza-

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1 tions, available for land use planning and implementa-
2 tion within the state and of state and local programs
3 and activities which have a land use impact of more
4 than local concern.

5 While formulating the state land use policy and
6 preparing state land use guidelines the state com-
7 mission shall hold at least ten regional public hear-
8 ings throughout the state and receive testimony from
9 any interested person relating to a state land use
10 policy or any state land use policy guideline. The
11 state commission shall give public notice of the dates,
12 times, and locations of such public hearings by publi-
13 cation in a newspaper of general circulation within
14 each regional area where the hearing is to be conducted
15 not later than two weeks before the date of the hearing.
16 The recommendations of the commission shall be sub-
17 mitted to the general assembly not later than eighteen
18 months after the effective date of this Act.

19 The commission shall employ such technical, pro-
20 fessional, secretarial, and clerical staff that are
21 necessary to accomplish the duties of this Act. The
22 employees of the commission shall receive, in addition
23 to salary, their necessary and related expenses when
24 engaged in the performance of official duties.

25 **Sec. 5. NEW SECTION. STATE LAND USE POLICY OBJEC-**
26 **TIVES.** In developing a state land use policy and pre-
27 paring state land use policy guidelines for adoption
28 by the general assembly, the state commission shall
29 conform its recommended guidelines to the following

- 30 state land use policy objectives. Where the objec—
31 tives conflict the state commission shall submit a
32 statement of the reasons for and the merits of the pro—
33 proposed guidelines. The state land use policy objectives
34 include:
- 35 1. Preservation of agricultural land for food and
36 fiber production.
 - 37 2. Establishment of criteria for the approval of
38 large scale developments.
 - 39 3. Establishment of criteria for the approval
40 of residential, commercial and industrial developments.
 - 41 4. Establishment of criteria for the approval of
42 the use of underground resources.
 - 43 5. Establishment of criteria for the maximum
44 degree of uniformity of land use policy guidelines
45 with due consideration given to the unique character—
46 istics and problems of the geographical areas of the
47 state and each local government.
 - 48 6. Establishment of criteria for future recrea—
49 tional areas and facilities.
 - 50 7. Establishment of criteria for an orderly and

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- 1 efficient transition from rural to urban land use.
2 8. Establishment of criteria for development of
3 a timely, orderly and efficient arrangement of pub—
4 lic facilities and services to serve as a framework
5 for urban and rural development.
6 9. Establishment of criteria for diversifica—
7 tion and improvement of the economy of the state.
8 10. Establishment of criteria for assurance that
9 the development of properties within the state is
10 commensurate with the character and the physical
11 limitations of the land.
12 11. Establishment of criteria for the preserva—
13 tion of private property rights or compensation for
14 any loss of property rights as provided under the
15 federal and state constitutions which may be affected
16 by the operation of a land use policy and plan which
17 may be enacted by the general assembly.

18 Sec. 6. Section three hundred fifty—eight A point
19 one (358A.1), Code 1977, is amended to read as follows:
20 358A.1 WHERE APPLICABLE. The provisions of this
21 chapter shall be applicable to any county of the state
22 at the option of the board of supervisors of any such
23 county except that within eighteen months after adop—
24 tion of a state land use policy and state land use
25 policy guidelines by the general assembly the provis—

26 ions of this chapter shall be mandatory. Any compre-
 27 hensive plans, subdivision, zoning or other ordinances
 28 or regulations, and any actions of the board of ad-
 29 justment shall be consistent with the state land use
 30 policy and state land use policy guidelines.

31 Sec. 7. Section four hundred fourteen point one
 32 (414.1), Code 1977, is amended to read as follows:

33 414.1 BUILDING RESTRICTIONS—POWERS GRANTED.

34 For the purpose of promoting the health, safety,
 35 morals, or the general welfare of the community, any
 36 city is hereby empowered to regulate and restrict
 37 the height, number of stories, and size of buildings
 38 and other structures, the percentage of lot that may
 39 be occupied, the size of yards, courts, and other
 40 open spaces, the density of population, and the lo-
 41 cation and use of buildings, structures, and land
 42 for trade, industry, residence, and other purposes.
 43 However, within eighteen months after the adoption
 44 of a state land use policy and state land use policy
 45 guidelines by the general assembly it shall be man-
 46 datory that zoning, subdivision and other ordinances
 47 and regulations shall be adopted and enforced in ac-
 48 cordance with a comprehensive plan. The plan and the
 49 ordinances and regulations adopted shall be consistent
 50 with the state land use policy and the state land

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1 use policy guidelines.

Harvey of Scott offered the following amendment H-3207, to
 amendment H-3163, filed by him and moved its adoption:

H-3207

1 Amend H-3163 to House File 210 as follows:
 2 1. Page 1, by inserting after line 44 the following:
 3 "7. "Key facility" means a public facility
 4 designated by the state commission, on the basis of
 5 criteria adopted by the general assembly, which is
 6 expected to result in development exceeding local
 7 impact, including but not limited to major airports,
 8 major highway interchanges including interchanges
 9 with frontage roads, access streets and other limited
 10 access highways, major recreational land and
 11 facilities and major facilities for the development,
 12 generation or transmission of energy.

13 8. "Large-scale development" means any private
14 development which is determined by the state
15 commission, on the basis of criteria adopted by the
16 general assembly, to likely generate issues of more
17 than local significance because of its magnitude or
18 because of its location with respect to its
19 surroundings including, but not limited to, privately-
20 owned power generating plants, transmission lines,
21 pipelines, and dock facilities.

22 9. "State critical area" means an area designated
23 by the general assembly where substantial evidence
24 indicates that uncontrolled or incompatible
25 development could result in damage to the environment,
26 life or property, or an area where the long-term
27 public interest is of more than local significance.
28 Such areas shall include but not necessarily be
29 limited to:

30 a. "Fragile or historic lands" where substantial
31 evidence indicates that uncontrolled or incompatible
32 development will result in irreversible damage to
33 important historic, cultural, scientific, or aesthetic
34 values or natural systems which are of more than
35 local significance including shorelands of rivers,
36 lakes, and streams, rare or valuable ecosystems and
37 geological formations, significant wildlife habitats,
38 and unique scenic or historic sites.

39 b. "Natural hazard lands" where substantial
40 evidence indicates that uncontrolled or incompatible
41 development will unreasonably endanger life and
42 property including flood plains and areas frequently
43 subject to weather disasters, and areas of unstable
44 geological formations.

45 c. "Renewable resource lands" where substantial
46 evidence indicates that uncontrolled or incompatible
47 development which results in the loss or reduction
48 of continued long-range productivity will endanger
49 future water, food, and fiber requirements of more
50 than local concern including watershed lands, aquifers

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1 and aquifer recharge areas, and forest lands."

A non-record roll call was requested.

The ayes were 46, nays 41.

Amendment H-3207 was adopted.

Welden of Hardin offered the following amendment H-3228, to amendment H-3163, filed by him and moved its adoption:

H-3228

- 1 Amend H-3163 to House File 210 as follows:
- 2 1. Page 2, line 8 by striking the words
- 3 "~~two-year terms~~" and inserting in lieu thereof
- 4 the words "a ~~two-year term~~".

Amendment H-3228 was adopted.

Pellett of Cass offered the following amendment H-3229, to amendment H-3163, filed by him and moved its adoption:

H-3229

- 1 Amend amendment H-3163 to House File 210 as
- 2 follows:
- 3 "Page 2, line 42, by inserting after the word
- 4 "commission," the words "the director of the
- 5 department of soil conservation,".

Amendment H-3229 was adopted.

Speaker pro tempore Nielsen of Polk in the chair at 11:48 a.m.

Speaker Cochran in the chair at 12:05 p.m.

Welden of Hardin moved the adoption of amendment H-3163, as amended.

Roll call was requested by Welden of Hardin and Crabb of Crawford.

Rule 69 was invoked.

On the question "Shall amendment H-3163, as amended, be adopted?"

The ayes were, 40:

Baker	Bennett	Branstad	Brockett
Chiode	Clark, J. H.	Conlon	Crabb
Daggett	Danker	Den Herder	Evans
Gilloon	Halvorson	Hansen	Harvey
Hoffmann	Horn	Husak	Jesse
Junker	Lageschulte	Lindeen	Menke
Millen	Miller, K. D.	Miller, O. L.	Newhard
Nielsen	Rinas	Schneklath	Smalley
Stephens	Stromer	Tauke	Thompson
Welden	West	Wulff	Wyckoff

The nays were, 56:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Clark, B. J.
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Gentleman	Gilson
Griffee	Harbor	Hargrave	Harper
Higgins	Hines	Hinkhouse	Howell
Hullinger	Jochum	Koogler	Krewson
Lipsky	Lonergan	Middleswart	Monroe
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Shimaneck	Small	Spear
Spencer	Svoboda	Tofte	Varley
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 4:

Garrison	Krause	Oxley	Schroeder
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Amendment H-3163, as amended, lost.

(House File 210 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schroeder of Pottawattamie for the day on request of Nielsen of Polk.

INTRODUCTION OF BILLS

HOUSE FILE 356, by committee on natural resources, a bill for an act relating to the licenses and certificates for the taking of fish and game.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 357, by Cusack and Bina, a bill for an act relating to the manner of electing members of local school district boards of directors.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 358, by West, a bill for an act to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 359, by Welden, Harvey and West, a bill for an act relating to eligibility for unemployment compensation benefits.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 360, by West and Husak, a bill for an act relating to property taxation by revising the method of valuing property for tax purposes.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 361, by Pelton, Bennett, Hullinger, Krewson, West, Halvorson, Hinkhouse, Tauke, Wyckoff, Miller of Buchanan and Middleswart, a bill for an act to provide that certain hearings and meetings conducted for public collective bargaining purposes be open to the public, and providing a penalty for violations.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 362, by Middleswart, Nielsen, Dunton, Newhard, Stromer, Hansen, Den Herder, Doyle, Millen, Krewson, Tauke, Jochum, Dyrland, Crabb, Scheelhaase, Menke, Dieleman, Bina, Patchett, Lonergan and Baker, a bill for an act relating to the use of diagnostic pharmaceutical agents by optometrists.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 363, by Daggett, a bill for an act to provide funding for elementary and secondary school transportation by providing fifty-five percent funding of the total cost with state aid and forty-five percent through property tax and reducing the state cost per pupil and district cost per pupil.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 364, by committee on state government, a bill for an act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employees' retirement system.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 365, by Egenes, a bill for an act relating to telephone exchange service.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 366, by committee on budget, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 367, by committee on budget, a bill for an act making appropriations to various state departments.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 368, by Wells, Pavich, Rinas, Oxley, Horn, Patchett and Binneboese, a bill for an act to establish a license for dental assistants.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 369, by Walter, a bill for an act requiring the identification of charges imposed by public utilities for the late payment of utility service bills.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 370, by Daggett and Harper, a bill for an act to provide funding for elementary and secondary school transportation by providing fifty—five percent funding of the total cost with state aid and forty—five percent through property tax and reducing the state cost per pupil and district cost per pupil.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 371, by Evans, a bill for an act to establish area education agency councils and to prescribe their powers and duties.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 372, by Miller of Buchanan, Halvorson, Harbor, Wyckoff and Tofte, a bill for an act relating to age discrimination in employment.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 373, by Brandt, a bill for an act to establish uniform regions to facilitate the delivery of services to state residents and citizens.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 374, by Byerly, a bill for an act relating to courtesy nonresident licenses for the taking of game.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 375, by Branstad, a bill for an act relating to application of the twelve-grade requirement for school districts who jointly employ personnel.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 376, by Patchett, a bill for an act relating to the provision for leave of absence from employment for medically-related disabilities.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 377, by Daggett and Pellett, a bill for an act relating to the taking of fish and game by establishing a minimum fine for game violations, providing a penalty for falsely obtaining a resident license, and providing for mandatory revocation or suspension of fish and game licenses.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 378, by Cusack, a bill for an act authorizing cities and counties to levy a tax to promote, establish and maintain recreational, educational and other activities for senior citizens.

Read first time and referred to committee on CITIES.

HOUSE FILE 379, by Miller of Buchanan, Wyckoff, Hansen, Crabb, Wulff, Scheelhaase, Hinkhouse, Halvorson, Perkins, Tofte, Harper, Thompson, Harbor, Schroeder, Woods, Horn, Pellett, Poncy, Pelton, Nielsen, Bina, Dyrland, Oxley, Connors, Newhard, Pavich, Harvey, Chiodo, Higgins, Wells, Cusack, Schnekloth, Junker, Daggett, Husak, Binneboese, Gilson, Tauke, Jochum, Hines, Dieleman, Garrison, Clark of Cerro Gordo, Davitt, Spear, Danker, Walter, Miller of Calhoun, Anderson, Dunton, Svoboda, West and Koogler, a bill for an act relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive anti-litter program, imposing a tax levy on certain beverage containers and products, and providing penalties for violations.

Read first time and referred to committee on ENERGY.

HOUSE FILE 380, by committee on natural resources, a bill for an act relating to the authority of the department of environmental quality to issue permits for public water supply systems.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 381, by Hargrave and Schroeder, a bill for an act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 382, by Lonergan, a bill for an act to allow counties to levy a tax for historical purposes subject to the approval of the voters of the county.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 383, by Millen, a bill for an act relating to recall of members of a county board of supervisors.

Read first time and referred to committee on COUNTY GOVERNMENT.

SENATE MESSAGES CONSIDERED

SENATE FILE 154, a bill for an act abolishing the office of city assessor and city conference boards within six years.

Read first time and referred to committee on CITIES.

SENATE FILE 159, a bill for an act relating to the membership of the Iowa law enforcement academy council.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 170, a bill for an act correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa insurance guaranty association.

Read first time and referred to committee on COMMERCE.

QUORUM CALL

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

SPONSOR WITHDRAWN
(Amendment H-3202 to House File 210)

Byerly of Polk requested to be withdrawn as a sponsor of amendment H-3202 to House File 210.

BUSINESS PENDING

The House resumed consideration of House File 210, a bill for an act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies.

Lipsky of Linn offered the following amendment H-3203 filed by her and Bina of Scott and moved its adoption:

H-3203

- 1 Amend House File 210 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "sprawl" the words "and to preserve and renew the
- 4 urban core".
- 5 2. Page 3, by inserting after line 33 the
- 6 following:
- 7 "_. "Urban core" means the central portion of
- 8 a city containing the traditional commercial and
- 9 business services of that city."
- 10 3. Page 14, by inserting after line 25 the
- 11 following:
- 12 "_. Provision for encouraging development in
- 13 urban areas for the preservation, renovation, and
- 14 more effective vertical use of the urban core as an
- 15 alternative to urban sprawl."
- 16 4. By renumbering the subsections to conform with
- 17 this amendment.

Amendment H-3203 was adopted.

Harvey of Scott offered the following amendment H-3202 filed by Harvey et. al. Division was requested as follows:

H-3202

1 Amend House File 210 as follows:

H-3202A

2 1. Page 1, by inserting after line 14 the following:
 3 "NEW SECTION. STATEMENT OF LEGISLATIVE POLICY.
 4 Land use decisions should rest primarily at the
 5 local government level. It is the intent of the
 6 general assembly that a state land use policy provide
 7 maximum emphasis on the local development of land
 8 use goals and objectives, local development of
 9 comprehensive land use plans, and local regulation
 10 and enforcement of land use decisions. It is
 11 further the policy of the general assembly that the
 12 State Land Use Commission provide maximum emphasis
 13 on developing a statewide land inventory and compiling
 14 land use data and projections to aid local governments
 15 in land use decisions."

H-3202B

16 2. Page 10, line 3 by striking the word "and".
 17 3. Page 10, line 4 by striking the word "approval".
 18 4. Page 22, line 17 by striking the word "approved"
 19 and inserting in lieu thereof the word "reviewed".

On motion by Harvey of Scott, amendment H-3202A was adopted.

Harvey of Scott moved the adoption of amendment H-3202B.

Roll call was requested by Harvey of Scott and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3202B be adopted?"

The ayes were, 45:

Baker	Bennett	Branstad	Chiodo
Clark, J.H.	Conlon	Daggett	Danker
Dunton	Dyrland	Gilloon	Gilson
Halvorson	Hansen	Harbor	Harper

Harvey	Hinkhouse	Hoffmann	Horn
Howell	Husak	Junker	Lageschulte
Menke	Millen	Miller, K.D.	Miller, O.L.
Newhard	Oxley	Pavich	Shimanek
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Walter
Welden	West	Woods	Wulff
Wyckoff			

The nays were, 46 :

Anderson	Avenson	Bina	Binneboese
Brandt	Brockett	Brunow	Clark, B.J.
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Griffee
Hargrave	Higgins	Hines	Jochum
Koogler	Krause	Krewson	Lipsky
Lonergan	Middleswart	Monroe	Norland
O'Halloran	Patchett	Pellett	Pelton
Perkins	Poncy	Rinas	Schneklath
Small	Spencer	Tofte	Varley
Wells	Mr. Speaker		

Absent or not voting, 9:

Byerly	Crabb	Den Herder	Hullinger
Jesse	Lindeen	Nielsen	Scheelhaase
Schroeder			

Amendment H-3202B lost.

Stromer of Hancock offered the following amendment H-3198 filed by him and moved its adoption:

H-3198

- 1 Amend House File 210 as follows:
- 2 1. Page 3, lines 3 and 4, by striking the words
- 3 "any county land use policy commission" and inserting
- 4 in lieu thereof the words "the soil district commis-
- 5 sioners for the county".
- 6 2. Page 7, line 4, by striking the words "land
- 7 use policy".
- 8 3. Page 9, line 9, by striking the words "land
- 9 use policy".

- 10 4. Page 11, lines 23 and 24, by striking the words
11 "land use policy".
- 12 5. Page 15, line 20, by striking the words "land
13 use policy".
- 14 6. Page 15, line 23, by striking the words "land
15 use policy".
- 16 7. Page 15, line 27, by striking the words "land
17 use policy".
- 18 8. Strike page 18, line 28 through page 20, line
19 28.
- 20 9. Page 34, by striking lines 28 through 35 and
21 inserting in lieu thereof the following: "that within
22 eighteen months after adoption of a state land use
23 policy and state land use policy guidelines by the
24 general assembly the provisions of this chapter shall
25 be mandatory. Any comprehensive plans, subdivision,
26 zoning or other ordinances or regulations, and any
27 actions of the board of adjustment shall be consistent
28 with the state land use policy and state land use
29 policy guidelines."
- 30 10. Page 35, by striking lines 12 through 17 and
31 inserting in lieu thereof the following: "the adoption
32 of a state land use policy and state land use policy
33 guidelines by the general assembly it shall be
34 mandatory that zoning, subdivision and other ordinances
35 and regulations shall be adopted and enforced in
36 accordance with a comprehensive plan. The plan and
37 the ordinances and regulations adopted shall be
38 consistent with the state land use policy and the
39 state land use policy guidelines."
- 40 11. Renumber the sections and correct internal
41 references to conform with this amendment.
- 42 12. Amend the title, lines 3 and 4, by striking
43 the words "land use policy".

A non-record roll call was requested.

The ayes were 16, nays 65.

Amendment H-3198 lost.

Koogler of Mahaska offered the following amendment H-3158 filed by him:

H-3158

- 1 Amend House File 210 as follows:
- 2 1. Page 3, by striking from lines 7 and 8
- 3 the words "or a sanitary district" and inserting
- 4 in lieu thereof the following: ", sanitary district,
- 5 or any organization formed under chapter twenty-
- 6 eight E (28E), and chapter four hundred seventy-
- 7 three A (473A) of the Code".

Small of Johnson in the chair at 2:38 p.m.

Koogler of Mahaska offered the following amendment H-3230, to amendment H-3158, filed by him and moved its adoption:

H-3230

- 1 Amend amendment H-3158, to page 3 of House
- 2 File 210, as follows:
- 3 1. Page 1, by striking lines 5 through 7
- 4 and inserting in lieu thereof the following:
- 5 "or a solid waste disposal project established
- 6 pursuant to part 1, division IV of chapter four
- 7 hundred fifty-five B (455B) of the Code."

Amendment H-3230 was adopted.

Koogler of Mahaska moved the adoption of amendment H-3158, as amended.

Amendment H-3158, as amended, was adopted.

Horn of Linn offered the following amendment H-3213 filed by him:

H-3213

- 1 Amend House File 210 as follows:
- 2 1. Page 4, line 28, by striking the word "Six"
- 3 and inserting in lieu thereof the word "Four".
- 4 2. Page 4, line 35, by striking the words "One
- 5 member" and inserting in lieu thereof the words "Two
- 6 members".
- 7 3. Page 5, by striking line 7 and inserting in
- 8 lieu thereof the following:
- 9 "f. Two members shall be representatives of cities
- 10 with".

Horn of Linn offered the following amendment H-3226, to amendment H-3213, filed by him and moved its adoption:

H-3226

1 Amend House Amendment H-3213, to House File 210,
2 found on page 4, as follows:
3 1. Page 1, by inserting after line 10 the follow-
4 ing:
5 "4. Page 5, by striking lines 11 through 23 and
6 inserting in lieu thereof the following: "However,
7 of the initial voting members of the state commission
8 the five members appointed to meet the qualifications
9 of paragraphs a and b of this subsection and one of
10 the members appointed to meet the qualifications of
11 paragraph c of this subsection shall be members of
12 the state soil conservation committee on the effective
13 date of this Act and those members shall serve the
14 balance of their unexpired terms to which they were
15 appointed as members of the committee. The terms
16 of the remaining members of the state soil conservation
17 committee shall expire upon the effective date of
18 this Act. Of the other seven initial voting members
19 of the state commission, two shall be appointed to
20 initial terms of six years, two shall be appointed
21 to initial terms of four years, and three shall be
22 appointed to initial terms of two years. The voting"."

Amendment H-3226 was adopted.

Horn of Linn moved the adoption of amendment H-3213, as amended.

Roll call was requested by Horn of Linn and Stromer of Hancock.

On the question "Shall amendment H-3213, as amended, be adopted?"

The ayes were, 22:

Bina	Chiodo	Connors	Cusack
Doyle	Gilloon	Harvey	Horn
Jesse	Jochum	Junker	Lipsky
Nielsen	Pavich	Rinas	Smalley
Tauke	Thompson	Walter	Wells
Woods	Wulff		

The nays were 73:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Brunow	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Crawford	Daggett	Danker
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harper
Higgins	Hines	Hinkhouse	Hoffmann
Howell	Husak	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Spear	Spencer
Stephens	Stromer	Svoboda	Tofte
Varley	Welden	West	Wyckoff
Mr. Speaker (Small)			

Absent or not voting, 5:

Byerly	Crabb	Den Herder	Hullinger
Schroeder			

Amendment H-3213, as amended, lost.

Miller of Buchanan offered the following amendment H-3201 filed by him and moved its adoption:

H-3201

- 1 Amend House File 210, as follows:
- 2 1. Page 4, line 34, by striking the words
- 3 "the mining".

A non-record roll call was requested.

The ayes were 31, nays 42.

Amendment H-3201 lost.

Lipsky of Linn offered the following amendment H-3206 filed by Lipsky et. al and moved its adoption:

H-3206

- 1 Amend House File 210 as follows:
- 2 1. By striking page 4, line 35 through page 5,
- 3 line 1, and inserting in lieu thereof the following:
- 4 "c. One member shall be a representative of a
- 5 city with a population of over sixty thousand."

Amendment H-3206 was adopted.

Avenson of Fayette in the chair at 3:27 p.m.

Welden of Hardin offered the following amendment H-3172 filed by him and Millen of Van Buren and moved its adoption:

H-3172

- 1 Amend House File 210 as follows:
- 2 1. Page 11, by striking lines 23 and 24 and in-
- 3 serting in lieu thereof the following:
- 4 "28. Allocate state appropriated funds to the
- 5 county boards of supervisors each fiscal year for the
- 6 following purposes:
- 7 a. To fund the budgets of the county land use
- 8 commissions as set out in Section seventeen (17) of
- 9 this Act.
- 10 b. In each county having a zoning commission
- 11 established under Chapter three hundred fifty-eight A
- 12 (358A) of the Code, an amount not less than one dol-
- 13 lar per capita to be used for the enforcement of the
- 14 zoning and land use ordinances and regulations. The
- 15 board of supervisors shall allocate a proportionate
- 16 share to any city or special district within the
- 17 county which administers and enforces the zoning and
- 18 land use ordinances promulgated under this Act or
- 19 Chapter four hundred and fourteen (414), Code 1977."

Roll call was requested by Welden of Hardin and West of Marshall.

Rule 69 was invoked.

On the question "Shall amendment H-3172 be adopted?"

The ayes were, 39:

Baker	Bennett	Binneboese	Branstad
Brockett	Clark, J.H.	Conlon	Crabb
Danker	Dunton	Evans	Gilloon
Gilson	Hansen	Harbor	Harper
Harvey	Hines	Hoffmann	Husak
Junker	Lageschulte	Lindeen	Lipsky
Menke	Millen	Miller, K. D.	Newhard
Oxley	Pellett	Perkins	Rinas
Stephens	Stromer	Tauke	Tofte
Welden	West	Wyckoff	

The nays were, 53:

Anderson	Bina	Brandt	Brunow
Chiodo	Clark, B. J.	Cochran	Connors
Crawford	Cusack	Davitt	Dieleman
Doyle	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Griffiee	Halvorson
Hargrave	Higgins	Hinkhouse	Horn
Howell	Jochum	Koogler	Krause
Krewson	Loneragan	Middleswart	Miller, O.L.
Monroe	Norland	O'Halloran	Patchett
Pavich	Pelton	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Thompson	Varley
Walter	Wells	Woods	Wulff
Mr. Speaker (Avenson)			

Absent or not voting, 8:

Byerly	Daggett	Den Herder	Hullinger
Jesse	Nielsen	Schroeder	Svoboda

Amendment H-3172 lost.

Halvorson of Clayton offered the following amendment H-3142 filed by him:

H-3142

1 Amend House File 210 as follows:

- 2 1. Page 15, by inserting after line 4 the
3 following:
4 "Sec. NEW SECTION. A special district for
5 sewer, water or lights or for nonfarm drainage or
6 a city for the same purposes shall not impose benefit
7 assessments or special ad valorem levies on land used
8 for primarily agricultural production on the basis
9 of frontage, acreage, or value, except a lot not
10 exceeding one-half acre surrounding any dwelling or
11 nonfarm structure located on that land, unless the
12 benefit assessments or special ad valorem levies were
13 imposed prior to the effective date of this Act."
14 2. Renumber the sections and correct internal
15 references to conform with this amendment.

Halvorson of Clayton offered the following amendment
H-3232, to amendment H-3142, filed by him from the floor:

H-3232

- 1 Amend House Amendment H-3142 to page 15 of
2 House File 210 as follows:
3 1. Page 1, line 13, by inserting after the word
4 "Act." the following: "If within ten years of the
5 original assessment or levy the land used primarily
6 for agricultural production is changed to a nonagri-
7 cultural use, any benefit assessment or special ad
8 valorem levy which was not imposed because of the
9 provisions of this section shall be imposed and the
10 full amount shall become payable in the same manner
11 as the levy or assessment would have become payable
12 if it had been imposed."

Lipsky of Linn rose on a point of order that amendment
H-3232 was not germane.

The Speaker ruled the point not well taken and amendment
H-3232 germane.

Halvorson of Clayton moved the adoption of amendment
H-3232, to amendment H-3142.

A non-record roll call was requested.

The ayes were 60, nays 21.

Amendment H-3232 was adopted.

Wyckoff of Benton offered the following amendment H-3234, to amendment H-3142, filed by him from the floor:

H-3234

- 1 Amend amendment H-3142 to page 15 of House
- 2 File 210 as follows:
- 3 1. Page 1, by inserting after line 13 the
- 4 following:
- 5 "Sec. No controlled access facilities
- 6 or systems of highways may be constructed in
- 7 areas of the state where secondary roads are
- 8 laid out in a grid system which is oriented on
- 9 cardinal points if such facilities or highways
- 10 extend in a diagonal direction for a distance
- 11 of more than five miles at an angle which is
- 12 forty-five degrees or less with reference to
- 13 the direction of those secondary roads of the
- 14 area which extend in the same direction as the
- 15 overall general direction of the highway with-
- 16 out the approval of the state commission."

Perkins of Greene rose on a point of order that amendment H-3234 was not germane.

The Speaker ruled the point well taken and amendment H-3234 not germane.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H-3234.

Roll call was requested by Wyckoff of Benton and Husak of Tama.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-3234?"

The ayes were, 46:

Baker	Bennett	Branstad	Brockett
Clark, J. H.	Conlon	Crabb	Crawford
Daggett	Danker	Dieleman	Dunton
Dyrland	Evans	Gilson	Hansen
Harbor	Harper	Harvey	Hines
Hinkhouse	Howell	Husak	Koogler
Lageschulte	Lindeen	Menke	Miller, K. D.
Monroe	Newhard	Oxley	Pellett
Pelton	Perkins	Schnekloth	Shimanek
Smalley	Spencer	Stephens	Stromer
Svoboda	Tofte	Welden	West
Woods	Wyckoff		

The nays were, 42:

Anderson	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B. J.
Connors	Cusack	Davitt	Doyle
Egenes	Fitzgerald	Garrison	Gentleman
Halvorson	Higgins	Horn	Jesse
Jochum	Junker	Krewson	Lipsky
Lonergan	Middleswart	Miller, O. L.	Norland
O'Halloran	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Small	Spear
Tauke	Thompson	Walter	Wells
Wulff	Mr. Speaker (Avenson)		

Absent or not voting, 12:

Cochran	Den Herder	Gilloon	Griffiee
Hargrave	Hoffmann	Hullinger	Krause
Millen	Nielsen	Schroeder	Varley

The motion having failed to receive a constitutional majority, lost.

Brandt of Black Hawk asked and received unanimous consent that the following amendment H-3236 filed by her from the floor be withdrawn:

H-3236

- 1 Amend amendment H-3142 to page 15 of
- 2 House File 210 as follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "NEW SECTION. It is declared to be the policy
- 6 of the state of Iowa that relocation of primary
- 7 highways through cultivated land should be avoided
- 8 to the maximum extent possible. Whenever the volume
- 9 of traffic for which the road is designed or
- 10 other conditions require such relocation, diagonal
- 11 routes should be avoided wherever possible."

Monroe of Des Moines rose on a point of order that amendment H-3142 was not germane.

The Speaker ruled the point not well taken and amendment H-3142 germane.

Halvorson of Clayton moved the adoption of amendment H-3142, as amended.

Amendment H-3142, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffmann of Muscatine for the remainder of the day on request of Conlon of Muscatine.

Koogler of Mahaska offered the following amendment H-3063 filed by him and moved its adoption:

H-3063

- 1 Amend House File 210 as follows:
- 2 1. By striking page 18, line 28 through page 20,
- 3 line 28 and inserting in lieu thereof the following:

4 "Sec. 15. NEW SECTION. COUNTY LAND USE POLICY
5 COMMISSION.

6 1. There is established in each county of the
7 state a county land use policy commission. The voting
8 members of the county commission shall be the members
9 of the soil conservation district commissioners elected
10 pursuant to section four hundred sixty-seven A point
11 five (467A.5) of the Code and the members of the
12 county conservation board appointed pursuant to section
13 one hundred eleven A point two (111A.2) of the Code.

14 2. In those counties where there is no county
15 conservation board, the board of supervisors shall
16 within thirty days after the effective date of this
17 Act appoint five members to the county commission.
18 The members first appointed shall hold office for
19 terms of one, two, three, four and five years or parts
20 thereof respectively, as indicated and fixed by the
21 county board of supervisors. Thereafter, succeeding
22 members shall be appointed for a term of five years
23 with terms expiring on the thirty-first day of
24 December. Vacancies occurring otherwise than by
25 expiration of the term shall be filled by appoint-
26 ment for the unexpired term.

27 3. The members of the county conference board
28 established in section four hundred forty-one point
29 two (441.2) of the Code shall be ex officio, nonvoting
30 members of the county commission.

31 4. Within sixty days after the effective date
32 of this Act, the voting members of the initial county
33 commission shall meet and organize by the election
34 of a chairman and vice chairman from among its
35 membership. Thereafter, the county commission shall
36 organize annually during the month of January by
37 election of a chairman and vice chairman from among
38 its membership. Meetings may be called by the chairman
39 at any time and shall be called within five days by
40 the chairman on the written request of a majority
41 of the voting membership. A majority of the voting
42 members of the county commission shall constitute
43 a quorum and the concurrence of a quorum of the county
44 commission shall be required to determine any matter
45 relating to its official duties.

46 5. Each voting member of the commission is entitled
47 to receive reimbursement for travel and other necessary
48 expenses incurred in the performance of his official
49 duties."

Roll call was requested by Koogler of Mahaska and Poncy of Wapello.

On the question "Shall amendment H-3063 be adopted?"

The ayes were, 26:

Baker	Bennett	Binneboese	Branstad
Crabb	Daggett	Danker	Dieleman
Dyrland	Halvorson	Hansen	Harper
Hinkhouse	Howell	Hullinger	Husak
Koogler	Miller, K. D.	Newhard	Perkins
Poncy	Scheelhaase	Welden	West
Woods	Wyckoff		

The nays were, 61:

Anderson	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Crawford
Cusack	Davitt	Doyle	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Harbor	Harvey	Higgins	Hines
Jesse	Jochum	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Miller, O. L.	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellet	Pelton	Rinas	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
Mr. Speaker (Avenson)			

Absent or not voting, 13:

Connors	Den Herder	Hargrave	Hoffmann
Horn	Krause	Menke	Millen
Nielsen	Schroeder	Stephens	Stromer
Wulff			

Amendment H-3063 lost.

Schnekloth of Scott asked and received unanimous consent that action on amendment H-3083 be deferred and amendment H-3204 be taken up out of order.

Lipsky of Linn offered the following amendment H-3204 filed by Lipsky et. al:

H-3204

- 1 Amend House File 210 as follows:
- 2 1. Page 19, line 4, by inserting after the word
- 3 "commission" the words "; however, if a city con-
- 4 tains more than one-half of the total population of
- 5 a county, that city shall not participate in the
- 6 convention of mayors and councilmen and the county
- 7 commission shall consist of the nine members appointed
- 8 by and from the board of supervisors, the soil
- 9 conservation district commissioners, and the mayors
- 10 and councilmen of the cities other than that city
- 11 and three members appointed by and from the mayor
- 12 and councilmen of that city".
- 13 2. Page 19, line 13, by inserting after the word
- 14 "each" the word "participating".
- 15 3. Page 19, line 15, by inserting after the word
- 16 "areas" the words "participating in the convention".

Speaker Cochran in the chair at 4:45 p.m.

Lipsky of Linn offered amendment H-3233, to amendment H-3204, filed by Lipsky, Schnekloth, Middleswart, Pelton and Bina from the floor. Division was requested as follows:

H-3233

- 1 Amend House Amendment H-3204 to page 19 of
- 2 House File 210 as follows:

H-3233A

- 3 1. Page 1, line 3, by inserting after the word
- 4 "if" the words "a county's population exceeds fifty
- 5 thousand and".

H-3233B

6 2. Page 1, by striking lines 7 through 12 and
 7 inserting in lieu thereof the following:
 8 "commission shall consist of three members
 9 engaged in actual farming operations appointed by
 10 the county board of supervisors, three members
 11 appointed by and from the soil conservation district
 12 commissioners, three members appointed by and from
 13 the mayor and councilmen of that city, and three
 14 members appointed by and from the mayors and council-
 15 men of cities other than that city."

Lipsky of Linn moved the adoption of amendment H-3233A,
 to amendment H-3204.

A non-record roll call was requested.

The ayes were 65, nays 21.

Amendment H-3233A was adopted.

Lipsky of Linn moved the adoption of amendment H-3233B,
 to amendment H-3204.

Amendment H-3233B was adopted.

Lipsky of Linn moved the adoption of amendment H-3204, as
 amended.

Roll call was requested by Husak of Tama and Tauke of
 Dubuque.

On the question "Shall amendment H-3204, as amended, be
 adopted?"

The ayes were, 68:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, B. J.	Clark, J. H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison

Gentleman	Gilloon	Gilson	Griffee
Harper	Horn	Howell	Hullinger
Jesse	Junker	Lageschulte	Lipsky
Loneragan	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Monroe	Norland	O'Halloran
Patchett	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Spear	Spencer	Stephens
Svoboda	Thompson	Tofte	Varley
Wells	Woods	Wulff	Mr. Speaker

The nays were, 22:

Baker	Branstad	Halvorson	Hansen
Harvey	Higgins	Husak	Jochum
Koogler	Krause	Krewson	Lindeen
Menke	Pavich	Small	Smalley
Stromer	Tauke	Walter	Welden
West	Wyckoff		

Absent or not voting, 10:

Den Herder	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Newhard	Nielsen
Oxley	Schroeder		

Amendment H-3204, as amended, was adopted.

By unanimous consent, the following amendments were withdrawn:

H-3083 filed by Schnekloth of Scott on February 24, 1977. (To page 18 etc.)

H-3166 filed by Pelton of Clinton on March 7, 1977. (To amendment H-3083)

H-3200 filed by Bennett of Ida on March 8, 1977. (To pages 22 and 24)

H-3216 filed by Howell of Floyd on March 8, 1977. (To pages 22 and 25)

H-3227 filed by Howell of Floyd on March 9, 1977. (To amendment H-3216)

Koogler of Mahaska offered the following amendment H-3157 filed by him:

H-3157

- 1 Amend House File 210 as follows:
- 2 1. Page 24, by striking all of lines 7, 8,
- 3 and 9 and inserting in lieu thereof the following:
- 4 "of the joint county commissions of those
- 5 counties in which the land area of such city or
- 6 special district is located."

Avenson of Fayette in the chair at 5:49 p.m.

Koogler of Mahaska moved the adoption of amendment H-3157.

A non-record roll call was requested.

The ayes were 52, nays 26.

Amendment H-3157 was adopted.

Woods of Polk offered the following amendment H-3173 filed by him and Baker of Buena Vista:

H-3173

- 1 Amend House File 210 as follows:
- 2 1. Page 34, by inserting after line 35 the
- 3 following:
- 4 "Sec. Section three hundred sixty-eight point
- 5 nineteen (368.19), unnumbered paragraph one (1), Code
- 6 1977, is amended to read as follows:
- 7 The committee shall approve or disapprove the
- 8 petition or plan as amended, within ninety days of
- 9 the final hearing, and shall file its decision for
- 10 record and promptly notify the parties to the
- 11 proceeding of its decision. If a petition or plan
- 12 is approved, the board shall set a date within ninety
- 13 days for a special election on the proposal and the
- 14 county commissioner of elections shall conduct the
- 15 election. In case of incorporation or
- 16 discontinuance, qualified electors of the territory
- 17 or city may vote, and the proposal is authorized if
- 18 a majority of those voting approves it. In a case
- 19 of annexation or severance, qualified electors of
- 20 the territory and of the city may vote, and the

- 21 proposal is authorized if a majority of the total
 22 ~~number of persons voting~~ approves in the city and
 23 a majority of the persons voting in the territory
 24 approve it. In a case of consolidation, qualified
 25 electors of each city to be consolidated may vote,
 26 and the proposal is authorized only if it receives
 27 a favorable majority vote in each city. The county
 28 commissioner of elections shall publish notice of
 29 the election as provided in section 49.53 and shall
 30 conduct the election in the same manner as other
 31 special city elections.”
 32 2. Renumber the sections and correct internal
 33 references to conform with this amendment.

Welden of Hardin rose on a point of order that amendment H-3173 was not germane.

The Speaker ruled the point not well taken and amendment H-3173 germane.

Woods of Polk moved the adoption of amendment H-3173.

Roll call was requested by Woods of Polk and Chiodo of Polk.

On the question “Shall amendment H-3173 be adopted?”

The ayes were, 39:

Baker	Bennett	Binneboese	Branstad
Byerly	Chiodo	Clark, J. H.	Daggett
Danker	Davitt	Dunton	Dyrland
Gilson	Halvorson	Harvey	Horn
Howell	Husak	Jesse	Junker
Koogler	Lageschulte	Lindeen	Lonergan
Menke	Millen	Miller, K. D.	Nielsen
Oxley	Pellett	Perkins	Scheelhaase
Stephens	Stromer	Svoboda	Welden
West	Woods	Wyckoff	

The nays were, 51:

Anderson	Bina	Brandt	Brockett
Brunow	Clark, B. J.	Cochran	Conlon
Crabb	Crawford	Cusack	Dieleman
Doyle	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffee
Hansen	Harper	Higgins	Hinkhouse

Jochum	Krause	Krewson	Lipsky
Middleswart	Miller, O.L.	Monroe	Newhard
Norland	O'Halloran	Patchett	Pavich
Pelton	Rinas	Schneklath	Shimanek
Small	Smalley	Spear	Spencer
Tauke	Thompson	Tofte	Varley
Walter	Wulff	Mr. Speaker (Avenson)	

Absent or not voting, 10:

Connors	Den Herder	Harbor	Hargrave
Hines	Hoffmann	Hullinger	Poncy
Schroeder	Wells		

Amendment H-3173 lost.

Speaker Cochran in the chair at 6:08 p.m.

Harvey of Scott offered the following amendment H-3199 filed by Harvey et. al and moved its adoption:

H-3199

- 1 Amend House File 210 as follows:
- 2 1. Page 41, by inserting after line 35 the
- 3 following:
- 4 "Sec. 68. This Act is repealed effective January
- 5 1, 1983."

Roll call was requested by Tauke of Dubuque and Crabb of Crawford.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3199 be adopted?"

The ayes were, 51:

Baker	Bennett	Bina	Binneboese
Branstad	Brockett	Byerly	Chiodo
Clark, B. J.	Clark, J. H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Dieleman	Dunton	Dyrland	Gilloon
Gilson	Hansen	Harvey	Horn
Husak	Jesse	Krause	Lindeen
Lipsky	Lonergan	Menke	Millen
Miller, K. D.	Newhard	Nielsen	Oxley
Pavich	Perkins	Rinas	Smalley

Stephens	Stromer	Svoboda	Tauke
Thompson	Walter	Welden	West
Woods	Wulff	Wyckoff	

The nays were, 43:

Anderson	Avenson	Brandt	Brunow
Connors	Davitt	Doyle	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Griffiee	Halvorson	Harper	Higgins
Hines	Hinkhouse	Howell	Hullinger
Jochum	Junker	Koogler	Krewson
Lageschulte	Middleswart	Miller, O. L.	Monroe
Norland	O'Halloran	Patchett	Pellett
Pelton	Poncy	Scheelhaase	Schneklath
Shimanek	Small	Spear	Spencer
Tofte	Varley	Mr. Speaker	

Absent or not voting, 6:

Den Herder	Harbor	Hargrave	Hoffmann
Schroeder	Wells		

Amendment H-3199 was adopted.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 210)

The ayes were, 58:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Clark, B. J.	Conlon
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilson
Griffiee	Halvorson	Harper	Higgins
Hines	Hullinger	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lipsky	Lonergan	Middleswart	Miller, O. L.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Shimanek	Small	Smalley	Spencer
Svoboda	Thompson	Tofte	Varley
Wulff	Mr. Speaker		

The nays were, 36:

Baker	Bennett	Branstad	Brockett
Byerly	Chiado	Clark, J. H.	Crabb
Daggett	Danker	Dunton	Garrison
Gilloon	Hansen	Harvey	Hinkhouse
Horn	Howell	Husak	Koogler
Lindeen	Menke	Millen	Miller, K. D.
Newhard	Nielsen	Rinas	Spear
Stephens	Stromer	Tauke	Walter
Welden	West	Woods	Wyckoff

Absent or not voting, 6:

Den Herder	Harbor	Hargrave	Hoffmann
Schroeder	Wells		

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

With the passage of House File 210, the Speaker ruled the following amendments out of order:

H-3238 filed by Brandt of Black Hawk from the floor. (To amendment H-3142)

H-3239 filed by Junker of Woodbury from the floor. (To amendment H-3142)

REREFERRED TO WAYS AND MEANS
(House File 249)

Norland of Worth asked and received unanimous consent that House File 249, presently on the ways and means calendar, be rereferred to the committee on ways and means.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 10, 1977, he approved and transmitted to the Secretary of State the following bill:

Senate File 63, an act to change the term of one of the two new Board of Parole members provided for in the criminal code revision.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 9, 1977

Convened: 7:30 a.m.

Adjourned: 10:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Newhard.

Excused: Hines (arrived 9:10 a.m.).

Recommendations to Budget Committee: Medical Carrier, \$950 thousand; Adult & Children Services, \$1 million 280 thousand; Foster Care, \$7 million 800 thousand; District Administration, \$10 million 250 thousand; Data Processing, \$75 thousand and General Administration, \$4 million 300 thousand.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., March 9, 1977

Convened: 8:00 a.m.

Adjourned: 10:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jessé, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: None.

Senate File 162, a bill for an act making an appropriation to the judicial department.

Recommended AMEND AND DO PASS.

H-3231

1 Amend Senate File 162 as follows:

2 1. Page 2, by inserting after line 20 the
3 following:

4 "Sec. 3. Notwithstanding section six hundred two
5 point eighteen (602.18) of the Code, the number of
6 district judges shall not exceed eighty-nine during
7 the period commencing with the effective date of this
8 section and ending at such time as the general assembly
9 shall specify a different maximum number of district
10 judges.

11 Sec. 4. This Act, being deemed of immediate impor-
12 tance, shall take effect and be in force from and
13 after its publication in the Sumner Gazette, a
14 newspaper published in Sumner, Iowa, and in the Sioux
15 Center News, a newspaper published in Sioux Center,
16 Iowa.

17 Sec. 5. Sections one (1) and two (2) of this Act
18 shall take effect July 1, 1977."

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland,
O'Halloran, Varley, Welden, Wells and Wulff.

Nay: Stromer.

Absent or Not Voting: None.

Study Bill 195, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Jesse, Norland, Varley, Welden, Wells and Wulff.

Nay: Avenson, Koogler, O'Halloran and Stromer.

Absent or Not Voting: None.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 9, 1977

Convened: 8:15 a.m.

Adjourned: 9:50 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Spear, Thompson and Tofte.

Absent: None.

Budget recommendations: Civil Rights Commission, \$329,978; Commission on the Aging for operations, \$143,871; Area Agency Administration, \$96,000 and Senior Employment, \$100,000.

Approved LSB 1318 to the budget committee.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 8:30 a.m., March 9, 1977

Convened: 8:46 a.m.

Adjourned: 9:30 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Krause.

Discussed LSB 1071H, appropriation for Conservation Commission.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:30 p.m., March 9, 1977

Convened: 1:35 p.m.

Adjourned: 1:41 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Clark of Lee, Conlon, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Howell, Husak, Jochum, Menke, Oxley, Pavich, Schnekloth, Svoboda, Thompson, Wells, Wulff and Wyckoff.

Absent: Brandt (arrived 1:40 p.m.), Branstad (arrived 1:40 p.m.), Cusack (arrived 1:38 p.m.), Daggett (arrived 1:41 p.m.), Spencer (arrived 1:38 p.m.), Junker, O'Halloran, Rinas and Varley.

Bills were assigned. Dispersed into subcommittees.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 200 Transportation

Providing for an increase in tax on motor fuel and recommending the implementation of functional reclassification of roads and provides for the allocation of road use tax funds.

S.B. 201 Education

Relating to rules prescribed for school buses.

S.B. 202 Education

Relating to rules made by boards of directors of school corporations governing the use of tobacco by students.

S.B. 203 Budget

Appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and the Iowa comprehensive conference.

S.B. 204 Budget

Making appropriations to miscellaneous state agencies.

AMENDMENTS FILED

H-3235

H.F. 277

Perkins of Greene
Evans of Grundy
Scheelhaase of Woodbury
Crabb of Crawford
Danker of Pottawattamie

Middleswart of Warren
Den Herder of Sioux
Doyle of Woodbury
Stephens of Plymouth
Pavich of Pottawattamie
Conlon of Muscatine
Hoffmann of Muscatine
Halvorson of Clayton
Perkins of Greene
Scheelhaase of Woodbury

H-3237

H.F. 277

On motion by Fitzgerald of Webster the House adjourned at 7:13 p.m. until 9:00 a.m., Friday, March 11, 1977.

JOURNAL OF THE HOUSE

Sixty—first Calendar Day -- Forty—fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 11, 1977

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

Prayer was offered by the Reverend H. R. Fields, pastor of the Mt. Olive Baptist Church, Des Moines, Iowa.

The Journal of Thursday, March 10, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. N. J. Elmer, Sumner, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schroeder of Pottawattamie on request of Stromer of Hancock; Daggett of Adams on request of Danker of Pottawattamie; Den Herder of Sioux on request of West of Marshall; Walter of Pottawattamie on request of Pavich of Pottawattamie; Hullinger of Decatur on request of Scheelhaase of Woodbury; Oxley of Linn on request of Miller of Calhoun; Hargrave of Johnson on request of Fitzgerald of Webster.

PETITIONS FILED

The following petitions were received and placed on file:

By Brunow of Appanoose and Hullinger of Decatur from twenty—nine constituents wanting to declare chicory a noxious weed.

By Patchett of Johnson from one hundred one residents of Highland Community School District opposed to legislation which would make mandatory the re—organization of school districts having less than one thousand students.

By Gentleman of Polk from one hundred and thirty-five residents of Polk County supporting legislation to prohibit smoking in public places except in designated areas.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 5, a bill for an act to provide for board of directors meetings of nonprofit corporations by conference telephone or similar communications equipment.

Also: That the Senate has on March 10, 1977, refused to concur in the House amendment to the Senate amendment to the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 4, proposing that the rule and rescission proposed by the department of transportation be disapproved.

STEVEN C. CROSS, Secretary

QUORUM CALLS

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

Roll call was requested by Fitzgerald of Webster and Brunow of Appanoose. The vote revealed:

Present, 80:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilson

Griffee	Halvorson	Hansen	Harbor
Harper	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Norland
Patchett	Pavich	Pellet	Pelton
Poncy	Rinas	Scheelhaase	Schneklath
Shimanek	Small	Spear	Spencer
Stephens	Stromer	Thompson	Tofte
Varley	Welden	Wells	West
Woods	Wulf	Wyckoff	Mr. Speaker

Absent, 20:

Byerly	Chiodo	Clark, J.H.	Daggett
Den Herder	Gilloon	Hargrave	Hines
Hullinger	Jesse	Newhard	Nielsen
O'Halloran	Oxley	Perkins	Schroeder
Smalley	Svoboda	Tauke	Walter

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day on request of Wyckoff of Benton.

CONSIDERATION OF BILLS

Regular Calendar

Fitzgerald of Webster asked and received unanimous consent to take up out of order for immediate consideration House File 331, a bill for an act relating to meetings of the board of parole and the grant or denial of parole.

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

On the question "Shall the bill pass?" (H.F. 331)

The ayes were, 81:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffie
Halvorson	Hansen	Harbor	Harper
Harvey	Higgins	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Norland	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wulff	Wyckoff
		Mr. Speaker	

The nays were, none.

Absent or not voting, 19:

Brockett	Byerly	Chiodo	Daggett
Den Herder	Egenes	Gilloon	Hargrave
Hines	Hullinger	Junker	Krause
Newhard	Nielsen	O'Halloran	Oxley
Schroeder	Smalley	Walter	

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

Ways and Means Calendar

House File 332, a bill for an act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive, was taken up for consideration.

Bina of Scott offered the following amendment H-3240 filed by Bina, Cusack, Schnekloth, Higgins and Harvey from the floor and moved its adoption:

H-3240

1 Amend House File 332 as follows:

2 1. Page 2, by inserting after line 29 the
3 following:

4 "NEW SUBSECTION. Where any special charter city
5 levies and collects its own taxes, the amount of the
6 homestead tax credit allowed on eligible homesteads
7 within the city shall be computed as follows:

8 a. In an amount equal to the tax levy by the
9 special charter city on the first forty-five hundred
10 (4,500) dollars of actual value for each eligible
11 homestead.

12 b. In an amount equal to the remainder of the
13 consolidated levy as established by the county audi-
14 tor on the first forty-five hundred (4,500) dollars
15 of actual value for each eligible homestead.

16 The homestead tax credit computed under this
17 subsection shall be applicable for each homestead
18 tax credit claimed between January 1 and July 1 of
19 the year in which the valuation being taxed by the
20 city and county respectively was established."

21 2. Page 3, by inserting after line 20 the
22 following section:

23 "Sec. Chapter four hundred twenty-five
24 (425), Code 1977, is amended by adding the following
25 new section:

26 NEW SECTION. In any special charter city which
27 levies and collects its own taxes, the city clerk
28 shall compute that amount of credit allowed on each
29 eligible homestead within such city as provided in
30 section two (2) of this Act. Not later than August
31 1 of each year, the city clerk shall certify the
32 amount of the homestead tax credits claimed for
33 eligible homesteads in the city to the department of
34 revenue. The department shall reimburse the city in
35 the same manner and at such time as is presently
36 provided for reimbursement of counties in section
37 four hundred twenty-five point one (425.1) of the
38 Code."

A non-record roll call was requested.

The yeas were 72, nays none.

Amendment H-3240 was adopted.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H-3224 filed by him on March 9, 1977.

Stromer of Hancock offered the following amendment H-3241 filed by Stromer, Branstad, Millen, Welden, Bennett, Wyckoff, Harbor, Varley, Evans, Stephens, Lindeen, Halvorson, Pellett, Tofte, Gilson, Hansen, Newhard, Binneboese, Crabb, Menke, Schneklloth and Shimanek from the floor:

H-3241

- 1 Amend House File 332 as follows:
- 2 1. Page 3, line 29 by striking the word
- 3 "~~forty-two~~" and inserting in lieu thereof the
- 4 word "~~forty-six~~".
- 5 2. Page 5, by inserting after line 6, the
- 6 following section:
- 7 "Sec. . . . During the fiscal year beginning
- 8 July 1, 1977 the comptroller shall deduct four
- 9 million dollars (4,000,000) from those funds
- 10 which would otherwise be distributed under
- 11 section three hundred thirty-four A point two
- 12 (334A.2), Code 1977."

Anderson of Jasper rose on a point of order that amendment H-3241 was not germane.

The Speaker ruled the point not well taken and amendment H-3241 germane.

Stromer of Hancock moved the adoption of amendment H-3241.

Roll call was requested by Stromer of Hancock and Gilson of Guthrie.

On the question "Shall amendment H-3241 be adopted?"

The ayes were, 31:

Bennett	Binneboese	Branstad	Brockett
Clark, B. J.	Conlon	Danker	Dyrland
Evans	Gilson	Halvorson	Hansen
Harbor	Hoffmann	Krause	Lageschulte
Lindeen	Menke	Millen	Newhard
Pellett	Pelton	Scheelhaase	Schneklloth
Shimanek	Stephens	Stromer	Tofte
Varley	Welden	Wyckoff	

The nays were, 59:

Anderson	Avenson	Baker	Bina
Brandt	Brunow	Byerly	Chiodo
Clark, J. H.	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Griffee	Harper	Harvey
Higgins	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krewson	Lipsky	Lonergan
Middleswart	Miller, K. D.	Miller, O. L.	Monroe
Nielsen	Norland	O'Halloran	Patchett
Pavich	Perkins	Poncy	Small
Smalley	Spéar	Spencer	Svoboda
Tauke	Thompson	Wells	West
Woods	Wulff	Mr. Speaker	

Absent or not voting, 10:

Crabb	Daggett	Den Herder	Hargrave
Hullinger	Junker	Oxley	Rinas
Schroeder	Walter		

Amendment H—3241 lost.

Norland of Worth offered the following amendment H—3242 filed by him and West of Marshall from the floor and moved its adoption:

H—3242

- 1 Amend House File 332 as follows:
- 2 1. Page 4, by striking line 34 and insert—
- 3 ing in lieu thereof the following:
- 4 "three (3), four (4), and five (5) of".
- 5 2. Page 5, by striking lines 5 and 6 and
- 6 inserting in lieu thereof the following:
- 7 "and five (5) of this Act are retroactive.
- 8 The provisions of sections seven (7) and
- 9 eight (8) of this Act are retroactive to January
- 10 1, 1976 for credits claimed on or after January
- 11 1, 1976 under the provisions of chapter four
- 12 hundred twenty—six (426) of the Code, and based
- 13 on valuations of January 1, 1976 and subsequent
- 14 years."

Amendment H-3242 was adopted.

Fitzgerald of Webster moved the previous question on House File 332, with respect to the filing of amendments only.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 53, nays 33.

The motion prevailed.

Wulff of Black Hawk offered the following amendment H-3244 filed by him from the floor and moved its adoption:

H-3244

- 1 Amend House File 332 as follows:
- 2 1. Page 3, by inserting after line 20 the follow-
- 3 ing new section:
- 4 "Sec. Section four hundred twenty-five point
- 5 eleven (425.11), subsection one (1), paragraph f, Code
- 6 1977, is amended to read as follows:
- 7 f. The words "dwelling house" shall embrace
- 8 any building occupied wholly or in part by the claim-
- 9 ant as a home ~~regardless of whether or not the claim-~~
- 10 ~~ant owns the land upon which such building is situated".~~

Roll call was requested by Branstad of Winnebago and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall amendment H-3244 be adopted?"

The ayes were, 40:

Bennett	Branstad	Brockett	Byerly
Clark, B. J.	Clark, J. H.	Conlon	Crawford
Danker	Dyrland	Egenes	Evans
Garrison	Gentleman	Gilson	Griffee
Halvorson	Hansen	Harvey	Higgins
Hoffmann	Jochum	Krewson	Lipsky

Miller, K. D.	O'Halloran	Pellett	Pelton
Rinas	Schnekloth	Shimanek	Small
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Wulff

The nays were, 50:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Crabb	Cusack	Davitt
Dieleman	Doyle	Dunton	Fitzgerald
Gilloon	Harbor	Harper	Hines
Hinkhouse	Horn	Howell	Husak
Jesse	Koogler	Krause	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Miller, O. L.	Monroe	Newhard	Nielsen
Norland	Patchett	Pavich	Perkins
Poncy	Scheelhaase	Spear	Spencer
Svoboda	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 10:

Daggett	Den Herder	Hargrave	Hullinger
Junker	Millen	Oxley	Schroeder
Walter	Welden		

Amendment H—3244 lost.

Hinkhouse of Cedar asked and received unanimous consent to withdraw the following amendment H—3245 filed by him from the floor:

H—3245

- 1 Amend House File 332 as follows:
- 2 1. Page 4, line 1, by striking the words
- 3 "~~excluding any buildings or other structures~~"
- 4 and inserting in lieu thereof the words "including
- 5 all buildings or other structures except dwellings".

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

On the question "Shall the bill pass?" (H.F. 332)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Harper
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K. D.	Miller, O. L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wulff	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Brockett	Daggett	Den Herder	Hargrave
Hullinger	Junker	Krause	Millen
Oxley	Schroeder	Walter	

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

IMMEDIATE MESSAGE

Anderson of Jasper asked and received unanimous consent that House File 332 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall for the remainder of the day on request of Evans of Grundy; Griffee of Chickasaw for the remainder of the day on request of Newhard of Jones; Lipsky of Linn for the remainder of the day on request of Tauke of Dubuque.

HOUSE INSISTS

(House Concurrent Resolution 4)

Nielsen of Polk called up for consideration House Concurrent Resolution 4, proposing that the rule and rescission proposed by the department of transportation be disapproved, and moved that the House insist on its amendment to the Senate amendment.

QUORUM CALL

Roll call was requested by Krewson of Polk and Patchett of Johnson to determine that a quorum was present. The vote revealed:

Present, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Harper	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Krause	Krewson	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Miller, K. D.	Miller, O. L.	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wulff	Wyckoff
Mr. Speaker			

Absent, 15:

Brockett	Daggett	Den Herder	Griffie
Hargrave	Hullinger	Junker	Koogler
Lipsky	Millen	Monroe	Oxley
Schroeder	Tauke	Walter	

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello for the remainder of the day on request of Horn of Linn.

Small of Johnson moved that action on House Concurrent Resolution 4 be deferred until Monday, March 14, 1977 at a time to be determined by the House majority leader.

Crawford of Story moved that the motion to defer be amended to Monday, March 21, 1977.

Nielsen of Polk rose on a point of order that the motion to amend was dilatory and not in order.

The Speaker ruled the point well taken and the motion to amend not in order.

On the Small motion to defer, roll call was requested by Small of Johnson and Pelton of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall House Concurrent Resolution 4 be deferred?"

The ayes were, 33:

Bina	Brandt	Brunow	Clark, B. J.
Clark, J. H.	Crawford	Cusack	Dyrland
Egenes	Evans	Garrison	Gentleman
Gilloon	Higgins	Hines	Horn
Jochum	Krewson	Lageschulte	Lindeen
Monroe	Newhard	O'Halloran	Patchett
Pelton	Shimanek	Small	Svoboda
Tauke	Thompson	Tofte	Varley
Wulff			

The nays were, 51:

Avenson	Baker	Bennett	Binneboese
Branstad	Byerly	Chiodo	Conlon
Connors	Crabb	Danker	Davitt
Dieleman	Doyle	Dunton	Fitzgerald
Gilson	Halvorson	Hansen	Harbor
Harper	Harvey	Hinkhouse	Hoffmann
Howell	Husak	Koogler	Krause
Lonergan	Menke	Middleswart	Miller, K. D.
Miller, O. L.	Nielsen	Norland	Pavich
Pellett	Perkins	Rinas	Scheelhaase
Schnekloth	Smalley	Spear	Spencer
Stephens	Stromer	Welden	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 16:

Anderson	Brockett	Daggett	Den Herder
Griffee	Hargrave	Hullinger	Jesse
Junker	Lipsky	Millen	Oxley
Poncy	Schroeder	Walter	West

The motion lost.

Pelton of Clinton moved that the House adjourn until Monday, March 14, 1977.

The motion lost.

Jochum of Dubuque moved that action on House Concurrent Resolution 4 be deferred until Tuesday, March 15, 1977.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford on request of Wyckoff of Benton; Branstad of Winnebago on request of Wulff of Black Hawk; both for the remainder of the day.

On the Jochum motion to defer action until Tuesday, March 15, 1977, roll call was requested by Gentleman of Polk and Bina of Scott.

Rule 70 was invoked.

On the question "Shall House Concurrent Resolution 4 be deferred?"

The ayes were, 30:

Bina	Brandt	Brunow	Clark, B. J.
Clark, J. H.	Crawford	Cusack	Dyrland
Egenes	Evans	Garrison	Gentleman
Gilloon	Hines	Horn	Jochum
Krewson	Lageschulte	Lindeen	Newhard
O'Halloran	Patchett	Pelton	Shimanek
Small	Syoboda	Tauke	Thompson
Varley	Wulff		

The nays were, 49:

Anderson	Avenson	Baker	Bennett
Binneboese	Byerly	Chiodo	Conlon
Connors	Danker	Davitt	Dieleman
Doyle	Dunton	Fitzgerald	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Husak
Jesse	Koogler	Lonergan	Menke
Middleswart	Miller, K. D.	Miller, O. L.	Nielsen
Norland	Pavich	Pellett	Rinas
Scheelhaase	Schnekloth	Smalley	Spear
Spencer	Stephens	Stromer	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 21:

Branstad	Brockett	Crabb	Daggett
Den Herder	Griffee	Hargrave	Harper
Higgins	Hullinger	Junker	Krause
Lipsky	Millen	Monroe	Oxley
Perkins	Poncy	Schroeder	Tofte
Walter			

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bina of Scott on request of Cusack of Scott; Pelton of Clinton on request of Clark of Cerro Gordo; Jochum of Dubuque on request of Patchett of Johnson; Harper of Davis on request of Brunow of Appanoose; all for the remainder of the day.

Horn of Linn moved that the House recess for an hour.

Roll call was requested by Woods of Polk and Byerly of Polk.

Rule 70 was invoked.

On the question "Shall the House recess for an hour?"

The ayes were, 25:

Bennett	Brandt	Clark, J. H.	Crawford
Dyrland	Egenes	Evans	Garrison
Gentleman	Gilloon	Hines	Horn
Krewson	Menke	Monroe	Newhard
O'Halloran	Patchett	Shimanek	Svoboda
Tauke	Thompson	Varley	Wulff
Wyckoff			

The nays were, 53:

Anderson	Avenson	Baker	Binneboese
Brunow	Byerly	Chiодо	Clark, B. J.
Conlon	Connors	Cusack	Danker
Davitt	Dieleman	Doyle	Dunton
Fitzgerald	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Howell	Husak	Jesse	Koogler
Lageschulte	Lindeen	Loneragan	Middleswart
Miller, K.D.	Miller, O.L.	Nielsen	Norland
Pavich	Pellett	Perkins	Rinas
Scheelhaase	Schnekloth	Small	Smalley
Spear	Spencer	Stephens	Stromer
Welden	Wells	West	Woods
			Mr. Speaker

Absent or not voting, 22:

Bina	Branstad	Brockett	Crabb
Daggett	Den Herder	Griffee	Hargrave
Harper	Higgins	Hullinger	Jochum
Junker	Krause	Lipsky	Millen
Oxley	Pelton	Poncy	Schroeder
Tofte	Walter		

The motion lost.

Clark of Lee moved that House Concurrent Resolution 4 be indefinitely postponed.

Nielsen of Polk rose on a point of order that the motion was dilatory and not in order.

The Speaker ruled that the motion was not in order under Joint Rule 11 until action on the motion to insist was resolved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Higgins of Scott on request of Patchett of Johnson; Cusack of Scott on request of Small of Johnson; Brandt of Black Hawk on request of Patchett of Johnson; Millen of Van Buren on request of Byerly of Polk; Garrison of Black Hawk on request of Dunton of Keokuk; Pellett of Cass on request of Danker of Pottawattamie; all for the remainder of the day.

Krewson of Polk moved that House Concurrent Resolution 4 be referred to the committee on transportation.

The Speaker ruled the motion out of order.

Monroe of Des Moines moved that the House recede from its amendment to the Senate amendment.

Byerly of Polk rose on a point of order that under Section 180, Mason's Manual of Legislative Procedure, the motion to recede was dilatory.

The Speaker propounded the question to the House.

Roll call was requested by Tauke of Dubuque and Lageschulte of Bremer.

Rule 70 was invoked.

On the question "Is the motion to recede dilatory?"

The ayes were, 40:

Baker	Binneboese	Byerly	Chiodo
Conlon	Danker	Davitt	Dieleman
Dunton	Gilson	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Howell
Husak	Koogler	Krause	Lonergan
Menke	Middleswart	Miller, K. D.	Miller, O. L.
Nielsen	Norland	Pavich	Perkins
Scheelhaase	Schnekloth	Smalley	Spear
Spencer	Stephens	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 33:

Anderson	Avenson	Bennett	Brunow
Clark, B. J.	Clark, J. H.	Connors	Crawford
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Harvey
Hines	Horn	Jesse	Krewson
Lageschulte	Lindeen	Monroe	O'Halloran
Patchett	Rinas	Shimaneck	Small
Svoboda	Tauke	Thompson	Varley
Wulff			

Absent or not voting, 27:

Bina	Brandt	Branstad	Brockett
Crabb	Cusack	Daggett	Den Herder
Garrison	Griffie	Hargrave	Harper
Higgins	Hullinger	Jochum	Junker
Lipsky	Millen	Newhard	Oxley
Pellett	Pelton	Poncy	Schroeder
Stromer	Tofte	Walter	

The motion to recede was ruled dilatory and, therefore, not in order.

QUORUM CALL

Roll call was requested by Halvorson of Clayton and Koogler of Mahaska to determine that a quorum was present. Rules 69 and 70 were invoked. The vote revealed:

Present 51:

Anderson	Avenson	Baker	Bennett
Binneboese	Byerly	Chiodo	Conlon
Connors	Danker	Davitt	Dieleman
Doyle	Dunton	Fitzgerald	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Husak
Jesse	Koogler	Krause	Lindeen
Lonergan	Menke	Middleswart	Miller, K. D.
Miller, O. L.	Monroe	Nielsen	Norland
Pavich	Perkins	Rinas	Scheelhaase
Schneklath	Smalley	Spear	Spencer
Stephens	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 49:

Bina	Brandt	Branstad	Bröckett
Brunow	Clark, B. J.	Clark J. H.	Crabb
Crawford	Cusack	Daggett	Den Herder
Dyrland	Egenes	Evans	Garrison
Gentleman	Gilloon	Griffee	Hargrave
Harper	Higgins	Hines	Horn
Hullinger	Jochum	Junker	Krewson
Lageschulte	Lipsky	Millen	Newhard
O'Halloran	Oxley	Patchett	Pellett
Pelton	Poney	Schroeder	Shimanek
Small	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wulff			

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dyrland of Clayton for the remainder of the day on request of Hines of Story.

On the Nielsen motion that the House insist on its amendment to the Senate amendment, roll call was requested by Husak of Tama and Varley of Adair.

On the question "Shall the House insist on its amendment to the Senate amendment?"

The ayes were, 43:

Baker	Bennett	Binneboese	Byerly
Chiodo	Conlon	Connors	Danker
Davitt	Dieleman	Doyle	Dunton
Gilson	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Howell
Husak	Jesse	Koogler	Krause
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Nielsen	Pavich	Perkins	Rinas
Scheelhaase	Schnekloth	Smalley	Spear
Stephens	Stromer	Welden	Wells
Woods	Wyckoff	Mr. Speaker	

The nays were, 22:

Anderson	Avenson	Brunow	Clark, B.J.
Clark, J.H.	Crawford	Egenes	Fitzgerald
Hines	Horn	Lageschulte	Lindeen
Menke	Monroe	Norland	O'Halloran
Patchett	Small	Spencer	Tauke
Varley	Wulff		

Absent or not voting, 35:

Bina	Brandt	Branstad	Brockett
Crabb	Cusack	Daggett	Den Herder
Dyrland	Evans	Garrison	Gentleman
Gilloon	Griffiee	Hargrave	Harper
Higgins	Hullinger	Jochum	Junker
Krewson	Lipsky	Millen	Newhard
Oxley	Pellett	Pelton	Poncy
Schroeder	Shimaneck	Svoboda	Thompson
Tofte	Walter	West	

The motion prevailed and the House insists on its amendment to the Senate amendment.

Nielsen of Polk moved that the motion to insist be reconsidered and tabled.

Roll call was requested by Tauke of Dubuque and Crawford of Story.

On the question "Shall the motion to insist be reconsidered and tabled?"

The ayes were, 45:

Baker	Bennett	Binneboese	Byerly
Chiodo	Conlon	Connors	Danker
Davitt	Dieleman	Doyle	Dunton
Gilson	Halvorson	Hansen	Harbor
Hinkhouse	Hoffmann	Howell	Husak
Jesse	Koogler	Krause	Loneragan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Nielsen	Pavich	Perkins	Rinas
Scheelhaase	Schnekloth	Smalley	Spear
Stephens	Stromer	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 29:

Anderson	Avenson	Brunow	Clark, B.J.
Clark, J.H.	Crawford	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Harvey
Hines	Horn	Krewson	Lageschulte
Lindeen	Monroe	Newhard	Norland
O'Halloran	Patchett	Shimanek	Small
Spencer	Svoboda	Tauke	Thompson
Varley			

Absent or not voting, 26:

Bina	Brandt	Branstad	Brockett
Crabb	Cusack	Daggett	Den Herder
Dyrland	Garrison	Griffee	Hargrave
Harper	Higgins	Hullinger	Jochum
Junker	Lipsky	Millen	Oxley
Pellett	Pelton	Poney	Schroeder
Tofte	Walter		

The motion to table, having failed to receive a constitutional majority, lost.

On the Nielsen motion to reconsider the vote by which the House insisted on its amendment to the Senate amendment, a non-record roll call was requested.

The ayes were 20, nays 47.

The motion lost.

PRESENTATION OF VISITORS

Harbor of Mills presented to the House the Honorable Bill Scherle, former Congressman from the Fifth District and former member of the House during the Fifty-ninth, Sixtieth, Sixtieth Extra and Sixty-first General Assemblies representing Fremont and Mills Counties.

Hines of Story presented to the House the Honorable Tom Harkin, Congressman from the Fifth District.

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

Twelve Cub Scouts from District Sixty and Sixty-two, Des Moines, Iowa, accompanied by Florence Buhr. By Jesse of Polk and Smalley of Polk.

Fifty first grade students from Abbie Sawyer Elementary School and Louise Crawford Elementary School, Ames, Iowa, accompanied by Mrs. Bath and Mrs. Gilbreg. By Crawford of Story.

Sixty fifth grade students from Colfax Elementary School, Colfax, Iowa, accompanied by Mrs. Botts. By Anderson of Jasper.

INTRODUCTION OF BILL

HOUSE FILE 384, by Danker, Harbor, Schroeder, Daggett and Crabb, a bill for an act relating to preaudit authority over the area education agencies and the board of regents.

Read first time and referred to committee on EDUCATION.

SPONSOR ADDED
(House File 378)

Bina of Scott requested to be added as a sponsor of House File 378.

EXPLANATION OF VOTE

I was necessarily absent from the House chambers when the vote on House File 331 was taken. Had I been present I would have voted "aye".

O'HALLORAN of Black Hawk

**COMMUNICATION FROM THE DEPARTMENT OF
SOCIAL SERVICES**

A copy of the recommendations relative to the future utilization, conversion or discontinuation, and disposition of the State Mental Health Institutes at Cherokee, Clarinda, Independence and Mt. Pleasant, submitted by the Department of Social Services pursuant to House File 1539 of the Sixty-sixth General Assembly, was received and placed on file in the office of the Chief Clerk.

COMMUNICATION FROM THE STATE OF ARKANSAS

A copy of House Joint Resolution 2, to make application to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States to provide that every human being subject to the jurisdiction of the United States or any state shall be deemed to be a person from the moment of conception or fertilization, and entitled to the right to life guaranteed in the United States Constitution, was received from the State of Arkansas and placed on file in the office of the Chief Clerk.

SUBCOMMITTEE ASSIGNMENTS

House File 69

Ways and Means
 Norland, chair
 West
 Davitt
 Schneklath
 Daggett
 Rinas
 Husak
 Anderson
 Wulff
 Miller of Buchanan
 Brandt

House File 140

Ways and Means
 Norland, chair
 West
 Davitt
 Schneklath
 Daggett
 Rinas
 Husak
 Anderson
 Wulff
 Miller of Buchanan
 Brandt

House File 227

Commerce
 Evans, chair
 Brunow
 Chiodo
 Walter
 West

House File 232

Commerce
 Jochum, chair
 Anderson
 Den Herder
 Lonergan
 Welden

House File 240

Commerce
 Lonergan, chair
 Anderson
 Den Herder
 Jochum
 Welden

House File 255

Cities
 Rinas, chair
 Dunton
 Hargrave
 Hoffmann
 Perkins
 Smalley
 Tofte

House File 258

Commerce
 Schroeder, chair
 Tauke
 Dieleman
 Koogler
 Bina

House File 262

Cities
 Bina, chair
 Clark of Lee
 Koogler
 Krewson
 Pavich
 Spear
 Wulff

House File 263

Cities
 Bina, chair
 Clark of Lee
 Koogler
 Krewson
 Pavich
 Spear
 Wulff

House File 265

Commerce
 Welden, chair
 Anderson
 Den Herder
 Jochum
 Lonergan

House File 269

Commerce
 Jochum, chair
 Anderson
 Den Herder
 Lonergan
 Welden

House File 271

Ways and Means
 Dieleman, chair
 Gilloon
 Junker
 Harbor
 Pavich

House File 272

Ways and Means
 Dieleman, chair
 Gilloon
 Junker
 Harbor
 Pavich

House File 286

Ways and Means
 Dieleman, chair
 Gilloon
 Junker
 Harbor
 Pavich

House File 294

Ways and Means
 Dieleman, chair
 Gilloon
 Junker
 Harbor
 Pavich

House File 297
Ways and Means
Bina, chair
Junker
Jochum
Rinas
Clark of Lee

House File 300
Commerce
Koogler, chair
Bina
Dieleman
Schroeder
Tauke

House File 302
Commerce
Walter, chair
Chiodo
Brunow
Evans
West

House File 303
Human Resources
Baker, chair
Hansen
Miller of Buchanan

House File 306
Ways and Means
Dieleman, chair
Gilloon
Junker
Harbor
Pavich

House File 311
Ways and Means
Dieleman, chair
Gilloon
Junker
Harbor
Pavich

House File 312
Commerce
Lonergan, chair
Brockett
Welden
Chiodo
Krause

House File 319
Commerce
Chiodo, chair
Brunow
Evans
West
Walter

House File 320
Cities
Hines, chair
Connors
Gentleman
Newhard
Nielsen
Schneklath
Stephens

House File 336
Commerce
Koogler, chair
Bina
Dieleman
Schroeder
Tauke

House File 338
Commerce
Evans, chair
Brunow
Chiodo
Walter
West

House File 350
Commerce
Lonergan, chair
Anderson
Den Herder
Jochum
Welden

House File 353
Commerce
Lonergan, chair
Dieleman
Tauke

Senate File 65
Commerce
Koogler, chair
Tauke
Dieleman
Schroeder
Bina

Senate File 98
Human Resources
Garrison, chair
Newhard
Tofte
Clark of Cerro Gordo
Baker

Senate File 112
Human Resources
Garrison, chair
Newhard
Tofte
Clark of Cerro Gordo
Baker

Senate File 140
Ways and Means
Norland, chair
Rinas
Hines
Jochum
Wells
Branstad
West
Clark of Lee

Senate File 141
Ways and Means
Norland, chair
Rinas
Hines
Jochum
Wells
Branstad
West
Clark of Lee

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 200

Transportation
 Rinas, chair
 Harbor
 Krause
 Brunow
 Egenes

SUBCOMMITTEE ADDITIONAL ASSIGNMENTS

S.B. 133

Ways and Means

Add: Thompson
 Bina

S.B. 159A

Ways and Means

Add: Thompson
 Bina

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
 Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 10, 1977

Convened: 7:30 a.m.

Adjourned: 10:15 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hines, Lindeen, Miller of Calhoun.

Absent: Hargrave (arrived 7:50 a.m.) and Newhard (arrived 8:10 a.m.).

Glenwood—Woodward State Hospitals, \$19 million 900 thousand;
 Toledo—Eldora—Mitchellville—Marshalltown, \$12 million 895 thousand and
 Clarinda—Cherokee—Independence—Mt. Pleasant, \$22 million.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 10, 1977

Convened: 8:10 a.m.

Adjourned: 10:05 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Gilloon.

Excused: None.

Appropriated the budget for the Department of Health as follows: \$81,396 for the Commissioner's Office, \$905,340 for Community Health, \$546,016 for Disease Prevention, \$52,418 for External Affairs, \$315,977 for the Boards and Commissions, \$524,718 for Facilities, \$288,516 for Management and Budget, \$393,097 for Personal and Family Health, \$49,927 for Planning and \$364,411 for Records and Statistics, with the total appropriation of \$3,521,816.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., March 10, 1977

Convened: 9:14 a.m.

Adjourned: 10:00 a.m.

Present: Krause, chair; Harper, vice-chair; Binneboese, Davitt, Doyle, Dunton, Harbor, Hoffmann, Lageschulte, Schneklath and Woods.

Absent: Egenes (arrived 9:47 a.m.), Oxley (arrived 9:17 a.m.), Schroeder, Brunow, Clark of Cerro Gordo, Lipsky, Monroe, Rinas and Hullinger.

Discussed Study Bill 166A, an Act relating to railroad laws providing for changes to railroad laws, funding and penalties.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 205 State Government**

Relating to the deposit of public funds, investments and interest rates.

S.B. 206 Natural Resources

Relating to the establishment of sanitary disposal projects and authorizing the use of injunctions for certain violations.

S.B. 207 Natural Resources

Relating to the regulation of soil classification, creating the board of soil classifiers examiners, and providing a penalty.

S.B. 208 Ways and Means

Relating to the creation of a reassessment expense fund to provide loans to assessing jurisdictions which are ordered by the department of revenue to revalue property.

AMENDMENTS FILED

H-3243

H.F. 279

Jesse of Polk

H-3246

H.F. 279

Spear of Lee

H-3247	H.F. 179	Monroe of Des Moines
H-3248	H.F. 222	Jochum of Dubuque
		Brandt of Black Hawk
H-3249	SCR 7	Gilloon of Dubuque
		Junker of Woodbury
H-3250	H.F. 380	Miller of Buchanan
H-3251	H.F. 277	Scheelhaase of Woodbury
H-3252	H.F. 366	Stromer of Hancock
		Welden of Hardin
H-3253	H.F. 279	Spear of Lee

On motion by Fitzgerald of Webster the House adjourned at 3:58 p.m. until 10:00 a.m., Monday, March 14, 1977.

JOURNAL OF THE HOUSE

Sixty—fourth Calendar Day -- Forty—fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 14, 1977

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

Prayer was offered by the Reverend William G. Carter, pastor of the Soldier Lutheran Church, Soldier, Iowa.

The Journal of Friday, March 11, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Gottula, Resident, Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stromer of Hancock on request of Millen of Van Buren; Schroeder of Pottawattamie for an indefinite period on request of Millen of Van Buren; Evans of Grundy until 3:00 p.m. on request of Brockett of Marshall; Smalley of Polk on request of Brockett of Marshall; Shimanek of Jones on request of Tauke of Dubuque; Danker of Pottawattamie on request of Menke of O'Brien; Hoffmann of Muscatine on request of Conlon of Muscatine; Clark of Lee on request of Crawford of Story.

PRESENTATION OF VISITORS

Baker of Buena Vista presented to the House foreign exchange student Sylvia van der Maas, from Amsterdam, Holland. She is a Junior in Laurens—Marathon High School, Laurens, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Jochum of Dubuque from one hundred fifty—seven residents of Dubuque County who are opposed to rescinding the equal rights amendment in Iowa.

By Gilson of Guthrie from eighty—nine citizens of Guthrie, Shelby and Audubon counties praising ratification of the equal rights amendment and opposing any move to rescind the amendment.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments.

Also: That the Senate has on March 10, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 198, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 267, a bill for an act relating to the investment of certain funds in the custody of the clerk of the district court, was taken up for consideration.

Miller of Buchanan offered the following amendment H—3159 filed by him and moved its adoption:

H—3159

- 1 Amend House File 267, page 1, by striking lines
- 2 3 through 15 and inserting in lieu thereof the
- 3 following:

- 4 “NEW SECTION. INVESTMENT OF NONPUBLIC FUNDS.
5 The clerk of the district court may request the county
6 investment officer to invest any money which is paid
7 to the clerk to be paid to any other person. Such
8 investments shall be made in the manner provided
9 in chapter four hundred fifty-three (453) of the Code
10 except that any supervised financial organization
11 may be designated as a depository and such money shall
12 be available upon demand of the clerk. All earnings
13 shall be credited to the general fund of the county.”

A non-record roll call was requested.

The ayes were 33, nays 45.

Amendment H-3159 lost.

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

On the question “Shall the bill pass?” (H.F. 267)

The ayes were, 73:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hargrave
Harper	Harvey	Higgins	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, O.L.
Monroe	Newhard	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Scheelhaase	Schnekloth	Spear	Spencer
Svoboda	Varley	Walter	Welden
Wells	West	Woods	Wulff
Mr. Speaker			

The nays were, 11:

Crabb	Harbor	Junker	Koogler
Millen	Miller, K. D.	Perkins	Tauke
Thompson	Tofte	Wyckoff	

Absent or not voting, 16:

Branstad	Clark, J.H.	Connors	Danker
Evans	Hoffmann	Nielsen	Norland
O'Halloran	Rinas	Schroeder	Shimaneck
Small	Smalley	Stephens	Stromer

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

CONFERENCE COMMITTEE APPOINTED (House Concurrent Resolution 4)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House Concurrent Resolution 4: Nielsen of Polk, chair; Woods of Polk, Perkins of Greene, Menke of O'Brien and Harbor of Mills.

MOTION TO RECONSIDER WITHDRAWN (House File 212)

Nielsen of Polk asked and received unanimous consent to withdraw the motion to reconsider House File 212 filed by him on February 24, 1977.

BUDGET CALENDAR

SENATE FILE 163 SUBSTITUTED FOR HOUSE FILE 328

Wyckoff of Benton asked and received unanimous consent to substitute Senate File 163 for House File 328.

Senate File 163, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions, was taken up for consideration.

Monroe of Des Moines offered the following amendment H-3254 filed by him from the floor and moved its adoption:

H-3254

- 1 Amend Senate File 163, as passed by the
 2 Senate, as follows:
 3 1. Page 1, by inserting after line 13 the
 4 following:
 5 "The state comptroller shall not issue any
 6 warrants for the payment of funds appropriated
 7 by this paragraph of this subsection until such
 8 time as all agencies under the direct control
 9 of the governor comply with the provisions of
 10 sections seventeen A point three (17A.3) and
 11 seventeen A point nine (17A.9) of the Code."

Roll call was requested by Harbor of Mills and Varley of Adair.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3254 be adopted?"

The ayes were, 46:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Garrison
Gilloon	Gilson	Griffee	Hargrave
Harvey	Hines	Hinkhouse	Horn
Howell	Husak	Jochum	Koogler
Krause	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Perkins	Poncy
Scheelhaase	Spear	Spencer	Walter
Woods	Mr. Speaker		

The nays were, 39:

Bennett	Brockett	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Den Herder
Egenes	Gentleman	Halvorson	Hansen
Harbor	Harper	Higgins	Jesse

Junker	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Millen
Pellett	Pelton	Schnekloth	Small
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Wulff	Wyckoff	

Absent or not voting, 15:

Branstad	Clark, J.H.	Connors	Danker
Evans	Fitzgerald	Hoffmann	Hullinger
Nielsen	O'Halloran	Rinas	Schroeder
Shimanek	Smalley	Stromer	

Amendment H-3254 was adopted.

Junker of Woodbury offered the following amendment H-3255 filed by him from the floor and moved its adoption:

H-3255

- 1 Amend Senate File 163, as passed by the
- 2 Senate, as follows:
- 3 1. Page 2, by inserting after line 22 the
- 4 following:
- 5 "Sec. 2. All appropriations contained in
- 6 this Act are hereby reduced by one (1) percent."

Roll call was requested by Junker of Woodbury and Hines of Story.

On the question "Shall amendment H-3255 be adopted?"

The ayes were, 36:

Avenson	Bennett	Bina	Binneboese
Brunow	Chiodo	Conlon	Crabb
Daggett	Davitt	Dunton	Garrison
Halvorson	Harper	Harvey	Hines
Hinkhouse	Howell	Husak	Junker
Krause	Lageschulte	Lindeen	Millen
Miller, K.D.	Miller, O.L.	Oxley	Pellett
Pelton	Poncy	Schnekloth	Stephens
Tofte	Welden	West	Wulff

The nays were, 47:

Anderson	Baker	Brandt	Brockett
Byerly	Crawford	Cusack	Den Herder
Dieleman	Dyrland	Egenes	Gentleman
Gilloon	Gilson	Griffee	Hansen
Harbor	Hargrave	Higgins	Horn
Hullinger	Jesse	Jochum	Koogler
Krewson	Lipsky	Loneragan	Menke
Middleswart	Newhard	Norland	O'Halloran
Patchett	Pavich	Perkins	Small
Spear	Spencer	Svoboda	Tauke
Thompson	Varley	Walter	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 17:

Branstad	Clark, B.J.	Clark, J.H.	Connors
Danker	Doyle	Evans	Fitzgerald
Hoffmann	Monroe	Nielsen	Rinas
Scheelhaase	Schroeder	Shimanek	Smalley
Stromer			

Amendment H-3255 lost.

Byerly of Polk offered the following amendment H-3258 filed by him from the floor and moved its adoption:

H-3258

- 1 Amend Senate File 163 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 34 and 35.
- 4 2. Page 2, by striking lines 1 and 2.

Roll call was requested by Chiodo of Polk and Junker of Woodbury.

On the question "Shall amendment H-3258 be adopted?"

The ayes were, 27:

Baker	Bennett	Brockett	Byerly
Conlon	Daggett	Hansen	Harvey
Hines	Horn	Howell	Junker
Koogler	Lageschulte	Lindeen	Menke

Miller, K.D.	Newhard	Nielsen	Pellett
Pelton	Poncy	Rinas	Stephens
Tauke	Thompson	West	

The nays were, 60:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Clark, B.J.
Crabb	Crawford	Cusack	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Harbor	Hargrave	Harper	Higgins
Hinkhouse	Husak	Jochum	Krause
Krewson	Lipsky	Lonergan	Middleswart
Millen	Miller, O.L.	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Scheelhaase	Schnekloth	Small
Spear	Spencer	Svoboda	Tofte
Varley	Walter	Welden	Wells
Woods	Wulff	Wyckoff	Mr. Speaker

Absent or not voting, 13:

Branstad	Clark, J.H.	Connors	Danker
Evans	Fitzgerald	Hoffmann	Hullinger
Jesse	Schroeder	Shimanek	Smalley
Stromer			

Amendment H-3258 lost.

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

On the question "Shall the bill pass?" (S.F. 163)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon

Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Small	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 3:

Koogler	Welden	Wulff
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Absent or not voting, 10:

Branstad	Clark, J.H.	Connors	Danker
Evans	Hoffmann	Schroeder	Shimanek
Smalley	Stromer		

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

HOUSE FILE 328 WITHDRAWN

Wyckoff of Benton asked and received unanimous consent to withdraw House File 328 from further consideration by the House.

Senate File 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, with report of committee recommending amendment and passage was taken up for consideration.

Cusack of Scott offered the following amendment H-3210 filed by the committee on budget:

H-3210

- 1 Amend Senate File 156, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 3, line 25, by striking the word
- 4 "three" and inserting in lieu thereof the word "two".
- 5 2. Page 3, line 28, by striking the figure
- 6 "141,477" and inserting in lieu thereof the figure
- 7 "125,000".

Amendment H-3210 was temporarily deferred.

Miller of Buchanan offered the following amendment H-3257 filed by him from the floor:

H-3257

- 1 Amend Senate File 156 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 Page 2, by inserting after line 15 the following:
- 4 "However, unencumbered funds remaining in the
- 5 commercial feed fund on July 1, 1977 shall be used
- 6 by the Iowa department of agriculture to study the
- 7 effects of the grain futures market on current grain
- 8 prices. The department shall investigate the bushels
- 9 or tons of grain specified in grain contracts in order
- 10 to determine if the contract prices are accurate when
- 11 compared to the actual tons or bushels of grain subject
- 12 to the contract provisions."

(Senate File 156 and amendment H-3257 pending at recess.)

ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Hinkhouse of Cedar offered the following House Memorial Resolution 7 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 7

Whereas, The Honorable John Speidel of Washington County, who was a member of the Forty-fifth and Forty-fifth Extra sessions of the General Assembly, passed away on February 25, 1977; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Hinkhouse of Cedar, Dunton of Keokuk and Hoffmann of Muscatine.

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norland of Worth for the afternoon session on request of Avenson of Fayette; Tauke of Dubuque for the afternoon session on request of Millen of Van Buren.

PRESENTATION OF VISITORS

Connors of Polk presented to the House foreign exchange student Urs Zahner of Schaffhausen, Switzerland. Urs is a senior attending East High School, Des Moines, Iowa, staying with Dorothy and Frank Deitch.

INTRODUCTION OF BILLS

HOUSE FILE 385, by committee on ways and means, a bill for an act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 386, by Halvorson, a bill for an act relating to the sale, exchange, purchase, rental, or advertising of real estate by an auctioneer.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 387, by Higgins, a bill for an act to prohibit any requirement that persons taking merit examinations for social worker positions with the department of social services be graduates of university or college programs accredited by certain professional bodies.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 388, by Wells, a bill for an act relating to exemptions from automobile registration fees for certain vehicles used by churches and consolidating the exemption for churches with the existing exemption for seriously disabled veterans.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 389, by Doyle, a bill for an act relating to the establishment of policies and procedures for legislative employees under the jurisdiction of the legislative council.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 390, by Baker, a bill for an act relating to the procedures prescribed for school reorganization.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 391, by Cusack, Bina and Smalley, a bill for an act to provide limited tax incentives for the improvement, repair, and maintenance of residential property by allowing a five-year tax moratorium for certain improvements to buildings and by requiring that real estate be assessed as if repairs and maintenance had been performed, with certain exceptions.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 392, by Hargrave, a bill for an act to require disclosure of certain information by trustees, directors, and officers of nonprofit hospitals and nonprofit health care facilities.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 393, by Wulff, a bill for an act exempting the gross receipts from sales and services to municipally—owned water utilities from the state sales, service and use tax.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 394, by Avenson, Bennett, Binneboese, Dyrland, Gilloon, Gilson, Griffee, Halvorson, Hinkhouse, Howell, Husak, Krause, Lageschulte, Miller of Calhoun, Newhard, Pellett, Perkins, Svoboda and Wyckoff, a bill for an act relating to easements acquired for pipelines and electric transmission lines.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 395, by Gentleman, a bill for an act relating to the sale of aerosol sprays and providing a penalty.

Read first time and referred to committee on ENERGY.

HOUSE FILE 396, by Horn, Connors, Jochum, Pavich, Koogler, Hargrave, Hansen, Stromer, Junker, Lipsky, Wells, Brandt, Poncy and Svoboda, a bill for an act relating to conflict of interest for city civil service commissioners and providing a penalty.

Read first time and referred to committee on CITIES.

HOUSE FILE 397, by Halvorson, Wyckoff, Harbor and Tofte, a bill for an act relating to the deduction of federal corporate income tax payments for computing taxable income for state corporate income tax purposes and making the Act retroactive.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 398, by committee on state government, a bill for an act relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 5, a bill for an act to provide for board of directors meetings of non-profit corporations by conference telephone or similar communications equipment.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments.

Read first time and PASSED ON FILE.

SENATE FILE 198, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements.

Read first time and referred to committee on BUDGET.

HOUSE CONCURRENT RESOLUTION 17

By Howell

- 1 *Whereas, it has been the custom to hold a*
- 2 *biennial memorial session in recognition of the*
- 3 *public services of departed members of the General*
- 4 *Assembly, and*
- 5 *Whereas, both Houses desire to participate in*
- 6 *such an observance, Now Therefore,*
- 7 *Be It Resolved by the House of Representatives,*

8 *the Senate Concurring:* That an evening session of the
 9 Sixty—seventh General Assembly be held in the House
 10 chamber Wednesday evening, April 20, 1977, at 7:30 p.m.
 11 *Be It Further Resolved,* that a joint committee of
 12 eight members be appointed, four from the Senate to be
 13 appointed by the President of the Senate, and four
 14 from the House to be appointed by the Speaker of the
 15 House, to make suitable arrangements for a joint
 16 memorial session.

Laid over under Rule 25.

HOUSE RESOLUTION 11
 By Nielsen, Woods and Anderson

1 *Whereas,* the Southeast Polk High School girls basket—
 2 ball team has won the Iowa Girls High School basketball
 3 championship; and
 4 *Whereas,* the Southeast Polk High School girls basket—
 5 ball team has displayed the utmost in spirit and teamwork,
 6 *Now Therefore,*
 7 *Be It Resolved by the House of Representatives,* That the
 8 Sixty—seventh General Assembly, 1977 Session, extends its
 9 heartiest congratulations to Southeast Polk, their coaches,
 10 cheerleaders, faculty and administration, families and loyal
 11 fans who encouraged and supported Southeast Polk through the
 12 regular season and during the tournament; and
 13 *Be It Further Resolved,* That the members of the Sixty—
 14 seventh General Assembly commend Southeast Polk for their splendid
 15 example of sportsmanship, fair play and athletic prowess which
 16 took them to the highest place in Iowa girls high school basket—
 17 ball, winning the Girls State Basketball championship and becoming
 18 Iowa's number one team.
 19 *Be It Further Resolved,* That a copy of this resolution be
 20 sent to Coach Bob Merkle and the Southeast Polk High School girls
 21 basketball team.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee appointed on House Concurrent Resolution 4, a resolution proposing that the rule and rescission proposed by

the department of transportation be disapproved, on the part of the Senate are: The Senator from Linn, Mr. Robinson, chair; the Senator from Muscatine, Mr. Drake; the Senator from Black Hawk, Mr. Hansen; the Senator from Pottawattamie, Mr. Slater; and the Senator from Polk, Mr. Willits.

STEVEN C. CROSS, Secretary

BUSINESS PENDING

The House resumed consideration of Senate File 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, and amendment H-3257 filed by Miller of Buchanan.

QUORUM CALL

Roll call was requested by Hines of Story and Bina of Scott to determine that a quorum was present. The vote revealed:

Present, 80:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Clark, B. J.	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Dieleman	Dunton	Dyrland
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K. D.	Miller, O. L.	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Spear	Spencer
Stephens	Svoboda	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

Absent, 20:

Branstad	Chiodo	Clark, J. H.	Daggett
Danker	Den Herder	Doyle	Egenes
Evans	Griffee	Monroe	Norland
Rinas	Schroeder	Shimanek	Small
Smalley	Stromer	Tauke	Varley

Miller of Buchanan moved the adoption of amendment H-3257.

A non-record roll call was requested.

The ayes were 22, nays 48.

Amendment H-3257 lost.

The House resumed consideration of the committee amendment H-3210.

Jesse of Polk offered the following amendment H-3261, to the committee amendment H-3210, filed by Small of Johnson from the floor and moved its adoption:

H-3261

- 1 Amend amendment H-3210, to Senate File 156
- 2 as passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 3 through 7 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 3, by striking lines 24 through 28."

Roll call was requested by Rinas of Linn and Hines of Story.

Rule 70 was invoked.

On the question "Shall amendment H-3261 be adopted?"

The ayes were, 39:

Baker	Bina	Binneboese	Branstad
Chiodo	Conlon	Connors	Cusack
Doyle	Dunton	Dyrland	Gilloon
Hargrave	Harvey	Higgins	Hines
Howell	Jesse	Jochum	Koogler
Krause	Lageschulte	Lonergan	Miller, K. D.

Miller, O. L.	Monroe	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pelton
Rinas	Scheelhaase	Spear	Svoboda
Walter	Woods	Mr. Speaker	

The nays were, 48:

Anderson	Avenson	Bennett	Brandt
Brunow	Byerly	Clark, B. J.	Crabb
Crawford	Daggett	Davitt	Den Herder
Dieleman	Egenes	Garrison	Gentleman
Gilson	Griffee	Halvorson	Hansen
Harbor	Harper	Hinkhouse	Hoffmann
Horn	Husak	Junker	Krewson
Lindeen	Lipsky	Menke	Middleswart
Millen	Newhard	Pellett	Perkins
Poncy	Schnekloth	Spencer	Stephens
Thompson	Tofte	Varley	Welden
Wells	West	Wulff	Wyckoff

Absent or not voting, 13:

Brockett	Clark, J. H.	Danker	Evans
Fitzgerald	Hullinger	Norland	Schroeder
Shimanek	Small	Smalley	Stromer
Tauke			

Amendment H-3261 lost.

Cusack of Scott moved the adoption of the committee amendment H-3210.

A non-record roll call was requested.

The ayes were 56, nays 30.

Amendment H-3210 was adopted.

Junker of Woodbury offered the following amendment H-3260 filed by him from the floor and moved its adoption:

H-3260

- 1 Amend Senate File 156, as passed by the
- 2 Senate as follows:
- 3 1. Page 5, by inserting after line 18 the
- 4 following:
- 5 "Sec. All appropriations contained in this
- 6 Act are hereby reduced by one (1) percent."

A non-record roll call was requested.

The ayes were 33, nays 48.

Amendment H-3260 lost.

The Speaker announced that the following amendment H-3256, filed by Small of Johnson from the floor, was out of order:

H-3256

- 1 Amend Senate File 156, as passed by the
- 2 Senate and reprinted as follows:
- 3 1. Page 3, by striking lines 24 through
- 4 28.

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

On the question "Shall the bill pass?" (S.F. 156)

The ayes were, 73:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B. J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Fitzgerald	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harper
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Middleswart	Millen
Miller, O. L.	Monroe	Newhard	O'Halloran
Oxley	Patchett	Pellet	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Spear	Spencer	Stephens	Svoboda
Thompson	Tofte	Varley	Welden
Wells	West	Wulff	Wyckoff
Mr. Speaker			

The nays were, 12:

Chiodo	Hargrave	Higgins	Hines
Jesse	Jochum	Junker	Miller, K. D.
Pavich	Rinas	Small	Walter

Absent or not voting, 15:

Brockett	Clark, J. H.	Danker	Evans
Garrison	Harbor	Menke	Nielsen
Norland	Schroeder	Shimanek	Smalley
Stromer	Tauke	Woods	

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

BUDGET CALENDAR

Senate File 160, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research, with report of committee recommending amendment and passage was taken up for consideration.

Cusack of Scott offered the following amendment H-3209 filed by the committee on budget and moved its adoption:

H-3209

- 1 Amend Senate File 160 as follows:
- 2 1. Page 1, by striking lines 21 through 23.
- 3 2. Page 1, by inserting after line 28 the
- 4 following:
- 5 "Sec. Chapter eight B (8B), Code 1977, is
- 6 repealed."
- 7 3. Renumber the remaining section.
- 8 4. Title page, line 1, by inserting after the
- 9 word "Act" the words "relating to and".

Amendment H-3209 was adopted.

Junker of Woodbury offered the following amendment H-3259 filed by him from the floor and moved its adoption:

H-3259

- 1 Amend Senate File 160, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 32 the
- 4 following:
- 5 Sec. "All appropriations contained in this
- 6 Act are hereby reduced by one (1) percent."

Amendment H-3259 lost.

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

On the question "Shall the bill pass?" (S.F. 160)

The ayes were, 80:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Clark, B. J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harper	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, O. L.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Spear	Spencer	Stephens
Svoboda	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 10:

Avenson	Byerly	Chiodo	Hines
Jesse	Junker	Miller, K. D.	Patchett
Rinas	Small		

Absent or not voting, 10:

Brockett	Clark, J. H.	Evans	Garrison
Norland	Schroeder	Shimaneck	Smalley
Stromer	Tauke		

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

REFERRED TO ADMINISTRATION COMMITTEE
(House Resolution 3)

Newhard of Jones called up for consideration House Resolution 3 filed on January 21, 1977 and found on page 190 of the House Journal.

Wells of Linn moved that House Resolution 3 be referred to the administration committee.

A non-record roll call was requested.

The ayes were 48, nays 26.

The motion prevailed and House Resolution 3 was referred to the administration committee.

MOTION TO RECONSIDER
(Senate File 156)

I move to reconsider the vote by which Senate File 156 passed the House on March 14, 1977.

MONROE of Des Moines.

SPONSOR ADDED
(House Files 369, 373 and 381)

Cusack of Scott requested to be added as a sponsor to House Files 369, 373 and 381.

(House File 361)

Thompson of Polk requested to be added as a sponsor to House File 361.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:00 a.m., March 11, 1977

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; Anderson, Bennett, Bina, Brandt, Branstad, Cusack, Davitt, Dieleman, Dunton, Egenes, Harbor, Husak, Jochum, Menke, Oxley, Pavich, Rinas, Schnekloth, Thompson, Wells, Wulff and Wyckoff.

Absent: Conlon (arrived 8:15 a.m.), Horn (arrived 8:45 a.m.), Howell (arrived 8:15 a.m.), Junker (arrived 8:16 a.m.), Varley (arrived 8:31 a.m.), West, Clark of Lee, Den Herder, Gilloon, Harvey, Hines, O'Halloran, Spencer and Svoboda.

Excused: Daggett.

House File 249, a bill for an act revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders.

Recommended AMEND AND DO PASS.

H-3262

- 1 Amend House File 249 as follows:
- 2 1. Page 1, line 19, by striking the word "ninety"
- 3 and inserting in lieu thereof the words "~~ninety~~
- 4 thirty".
- 5 2. Page 2, line 7, by striking the words "~~month~~
- 6 quarter" and inserting in lieu thereof the word

7 "month".

8 3. Page 2, by inserting after line 17 the follow-
9 ing new sections:

10 "Sec. Section three hundred twenty-four point
11 fifty-two (324.52), unnumbered paragraph two (2),
12 Code 1977, is amended to read as follows:

13 Any person who is ~~unable to display either of the~~
14 ~~permits provided in section three hundred twenty-four~~
15 ~~point fifty-three (324.53) of the Code and brings~~
16 into the state in the fuel supply tanks of a commercial
17 motor vehicle more than thirty gallons of motor fuel
18 or special fuel in violation of the provisions of
19 the preceding paragraph is guilty of a misdemeanor
20 and upon conviction shall be fined not more than one
21 hundred dollars or shall be imprisoned in the county
22 jail not more than thirty days.

23 Sec. Section three hundred twenty-four point
24 fifty-three (324.53), unnumbered paragraphs one (1)
25 and three (3), Code 1977, are amended to read as
26 follows:

27 The advance arrangements referred to in the
28 preceding section shall include the procuring of a
29 ~~permanent interstate fuel permit or single trip~~
30 ~~interstate permit~~ and may in the discretion of the
31 department of revenue include the posting of a suitable
32 indemnity bond in a sum to be fixed by the department
33 of revenue to assure the required reporting, tax
34 payments and the keeping of required records.

35 ~~Permit A permanent permit~~ may be obtained upon
36 application to the department of revenue. The
37 department of revenue shall charge a fee of one dollar
38 for each permit issued. The holder of a permanent
39 permit under this division shall have the privilege
40 of bringing into this state in the fuel supply tanks
41 of commercial motor vehicles any amount of motor fuel
42 or special fuel to be used in the operation of the
43 vehicles and for that privilege shall pay Iowa motor
44 fuel or special fuel taxes as provided in section
45 324.54. ~~A single trip interstate permit as provided~~
46 ~~for in this section may be obtained from the depart-~~
47 ~~ment of revenue or the department of transportation.~~
48 ~~A fee of twelve dollars shall be charged for each~~
49 ~~individual single trip interstate permit issued.~~
50 ~~A single trip interstate permit shall be subject to~~

Page 2

1 the following provisions and limitations:

2 1. The permit shall be issued and be valid for
3 seventy-two consecutive hours, except in emergencies,
4 or until the time of leaving the state, whichever
5 first occurs.

6 2. The permit shall cover only one commercial
7 motor vehicle and is not transferable.

8 3. Single trip interstate fuel permits may be
9 made available from sources other than indicated in
10 this section at the discretion of the director of
11 revenue."

12 4. Title page, line 1, by inserting after the
13 word "Act" the words "relating to interstate motor
14 vehicle permits, providing for permanent and single
15 trip interstate permits and",

Aye: Norland, Miller of Buchanan, Anderson, Bennett, Brandt, Branstad, Conlon, Cusack, Dieleman, Dunton, Harbor, Horn, Howell, Husak, Jochum, Junker, Menke, Pavich, Schnekloth, Thompson, Varley, Wulff and Wyckoff.

Nay: None.

Absent or Not Voting: West, Bina, Clark of Lee, Daggett, Davitt, Den Herder, Egenes, Gilloon, Harvey, Hines, O'Halloran, Oxley, Rinas, Spencer, Svoboda and Wells.

Study Bill 117B, a bill for an act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive.

Recommended AMEND AND DO PASS.

Aye: Norland, Miller of Buchanan, Anderson, Bennett, Bina, Brandt, Branstad, Conlon, Cusack, Davitt, Dieleman, Egenes, Harbor, Husak, Jochum, Menke, Oxley, Pavich, Rinas, Schnekloth, Thompson, Varley, Wells, Wulff and Wyckoff.

Nay: Dunton and Junker.

Absent or Not Voting: West, Clark of Lee, Daggett, Den Herder, Gilloon, Harvey, Hines, Horn, Howell, O'Halloran, Spencer and Svoboda.

COMMITTEE ON TRANSPORTATION

Scheduled: 8:30 a.m., March 11, 1977

Convened: 8:45 a.m.

Adjourned: 9:15 a.m.

Present: Krause, chair; Harper, vice-chair; Binneboese, Clark of Cerro Gordo, Davitt, Doyle, Egenes, Hoffmann, Lageschulte, Lipsky and Rinas.

Absent: Brunow (arrived 8:57 a.m.), Woods (arrived 9:10 a.m.), Schroeder, vice-chair; Harbor, Hullinger and Monroe.

Excused: Dunton (arrived 9:00 a.m.), Oxley and Schneklath.

Study Bill 166, a bill for an act relating to railroad laws providing for changes to railroad laws, funding and penalties.

Recommended AMEND AND DO PASS.

Aye: Krause, Harper, Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Dunton, Egenes, Hoffmann, Lageschulte, Lipsky, Rinas and Woods.

Nay: None.

Absent or Not Voting: Schroeder, Harbor, Hullinger, Monroe, Oxley and Schneklath.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 11, 1977. Had I been present I would have voted "aye" on House File 332.

DAGGETT of Adams

I was necessarily absent from the House chamber on March 11, 1977. Had I been present I would have voted "aye" on House Files 331 and 332, and "nay" on amendments H-3241 and H-3244 to House File 332. I also would have voted "nay" on the question "Shall the House insist on its amendment to the Senate amendment?" to House Concurrent Resolution 4.

WALTER of Pottawattamie

I was necessarily absent from the House chamber when the votes were taken on House File 267 and on amendment H-3254 to Senate File 103. Had I been present I would have voted "aye" on each of these.

O'HALLORAN of Black Hawk

COMMUNICATION FROM ADVISORY COMMISSION
ON CORRECTIONS RELIEF

There is on file in the office of the Chief Clerk a copy of the report concerning Adult Corrections in Iowa submitted by the Advisory Commission on Corrections Relief pursuant to Senate File 1539 of the Sixty-sixth General Assembly.

AMENDMENTS FILED

H-3263	H.F. 100	Doyle of Woodbury
H-3264	H.F. 279	Spear of Lee
H-3265	H.F. 366	Miller of Buchanan
		Wyckoff of Benton
		Harvey of Scott
H-3266	S.F. 149	Miller of Buchanan

On motion by Fitzgerald of Webster the House adjourned at 5:18 p.m. until 10:00 a.m., Tuesday, March 15, 1977.

JOURNAL OF THE HOUSE

Sixty—fifth Calendar Day -- Forty—sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 15, 1977

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

Prayer was offered by Monsignor A. W. Behrens, pastor of the Holy Name Church, Marcus, Iowa.

The Journal of Monday, March 14, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rowe, Resident, Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the morning session on request of Wyckoff of Benton; Gentleman of Polk on request of Svoboda of Iowa; Lindeen of Henry on request of Stephens of Plymouth; Clark of Cerro Gordo on request of Wulff of Black Hawk; Baker of Buena Vista on request of Horn of Linn; Krewson of Polk on request of Walter of Pottawattamie; Lipsky of Linn on request of Crawford of Story; Koogler of Mahaska for the morning session on request of Daggett of Adams; Lonergan of Boone on request of Monroe of Des Moines; Garrison of Black Hawk on request of Dunton of Keokuk; Hines of Story for the morning session on request of Rinas of Linn.

PRESENTATION OF VISITORS

Dunton of Keokuk presented to the House the Honorable James Quinn, former member of the House during the Sixty—first General Assembly representing Washington County.

Harbor of Mills presented to the House the Honorable Harold Fischer, former member of the House during the Fifty—eighth, Fifty—ninth, Sixtieth, Sixtieth Extra, Sixty—first, Sixty—second, Sixty—third, Sixty—fourth and Sixty—fifth General Assemblies representing Grundy County.

Branstad of Winnebago presented to the House the Honorable Karl Kiilsholm, former member of the House during the Sixty—second General Assembly, representing Algona and Kossuth counties.

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

Six students from Iowa Braille and Sight Saving School, Vinton, Iowa, accompanied by Mary Beth Young, Lois Banse, Diane Jacobsen and Howard Stiegelmeyer. By Wyckoff of Benton.

PETITIONS FILED

The following petitions were received and placed on file:

By Harbor of Mills from the First Hour Guidance Class, Shenandoah Junior High School, opposed to litter along the highways and in the parks.

By Gilson of Guthrie from one hundred fifty—five constituents requesting the Legislature to rescind the ratification of the equal rights amendment.

By Jochum of Dubuque from forty—four residents of Dubuque County urging the Iowa Legislature to adequately fund human resources programs.

By Connors of Polk from forty—two Iowans in favor of proper funding for human resources programs.

CONSIDERATION OF BILLS

Budget Calendar

SENATE FILE 197 SUBSTITUTED FOR HOUSE FILE 366

Griffie of Chickasaw asked and received unanimous consent to substitute Senate File 197 for House File 366.

Senate File 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments, was taken up for consideration.

Miller of Buchanan offered the following amendment H-3267 filed by Miller of Buchanan, Wyckoff and Harvey from the floor and moved its adoption:

H-3267

1 Amend Senate File 197, as passed by the
2 Senate, as follows:

3 Page 1, by inserting after line 17 the following:

4 "Funds appropriated by this subsection and budgeted
5 for the conversion of twelve stores to self-service
6 stores shall not be used for such purpose. Such funds
7 shall be used for a two-year study to be conducted
8 by a private firm pursuant to a contract executed
9 by the Iowa beer and liquor control council in order
10 to determine the impact of repealing the state liquor
11 control provisions and providing for placing the
12 distribution and sale of liquor and beer in the private
13 sector. In order to carry out such study the twelve
14 stores which would otherwise be converted to self-
15 service stores may be leased to private bidders
16 pursuant to contracts approved by the Iowa beer and
17 liquor control council. The Iowa beer and liquor
18 control council may provide within the contract that
19 a private person who is awarded the contract may
20 convert a counter-type store to a self-service store.

21 The funds appropriated by this subsection which
22 are to be used for the study shall be encumbered prior
23 to July 1, 1978 by the execution of the contracts
24 for the study and the execution of the lease
25 agreements, and shall not revert to the general fund
26 if so encumbered until the completion of the study."

A non-record roll call was requested.

The ayes were 16, nays 58.

Amendment H-3267 lost.

Stromer of Hancock offered the following amendment H-3268 filed by him and Welden of Hardin from the floor:

H-3268

- 1 Amend Senate File 197, as passed by the
- 2 Senate, as follows:
- 3 1. Page 2, by inserting after line 31 the
- 4 following:
- 5 "Funds appropriated under this subsection shall
- 6 not be used for mediators appointed under section
- 7 twenty point twenty (20.20) of the Code, when a
- 8 party to the impasse is a local school district."

Small of Johnson asked for unanimous consent that action on amendment H-3268 be deferred.

Objection was raised.

Small of Johnson moved that action on amendment H-3268 be deferred.

The motion prevailed.

Horn of Linn offered the following amendment H-3269 filed by him from the floor:

H-3269

- 1 Amend Senate File 197 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following new sentence: "The monies appropriated
- 4 in this paragraph shall be contingent upon:
- 5 a. the opening of a self-service liquor
- 6 store in the northwest section of Cedar Rapids, and
- 7 b. the extension of the hours of operation
- 8 of the highest volume store in counties or metro-
- 9 politan-areas with a population in excess of forty
- 10 thousand (40,000) people, until ten (10) p.m. on
- 11 all days the liquor stores are in operation."

By unanimous consent the following amendment H-3273, to amendment H-3269, filed by Horn of Linn from the floor, was adopted:

H-3273

1. Amend amendment H-3269, to Senate File 197 as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6.
- 4 2. Page 1, line 7, by striking the following:
- 5 "b."

Horn of Linn moved the adoption of amendment H-3269, as amended.

Roll call was requested by Walter of Pottawattamie and Rinas of Linn.

Rule 70 was invoked.

On the question "Shall amendment H-3269, as amended, be adopted?"

The ayes were, 38:

Anderson	Avenson	Bina	Binneboese
Brandt	Chiodo	Conlon	Connors
Crawford	Cusack	Doyle	Dyrland
Giloon	Gilson	Griffee	Hargrave
Harvey	Higgins	Horn	Jochum
Miller, K.D.	Monroe	Newhard	Nielsen
O'Halloran	Patchett	Pavich	Perkins
Rinas	Shimanek	Small	Stromer
Tauke	Thompson	Tofte	Walter
Wells	Woods		

The nays were, 45:

Bennett	Branstad	Brockett	Brunow
Byerly	Crabb	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Egenes	Halvorson	Hansen	Harbor
Harper	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Krause	Lageschulte
Menke	Middleswart	Millen	Miller, O.L.

Norland
Scheelhaase
Spencer
Welden

Pellett
Schneklath
Stephens
West

Pelton
Smalley
Svoboda
Wulff

Poney
Spear
Varley
Wyckoff
Mr. Speaker

Absent or not voting, 17:

Baker
Fitzgerald
Jesse
Lindeen
Schroeder

Clark, B.J.
Garrison
Junker
Lipsky

Clark, J.H.
Gentleman
Koogler
Loneragan

Evans
Hines
Krewson
Oxley

Amendment H-3269, as amended, lost.

The House resumed consideration of amendment H-3268.

Stromer of Hancock offered the following amendment H-3271, to amendment H-3268, filed by Stromer, Welden and Branstad from the floor:

H-3271

- 1 Amend amendment H-3268, to Senate File 197
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking line 8 and inserting
- 4 in lieu thereof the following: "political sub-
- 5 division, including school districts and other
- 6 special purpose districts, is a party to the
- 7 impasse."

Brunow of Appanoose in the chair at 11:45 a.m.

Speaker Cochran in the chair at 11:57 a.m.

(Senate File 197 and amendment H-3271, to amendment H-3268, pending at recess.)

On motion by Avenson of Fayette, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek for the remainder of the day on request of Millen of Van Buren; Evans of Grundy for the remainder of the day on request of Brockett of Marshall; Pellett of Cass for the remainder of the day on request of Danker of Pottawattamie.

BUSINESS PENDING

The House resumed consideration of Senate File 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments, and amendment H-3271, to amendment H-3268.

Stromer of Hancock moved the adoption of amendment H-3271, to amendment H-3268.

A non-record roll call was requested.

The ayes were 22, nays 51.

Amendment H-3271 lost.

Stromer of Hancock moved the adoption of amendment H-3268.

Amendment H-3268 lost.

Horn of Linn offered the following amendment H-3272 filed by him from the floor and moved its adoption:

H-3272

- 1 Amend Senate File 197, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following new sentence: "The monies appropriated
- 5 in this paragraph shall be contingent upon the
- 6 opening of a self-service liquor store in the
- 7 northwest section of Cedar Rapids."

A non-record roll call was requested.

The ayes were 23, nays 48.

Amendment H-3272 lost.

Byerly of Polk moved to reconsider the vote by which amendment H-3269 failed to be adopted by the House.

A non-record roll call was requested.

The ayes were 46, nays 34.

The motion prevailed and the House reconsidered amendment H-3269.

Horn of Linn moved the adoption of amendment H-3269.

Roll call was requested by Bina of Scott and Rinas of Linn.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3269 be adopted?"

The ayes were, 45:

Anderson	Avenson	Bina	Binneboese
Brandt	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Fitzgerald
Gilloon	Gilson	Hargrave	Harvey

Higgins	Hines	Horn	Husak
Jochum	Junker	Koogler	Miller, K.D.
Monroe	Newhard	Nielsen	O'Halloran
Patchett	Pavich	Perkins	Rinas
Shimanek	Small	Spencer	Svoboda
Tauke	Thompson	Walter	Wells
Woods			

The nays were, 40:

Bennett	Branstad	Brockett	Brunow
Crabb	Crawford	Daggett	Danker
Den Herder	Dieleman	Egenes	Griffee
Halvorson	Hansen	Harbor	Harper
Hinkhouse	Hoffmann	Howell	Krause
Lageschulte	Menke	Millen	Miller, O.L.
Norland	Oxley	Pelton	Poncy
Scheelhaase	Schneklath	Smalley	Spear
Stephens	Stromer	Varley	Welden
West	Wulff	Wyckoff	Mr. Speaker

Absent or not voting, 15:

Baker	Clark, B.J.	Evans	Garrison
Gentleman	Hullinger	Jose	Krewson
Lindeen	Lipsky	Loneragan	Middleswart
Pellett	Schroeder	Tofte	

Admendment H-3269, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 197)

The ayes were, 73:

Anderson	Avenson	Bina	Binneboese
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harper	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jose	Jochum	Koogler

Krause	Lageschulte	Millen	Miller, K.D.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spencer	Svoboda	Tauke
Thompson	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
			Mr. Speaker

The nays were, 13:

Bennett	Branstad	Daggett	Danker
Den Herder	Harvey	Junker	Menke
Miller, O.L.	Spear	Stephens	Stromer
Wulff			

Absent or not voting, 14:

Baker	Clark, B.J.	Evans	Garrison
Gentleman	Hullinger	Krewson	Lindeen
Lipsky	Lonergan	Middleswart	Pellett
Schroeder	Tofte		

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

HOUSE FILE 366 WITHDRAWN

Griffie of Chickasaw asked and received unanimous consent to withdraw House File 366 from further consideration by the House.

ADOPTION OF CONFERENCE COMMITTEE REPORT (House Concurrent Resolution 4)

Nielsen of Polk offered the following report of the conference committee on House Concurrent Resolution 4 and moved the adoption of the report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE CONCURRENT RESOLUTION 4

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 Senate and the House of Representatives on House Concurrent Resolution 4 relating to the disapproval of the proposed rule by the state department of transportation submitted January 17, 1977, respectfully make the following report:

1. That the House recede from its amendment, S-3119, to Senate amendment, H-3085, to House Concurrent Resolution 4.

2. That the Senate recede from its amendment, H-3085, to House Concurrent Resolution 4.

3. That House Concurrent Resolution 4 be amended as follows:

1. Page 1, by striking lines 11 through 15 and inserting in lieu thereof the following:

“Now Therefore, Be It Resolved by the House of Representatives, the Senate Concurring, That the state department of transportation rule proposed and submitted to the General Assembly on January 17, 1977, is disapproved; and

Be It Further Resolved, That the rescission of the state department of transportation rule filed with the General Assembly on January 16, 1976, proposed in the January 17, 1977 message is disapproved; and

Be It Further Resolved, That the state department of transportation shall propose a new rule within thirty days from the passage of this resolution by the House of Representatives and the Senate, for consideration by the General Assembly. It is the intent of the General Assembly that the proposed rule shall restrict the operation of combinations of vehicles in excess of sixty feet but not exceeding sixty-five feet to divided multilaned limited access highways, to highways at least twenty-four feet wide within five miles of divided multilaned limited access highways, to highways in cities adjoining the borders of this state, and to appropriate routes when approved by the state department of transportation, by permit, from a point of origin in this state or to a point of destination in this state.”

ON THE PART OF THE SENATE:

CLOYD E. ROBINSON, chair
TOM SLATER
EARL M. WILLITS
RICHARD F. DRAKE

ON THE PART OF THE HOUSE:

CARL V. NIELSEN, chair
JACK E. WOODS
CARROLL PERKINS
WILLIAM H. HARBOR

Roll call was requested by Avenson of Fayette and Rinas of Linn.

On the question "Shall the report be adopted?"

The ayes were, 51:

Bennett	Binneboese	Branstad	Byerly
Chiodo	Conlon	Connors	Crabb
Daggett	Davitt	Dieleman	Doyle
Dunton	Gilson	Halvorson	Hansen
Harbor	Harper	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler
Krause	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Nielsen	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Smalley	Spear	Spencer	Stephens
Stromer	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 37:

Anderson	Avenson	Bina	Brandt
Brockett	Brunow	Clark, J.H.	Crawford
Cusack	Danker	Den Herder	Dyrland
Egenes	Fitzgerald	Gilloon	Griffie
Hargrave	Higgins	Hines	Jochum
Lageschulte	Menke	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pelton	Shimanek	Small	Svoboda
Tauke	Thompson	Varley	Walter
Wulff			

Absent or not voting, 12:

Baker	Clark, B.J.	Evans	Garrison
Gentleman	Krewson	Lindeen	Lipsky
Lonergan	Pellett	Schroeder	Tofte

The motion prevailed and the report was adopted.

Nielsen of Polk moved that House Concurrent Resolution 4, as amended, be adopted.

Roll call was requested by Junker of Woodbury and Harbor of Mills.

On the question "Shall the resolution be adopted?"

The ayes were, 51:

Bennett	Binneboese	Branstad	Byerly
Chiodo	Conlon	Connors	Crabb
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Gilson	Halvorson
Hansen	Harbor	Harper	Harvey
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Jesse	Junker	Koogler
Krause	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Nielsen	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Smalley	Spear	Stephens	Stromer
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 35:

Anderson	Avenson	Bina	Brandt
Brockett	Brunow	Clark, J.H.	Crawford
Cusack	Den Herder	Dyrland	Egenes
Fitzgerald	Gilloon	Griffee	Higgins
Hines	Jochum	Lageschulte	Menke
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pelton	Shimanek
Small	Spencer	Svoboda	Tauke
Thompson	Varley	Walter	

Absent or not voting, 14:

Baker	Clark, B.J.	Evans	Garrison
Gentleman	Hargrave	Horn	Krewson
Lindeen	Lipsky	Loneragan	Pellett
Schroeder	Tofte		

The motion prevailed and the resolution, as amended, was adopted.

Nielsen of Polk moved to reconsider the vote by which House Concurrent Resolution 4 was adopted.

A non-record roll call was requested.

The ayes were 29, nays 58.

The motion lost.

BUDGET CALENDAR

Senate File 162, a bill for an act making an appropriation to the judicial department with report of committee recommending amendment and passage was taken up for consideration.

Cusack of Scott offered amendment H-3231 filed by the committee on budget on March 10, 1977 and found on page 764 of the House Journal and moved its adoption.

Amendment H-3231 was adopted.

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

On the question "Shall the bill pass?" (S.F. 162)

The ayes were, 79:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Den Herder	Dieleman	Doyle
Dyrland	Egenes	Fitzgerald	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Koogler	Lageschulte	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Hullinger

Absent or not voting, 20:

Baker	Brockett	Clark, B.J.	Connors
Davitt	Dunton	Evans	Garrison
Gentleman	Higgins	Krause	Krewson
Lindeen	Lipsky	Loneragan	Pellett
Rinas	Schroeder	Tofte	Walter

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 277**, a bill for an act relating to the authority of the Iowa natural resources council.

Miller of Buchanan offered the following amendment H-3152 filed by him and moved its adoption:

H-3152

- 1 Amend House File 277 as follows:
- 2 1. Page 2, line 4, by inserting after the first
- 3 word "~~the~~" the word "written".
- 4 2. Page 3, line 7, by striking the word "thirty"
- 5 and inserting in lieu thereof the word "ten".

Amendment H-3152 was adopted.

Junker of Woodbury offered the following amendment H-3153 filed by him and moved its adoption:

H-3153

- 1 Amend House File 277 as follows:
- 2 1. Page 2, by striking lines 33 through 35
- 3 and inserting in lieu thereof the following:
- 4 "NEW PARAGRAPH. The court may issue a search
- 5 warrant, after examination of the applicant and
- 6 any witnesses, if the court is satisfied that
- 7 there is probable cause to believe the existence
- 8 of the allegations contained in the application."
- 9 2. Page 3, by striking lines 1 through 3.

Amendment H-3153 was adopted.

Avenson of Fayette offered the following amendment H-3214 filed by Baker of Buena Vista and Avenson of Fayette:

H-3214

- 1 Amend House File 277 as follows:
- 2 1. Page 4, by inserting after line 13, the follow-
- 3 ing:
- 4 "Sec. Section four hundred fifty-five A point
- 5 thirty-five (455A.35), Code 1977, is amended by adding
- 6 the following new paragraph:
- 7 **NEW PARAGRAPH.** It shall be unlawful for any person
- 8 to change any watercourse in this state without having
- 9 obtained a permit from the council. A permit may be
- 10 obtained from the council after application and a pub-
- 11 lic hearing as provided under section four hundred
- 12 fifty-five A point nineteen (455A.19) of the Code.
- 13 The council may approve, modify or disapprove any
- 14 application to change a watercourse in this state."
- 15 2. By renumbering sections to conform to this
- 16 amendment.

Avenson of Fayette asked for unanimous consent to defer action on amendment H-3214.

Objection was raised.

Avenson of Fayette moved that action on amendment H-3214 be deferred.

The motion prevailed and action on amendment H-3214 was deferred.

(House File 277 pending at adjournment.)

MOTION TO RECONSIDER
(Senate File 197)

I move to reconsider the vote by which Senate File 197 passed the House on March 15, 1977.

CUSACK of Scott

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on Senate File 162. Had I been present I would have voted "aye".

DUNTON of Keokuk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 14, 1977, he approved and transmitted to the Secretary of State the following bills:

House File 128, an act making a supplemental appropriation to the Department of Social Services for medical assistance.

Senate File 61, an act providing for the taxation of active duty military income of Iowa residents and making the act retroactive.

Senate File 64, an act to provide a midshift meal to employees of the correctional institutions.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 209 Judiciary and Law Enforcement

To establish the position of district court law clerk and to provide that expenses of that position shall be paid in the same manner as other district court operating expenses.

S.B. 210 Judiciary and Law Enforcement

Relating to the protection of the rights of owners of enterprises, and providing penalties.

S.B. 211 Education

Relating to admittance, attendance and participation in extracurricular activities at a public school.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Scheduled: 12:30 p.m., March 9, 1977

Convened: 12:45 p.m.

Adjourned: 1:30 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Crawford, Dieleman, Hansen, Junker, Shimanek, Stromer, Tauke and West.

Absent: Avenson, Griffee, Higgins, Jesse, Middleswart, Patchett, Poncy and Walter.

Assigned bills to subcommittee.

COMMITTEE ON ENERGY

Scheduled: 1:00 p.m., March 14, 1977

Convened: 1:05 p.m.

Adjourned: 2:55 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Doyle, Griffee, Hinkhouse, Hullinger, Lindeen, Pellett, Perkins and Svoboda.

Absent: Middleswart (arrived 2:50 p.m.), Pelton (arrived 1:20 p.m.), Varley (arrived 1:15 p.m.) and Evans.

Excused: Danker and Norland.

Assignment of bills to subcommittee and discussion of S.B. 92, municipal utilities.

Senate Concurrent Resolution 8, a resolution urging the President of the United States to recognize the importance of Iowa's and the midwest's present natural gas allocation in meeting essential residential and agricultural production needs, and not penalize the people of Iowa for their dedication to energy conservation and energy management foresight by diverting the state's fuel supplies to an extent that might jeopardize the security and well-being of Iowans, and to formulate an energy policy.

Recommended DO PASS.

Aye: O'Halloran, Howell, Welden, Binneboese, Daggett, Doyle, Griffee, Hinkhouse, Hullinger, Lindeen, Pellett, Pelton, Perkins, Svoboda and Varley.

Nay: None.

Absent or Not Voting: Danker, Evans, Middleswart and Norland.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 1:00 p.m., March 14, 1977

Convened: 1:09 p.m.

Adjourned: 2:05 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard and Tofte.

Absent: Brunow.

Excused: Schroeder.

Senate File 98, a bill for an act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Baker, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard and Tofte.

Nay: None.

Absent or Not Voting: Brunow and Schroeder.

Discussed and deferred House File 206.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:30 p.m., March 14, 1977

Convened: 1:38 p.m.

Adjourned: 3:07 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Horn, Lageschulte, Pavich, Poncy, Small, Thompson and Wells.

Absent: Hines (arrived 1:50 p.m.).

Excused: Smalley.

Discussion of sections 24, 25, 26, 27, 28 and 29 of Study Bill 32, an Act amending the Public Employment Relations Act. Considered amendments to those sections.

AMENDMENTS FILED

H-3270	H.F. 277	Wyckoff of Benton
H-3274	H.F. 279	Spear of Lee
H-3275	H.F. 367	Svoboda of Iowa
		Small of Johnson
H-3276	H.F. 367	Byerly of Polk
		Harvey of Scott
H-3277	H.F. 367	Lageschulte of Bremer
H-3278	H.F. 168	Bina of Scott
H-3279	H.F. 75	Welden of Hardin

On motion by Fitzgerald of Webster the House adjourned at 5:24 p.m., until 10:00 a.m., Wednesday, March 16, 1977.

JOURNAL OF THE HOUSE

Sixty—sixth Calendar Day -- Forty—seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 16, 1977

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

Prayer was offered by the Reverend James Quitno, pastor of the Grace Lutheran Church, Spirit Lake, Iowa.

The Journal of Tuesday, March 15, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Beckman, Kalona, Iowa.

PRESENTATION OF VISITORS

Bina of Scott presented to the House former Page of the House Jami Roth from Davenport, Iowa.

Harper of Davis presented to the House Jiro Komaki, a foreign exchange student from Japan, attending Davis County Community High School, Bloomfield, Iowa. He is the only oriental basketball player in the state tournament.

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

The cheerleaders from Westwood High School, Sloan, Iowa. By Scheelhaase of Woodbury.

Sixty seventh and eighth grade students from All Saints Elementary School, Des Moines, Iowa, accompanied by Mrs. Tracey and Sister Frances. By Jesse of Polk.

Davis County Community High School boys basketball team, and cheerleaders, Bloomfield, Iowa, accompanied by Don Combs,

Steve Dend, Denny Anderson, and Leon Wilkerson. By Harper of Davis.

Sixty seniors of the American Government class from Clear Creek High School, Tiffin, Iowa, accompanied by Mrs. Rose Allman. By Patchett of Johnson.

PETITIONS FILED

The following petitions were received and placed on file:

By Bennett of Ida from forty—three constituents favoring adequate funding of human resources programs.

By Danker of Pottawattamie from eighty—four constituents against any move to rescind ratification of the equal rights amendment.

By Hines of Story from seventy—seven constituents supporting the beverage container bill which will require a ten cent deposit on all bottles and cans sold in Iowa, for economic reasons as well as environmental.

By Cochran of Webster from three thousand eight hundred twenty—two undergraduate and graduate students and one hundred seventy—three faculty and staff of Iowa State University asking the Legislature to appropriate planning funds of \$400,000 in this session for the design and construction of a library addition on the Iowa State University campus.

By Horn of Linn and Byerly of Polk from six hundred four constituents opposing the proposed cut in the area community college aid.

By Wulff of Black Hawk from forty—four constituents favoring calculating IPERS retirement benefits based on the first of the month in which the employee's birthday occurred.

CONSIDERATION OF BILLS

Business Pending

The House resumed consideration of House File 277, a bill for an act relating to the authority of the Iowa natural resources council.

Wyckoff of Benton offered the following amendment H-3270 filed by him:

H-3270

1 Amend House File 277 as follows:

2 1. Page 3, by inserting after line 33 the
3 following:

4 "Sec. Section four hundred fifty-five A point
5 twenty-eight (455A.28), Code 1977, is amended by
6 adding the following new subsection:

7 **NEW SUBSECTION.** Upon a satisfactory showing by
8 a prior regulated or nonregulated user of ground water
9 that the water level of the ground water source has
10 lowered since the withdrawals of an irrigation
11 permittee commenced and that the lowering has
12 materially and adversely affected the prior user's
13 water supply, the water commissioner shall order the
14 irrigation permittee as provided in subsection three
15 (3) of this section to suspend or reduce the
16 withdrawals. In any hearing on the order issued
17 pursuant to this subsection, the irrigation permittee
18 shall have the burden of demonstrating that the
19 permittee's operations are not causing a lowering
20 of the water level that materially and adversely
21 affects the prior user's ground water supply."

22 2. Renumber the sections to conform with this
23 amendment.

Small of Johnson in the chair at 10:22 a.m.

By unanimous consent the following amendment H-3282, to amendment H-3270, filed by Wyckoff of Benton from the floor, was adopted:

H-3282

- 1 Amend amendment H-3270, to page 3 of House
- 2 File 277, as follows:
- 3 "Page 1, line 8, by striking the words "prior
- 4 regulated or".

Wyckoff of Benton moved the adoption of amendment H-3270, as amended.

A non-record roll call was requested.

The ayes were 30, nays 53.

Amendment H-3270, as amended, lost.

The House resumed consideration of amendment H-3214 found on page 838 of the House Journal.

Baker of Buena Vista offered the following amendment H-3280, to amendment H-3214, filed by him from the floor and moved its adoption:

H-3280

- 1 Amend H-3214 to House File 277 as follows:
- 2 1. Page 1, line 14, by inserting after the
- 3 word "state." the following:
- 4 "For purposes of this section "watercourse"
- 5 as defined in section four hundred fifty-five A
- 6 point one (455A.1) of the Code, shall not include
- 7 any grassed waterway maintained as a permanent
- 8 soil and water conservation practice under chapter
- 9 four hundred sixty-seven A (467A) of the Code."

Amendment H-3280 was adopted.

Baker of Buena Vista moved the adoption of amendment H-3214, as amended.

A non-record roll call was requested.

The ayes were 25, nays 61.

Amendment H-3214, as amended, lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-3170 (to page 4) filed by Halvorson et. al, on March 7, 1977, placing the following amendments to amendment H-3170 out of order:

H-3237 filed by Perkins of Greene and Scheelhaase of Woodbury on March 10, 1977.

H-3251 filed by Scheelhaase of Woodbury on March 11, 1977.

Perkins of Greene offered the following amendment H-3235 filed by Perkins et. al:

H-3235

1 Amend House File 277 as follows:

2 1. Page 4, by inserting after line 13 the
3 following sections:

4 Sec.— The Natural Resources Council and
5 the Iowa Geological Survey may jointly determine
6 by resolution that special irrigation permits may
7 be issued for withdrawal of water from the alluvial
8 aquifers of the Missouri, Mississippi, Big Sioux,
9 and Des Moines Rivers. The council may determine
10 by rule special limitations and observation and
11 monitoring requirements for each special permit.

12 Sec.— APPLICATION FOR SPECIAL PERMITS.

13 Application and payment of the fee for special
14 permits shall be in accordance with the provisions
15 of sections 445A.19(1) and 445A.19(5), respectively.

16 Upon receipt of the application and fee, the
17 commissioner shall cause notice of the application
18 to be published in a newspaper of general circula-
19 tion in the county where the permit is sought. The
20 special permit shall be issued by the commissioner
21 two weeks from the date of publication, unless
22 written objection to the application is filed with
23 the commissioner before that date, in which case
24 the hearing procedures of 455A.19 shall be followed.
25 Special permits shall be issued for a period not to
26 exceed one year.

27 Sec.— This Act, being deemed of immediate

28 importance, shall take effect and be in force from
29 and after its publication in the Coon Rapids Enter—
30 prise, a newspaper published in Coon Rapids, Iowa,
31 and in the Evening Democrat, a newspaper published
32 in Fort Madison, Iowa.”

Evans of Grundy offered the following amendment H—3283, to amendment H—3235, filed by him from the floor and moved its adoption:

H—3283

1 Amend House amendment H—3235 amending page 4 of
2 House File 277 by striking on lines 8 and 9 the words
3 “Missouri, Mississippi, Big Sioux, and Des Moines
4 Rivers” and inserting in lieu thereof the words “flood
5 plains of that portion of streams bordering the state
6 of Iowa”.

Amendment H—3283 was adopted.

Perkins of Greene moved the adoption of amendment H—3235, as amended.

Amendment H—3235, as amended, was adopted.

Halvorson of Clayton offered the following amendment H—3281 filed by Halvorson, Perkins, Scheelhaase and Welden from the floor:

H—3281

1 Amend House File 277 as follows:
2 1. Page 4, by inserting after line 13 the
3 following section:
4 “Sec. Section four hundred fifty—five A
5 point twenty (455A.20), Code 1977, is amended by
6 adding the following new unnumbered paragraph:
7 Until the council adopts a state—wide water
8 plan, all new permits shall not exceed one year
9 and all renewals thereof shall also be limited to
10 one year. The preceding limitation shall not
11 apply to the renewal or extension of any valid
12 water permit granted prior to the effective date

13 of this Act. If it is determined, through mon—
14 itoring of the permitted withdrawal, that it will
15 endanger the present or future availability of
16 groundwater said permits may be modified or
17 canceled under the provisions of section four
18 hundred fifty—five A point twenty—eight (455A.28)
19 of the Code.”

(House File 277 and amendment H—3281 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

Stephens of Plymouth presented to the House a foreign exchange student from Switzerland, Susan Moser. She is attending LeMars High School, LeMars, Iowa.

INTRODUCTION OF BILLS

HOUSE FILE 399, by Anderson, a bill for an act to require a summary of public employer and public employee organizations' initial bargaining positions and providing penalties for violation.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 400, by Higgins, a bill for an act providing for the inclusion in health insurance policies of benefits for the treatment of mental, emotional and nervous disorders and conditions.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 401, by Jesse, a bill for an act relating to the ownership and right to obtain records, papers, pictures, X-rays and devices in the possession of doctors, lawyers, dentists and other professional persons or organizations.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 402, by Husak, a bill for an act relating to the establishment of a force of reserve law enforcement officers for counties and the state of Iowa.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 403, by Halvorson, a bill for an act relating to payments in lieu of taxes on certain state-owned lands and making an appropriation.

Read first time and referred to committee on BUDGET.

HOUSE FILE 404, by Patchett, a bill for an act relating to price increases of food products and providing a penalty.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 405, by Patchett, a bill for an act requiring the item pricing of certain merchandise sold at retail by persons utilizing the universal product code and computer scanning registers and providing a penalty.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 406, by Connors, a bill for an act relating to the investment of police and fire retirement system funds.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 407, by Doyle, a bill for an act relating to small claims actions.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 408, by committee on natural resources, a bill for an act relating to the improvement and maintenance plans of county conservation boards.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 409, by Jochum, Hines, Rinas, Anderson, Cusack, Bina and Higgins, a bill for an act requiring the Iowa state commerce commission to conduct a study of electric and natural gas rate designs.

Read first time and referred to committee on COMMERCE.

HOUSE CONCURRENT RESOLUTION 18

By Junker

1 *Whereas*, many Iowa residents are employed in states which
2 are contiguous to Iowa and conversely many nonresidents are
3 employed in Iowa; and

4 *Whereas*, section four hundred twenty—two point eight (422.8)
5 of the Code provides for an allocation of income earned in
6 Iowa and other states, but requires the filing of state income
7 tax returns in both states; and

8 *Whereas*, section four hundred twenty—two point eight (422.8)
9 of the Code also allows Iowa to enter into agreements with
10 other states regarding the taxation of incomes of nonresidents;
11 and

12 *Whereas*, the State of Iowa has entered into an agreement
13 with the State of Illinois, but has not negotiated agree—
14 ments with any other states contiguous to Iowa; *Now There—*
15 *fore*,

16 *Be It Resolved by the House of Representatives, the Senate*
17 *Concurring*, That the Legislative Council is directed to approve
18 the establishment of a comprehensive study of the feasibility
19 of the completion of agreements between Iowa and all contiguous
20 states concerning the taxation of income of nonresidents,
21 to be conducted by the appropriate standing committees of
22 the House and Senate. The study shall include but not be
23 limited to an analysis of the income earned in Iowa by
24 residents of contiguous states and the income earned by Iowa
25 residents in contiguous states; and

26 *Be It Further Resolved*, That the standing committees to
27 which the study is assigned shall submit a report of their
28 recommendations, accompanied by legislative bill drafts to
29 carry out the recommendations, to the Legislative Council
30 and the General Assembly meeting in 1978.

Laid over under Rule 25.

QUORUM CALL

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

BUSINESS PENDING

The House resumed consideration of House File 277, a bill for an act relating to the authority of the Iowa natural resources council, and amendment H-3281.

Harvey of Scott offered the following amendment H-3291, to amendment H-3281, filed by Schnekloth of Scott and Harvey of Scott from the floor and moved its adoption:

H-3291

- 1 Amend amendment H-3281, to page 4 of House
- 2 File 277, as follows:
- 3 1. Page 1, line 8; by striking the word
- 4 "permits" and inserting in lieu thereof the words
- 5 "water permits issued for irrigation purposes".

A non-record roll call was requested.

The ayes were 55, nays 26.

Amendment H-3291 was adopted.

Perkins of Greene offered the following amendment H-3294, to amendment H-3281, filed by him from the floor and moved its adoption:

H-3294

- 1 Amend amendment H-3281, to House File 277, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "paragraph" and inserting in lieu thereof the word
- 5 "paragraphs".
- 6 2. Page 1, by inserting after line 19 the

- 7 following:
- 8 "When permits are modified or canceled, priority
- 9 for permits shall be given to the applicants or
- 10 permit holders who utilize such water for
- 11 agriculture research. Nothing in this paragraph
- 12 shall give priority to such applicants or permit
- 13 holders in preference to those classes granted
- 14 priority under section four hundred fifty-five A
- 15 point twenty-one (455A.21) of the Code."

Amendment H-3294 was adopted.

Halvorson of Clayton moved the adoption of amendment H-3281, as amended.

Amendment H-3281, as amended, was adopted.

Speaker pro tempore Nielsen of Polk in the chair at 4:33 p.m.

Wyckoff of Benton moved to reconsider the vote by which amendment H-3270, as amended, failed to be adopted by the House.

Roll call was requested by Wyckoff of Benton and Junker of Woodbury.

On the question "Shall amendment H-3270, as amended, be reconsidered?"

The ayes were, 28:

Bennett	Daggett	Dunton	Dyrland
Griffee	Halvorson	Hansen	Harbor
Harper	Harvey	Hinkhouse	Howell
Husak	Junker	Krause	Lindeen
Lonergan	Menke	Miller, K.D.	Norland
Oxley	Pellett	Spencer	Stephens
Tofte	Wells	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 55:

Avenson	Bina	Binneboese	Brandt
Brockett	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford

Cusack	Danker	Den Herder	Dieleman
Doyle	Egenes	Evans	Garrison
Gentleman	Gilloon	Gilson	Hargrave
Higgins	Hines	Hoffmann	Hullinger
Jochum	Krewson	Lageschulte	Lipsky
Middleswart	Miller, O.L.	Monroe	O'Halloran
Patchett	Pavich	Perkins	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Svoboda	Tauke
Thompson	Varley	Walter	Welden
West	Woods	Wulff	

Absent or not voting, 17:

Anderson	Baker	Branstad	Brunow
Cochran	Crabb	Davitt	Fitzgerald
Horn	Jesse	Koogler	Millen
Newhard	Pelton	Poncy	Schroeder
Stromer			

The motion lost.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 277)

The ayes were, 87:

Avenson	Bennett	Bina	Binneboese
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Jochum	Junker
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe

Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, none:

Absent or not voting, 13:

Anderson	Baker	Branstad	Connors
Cusack	Davitt	Fitzgerald	Horn
Jesse	Koogler	Poncy	Schroeder
Stromer			

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

REGULAR CALENDAR

House File 224, a bill for an act relating to mobile home tiedowns and providing a penalty, was taken up for consideration.

Lageschulte of Bremer offered the following amendment H-3123 filed by Lageschulte et. al:

H-3123

- 1 Amend House File 224 as follows:
- 2 1. Page 1, by striking lines 1 through 3, and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section one hundred three A point
- 5 three (103A.3), Code 1977, is amended by adding the
- 6 following new subsections:"
- 7 2. Page 1, by striking line 18 and inserting in
- 8 lieu thereof the following:
- 9 "Sec. 2. Chapter one hundred three A (103A),
- 10 Code".
- 11 3. Page 1, by striking lines 20 through 29.
- 12 4. Page 2, by striking lines 10 through 12, and
- 13 inserting in lieu thereof the following:

- 14 "NEW SECTION. COMPLIANCE. When a person is found
15 in violation of this Act the".
16 5. Page 2, by striking line 21 and inserting in
17 lieu thereof the following:
18 "Sec. 3. Chapter one hundred three A (103A),
19 Code".

Newhard of Jones asked and received unanimous consent that action on House File 224 be deferred until Thursday, March 17, 1977.

(Amendment H-3123 pending.)

House File 101, a bill for an act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated, with report of the committee recommending amendment and passage was taken up for consideration.

Junker of Woodbury offered the following amendment H-3295 filed by him and Doyle of Woodbury from the floor:

H-3295

- 1 Amend House File 101 as follows:
2 1. Page 1, by striking lines 1 through 10
3 and inserting in lieu thereof the following:
4 "Section 1. Section three hundred fifty-six
5 point five (356.5), subsection six (6), Code 1977,
6 is amended by striking the subsection and insert-
7 ing in lieu thereof the following:
8 6. Keep an attendant on the jail premises at
9 all times during the incarceration of one or more
10 prisoners, and a matron if one or more of the
11 prisoners is a female, and make nighttime
12 inspections while any prisoners are confined, or
13 provide for incarceration in a jail which does
14 have an appropriate attendant when prisoners are
15 incarcerated."

Spear of Lee asked and received unanimous consent that action on House File 101 be deferred.

(Amendment H-3295 pending.)

House File 279, a bill for an act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties, was taken up for consideration.

Spears of Lee offered the following amendment H-3246 filed by him and moved its adoption:

H-3246

- 1 Amend House File 279 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following section:
- 4 "Section 1. Section three hundred thirty-
- 5 six A point five (336A.5), subsection one (1),
- 6 Code 1977, is amended to read as follows:
- 7 1. The compensation of the public defender
- 8 shall be fixed by the board(s) of supervisors.
- 9 ~~The compensation shall not be more than that~~
- 10 ~~paid the highest paid county attorney of the~~
- 11 ~~county or counties the public defender serves."~~

A non-record roll call was requested.

The ayes were 42, nays 18.

Amendment H-3246 was adopted.

Miller of Buchanan offered amendment H-3139 filed by him and requested division of the amendment as follows:

H-3139

- 1 Amend House File 279 as follows:

H-3139A

- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing new section:
- 4 "Section 1. Section three hundred thirty-six A
- 5 point five (336A.5), subsection two (2), Code 1977,
- 6 is amended to read as follows:
- 7 2. The public defender may appoint as many assis-
- 8 tant attorneys, clerks, investigators, stenographers,
- 9 and other employees as the board(s) consider(s) neces-
- 10 sary to enable him or her to carry out his or her
- 11 responsibilities. ~~However, no public defender may~~
- 12 ~~appoint an assistant attorney unless the district~~
- 13 ~~court judges of the judicial district containing the~~

14 county or counties which the assistant attorney is
15 to serve determine all the following:
16 a. That the public defender works full time;
17 b. That justice is not being served as the consti-
18 tution requires by the present makeup of the public
19 defender office; and
20 c. That a sufficient caseload exists to justify
21 appointment of an assistant attorney.
22 Furthermore, when an assistant attorney is appointed,
23 he or she shall only serve in that capacity so long
24 as is necessary to reduce the caseload to a point
25 where the public defender alone is able to handle
26 the work. Appointments under this section shall be
27 made in the manner prescribed by the county board(s)
28 of supervisors. An assistant attorney must be a
29 qualified attorney licensed to practice before the
30 supreme court."

H-3139B

31 2. Page 1, line 15, by inserting after the word
32 "society" the words "if the recommendation is made
33 in the following manner: the names of all eligible
34 lawyers shall be placed in a container, and after
35 thoroughly mixing the names, the clerk of court shall
36 draw names until one is drawn who is available to
37 handle the case".

38 3. The title page, line 3, by inserting after
39 the word "counties" the words "and relating to
40 assistant attorneys and the recommendation of a lawyer
41 upon request".

42 4. By renumbering the sections to conform to this
43 amendment.

Tauke of Dubuque rose on a point of order that amendment H-3139A was not germane.

The Speaker ruled the point not well taken and amendment H-3139A germane.

Jesse of Polk asked and received unanimous consent to withdraw amendment H-3243, to amendment H-3139, filed by him on March 11, 1977.

Miller of Buchanan moved the adoption of amendment H-3139A.

Amendment H-3139A lost.

Tauke of Dubuque rose on a point of order that amendment H-3139B was not germane.

The Speaker ruled the point well taken and amendment H-3139B not germane.

Spear of Lee offered amendment H-3253 filed by him on March 11, 1977.

(House File 279 and amendment H-3253 pending at adjournment.)

MOTIONS TO RECONSIDER
(House File 277)

I move to reconsider the vote by which House File 277 passed the House on March 16, 1977.

PERKINS of Greene

(House File 277)

I move to reconsider the vote by which House File 277 passed the House on March 16, 1977.

JUNKER of Woodbury

PRESENTATION OF VISITORS

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

Sixteen students from Hoyt Middle School, Des Moines, Iowa, accompanied by Carol Brown and Marilyn Rollins. By Nielsen of Polk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 212 Budget

Making appropriations to the Iowa civil rights commission and the state department of health.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for the afternoon session March 15. Had I been present I would have voted "nay" on amendment H-3269 to Senate File 197 and "aye" on Senate Files 197 and 162 and House Concurrent Resolution 4.

TOFTE of Winneshiek

I was necessarily absent from the House chamber when the votes were taken on Senate File 197, House Concurrent Resolution 4, and Senate File 162. Had I been present I would have voted "aye" on each of these.

BAKER of Buena Vista

I was necessarily absent from the House chamber on March 15, 1977. Had I been present I would have voted "aye" on Senate File 197 and Senate File 162, the Conference Committee Report to House Concurrent Resolution 4 and on the adoption of House Concurrent Resolution 4.

LONERGAN of Boone

I was necessarily absent from the House chamber on March 15, 1977. Had I been present I would have voted "aye" on Senate File 162 and Senate File 197; "nay" on House Concurrent Resolution 4.

GENTLEMAN of Polk

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 15, 1977

Convened: 7:48 a.m.

Adjourned: 8:40 a.m.

Present: Brunow, chair; Hansen, ranking member; Daggett, Doyle, Gilson, Hargrave and Miller of Calhoun.

Absent: Hines and Newhard.

Excused: Clark of Cerro Gordo, Gentleman and Lindeen.

Recommendation on appropriations to Budget Committee: Community Based Corrections, \$5 million 475 thousand; Parole and Probation, \$783 thousand - failed House members.

Committee discussed deferring a vote on the remaining seven correctional facilities so that the committee might appropriate one set amount to such facilities.

COMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., March 15, 1977

Convened: 9:14 a.m.

Adjourned: 10:15 a.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Norland, Poney, Small, Spear, Stromer, Thompson and Wulff.

Absent: Krewson.

Excused: Koogler and Baker.

Continuation of Area Education Agency Study Bill 1.

Assignment of Bills to subcommittee.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., March 15, 1977

Convened: 9:10 a.m.

Adjourned: 9:55 a.m.

Present: Middleswart, chair; Spencer, vice—chair; Halvorson, ranking member; Bennett, Chiodo, Griffee, Miller of Buchanan, O'Halloran, Pelton, Scheelhaase, Stephens, Tofte, Welden and Wyckoff.

Absent: Avenson (arrived 9:25 a.m.), Evans, Garrison, Jesse, Shimanek and Varley.

Excused: Perkins.

Study Bill 190, a bill for an act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Griffee, Miller of Buchanan, O'Halloran, Scheelhaase, Stephens, Tofte, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Evans, Garrison, Jesse, Pelton, Perkins, Shimanek and Varley.

Study Bill 197, a bill for an act relating to the improvement and maintenance plans of county conservation boards.

Recommended DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Griffee, Miller of Buchanan, O'Halloran, Scheelhaase, Stephens, Tofte, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Evans, Garrison, Jesse, Pelton, Perkins, Shimanek and Varley.

Assigned bills to subcommittee.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., March 15, 1977

Convened: 9:08 a.m.

Adjourned: 9:50 a.m.

Present: Krause, chair; Harper, vice-chair; Binneboese, Davitt, Doyle, Dunton, Hoffmann, Hullinger, Lageschulte, Oxley and Schnekloth.

Absent: Brunow (arrived 9:10 a.m.), Harbor (arrived 9:11 a.m.), Rinas (arrived 9:40 a.m.), Woods (arrived 9:13 a.m.), Egenes and Monroe.

Excused: Schroeder, Clark of Cerro Gordo and Lipsky.

Study Bill 73, a bill for an act relating to the crime of operating a motor vehicle while having alcohol in the blood and subjecting violators to a penalty.

Recommended AMEND AND DO PASS.

Aye: Krause, Harper, Binneboese, Brunow, Davitt, Dunton, Harbor, Hoffmann, Hullinger, Lageschulte, Oxley and Schnekloth.

Nay: Rinas and Woods.

Absent or Not Voting: Schroeder, Clark of Cerro Gordo, Doyle, Egenes, Lipsky and Monroe.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 6:30 p.m., March 15, 1977

Convened: 7:00 p.m.

Adjourned: 9:25 p.m.

Present: Jesse, chair; Newhard, vice-chair; Clark of Cerro Gordo, Conlon, Connors, Dyrland, Gentleman, Higgins, Lipsky, Nielsen, Patchett, Pelton, Shimanek and Smalley.

Absent: Branstad, Garrison, Spencer and Woods.

Excused: Doyle and Scheelhaase.

Continued discussion of House File 248, relating to juvenile justice. Action was taken on several amendments.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., March 15, 1977

Convened: 1:08 p.m.

Adjourned: 2:35 p.m.

Present: Norland, chair; Anderson, Bennett, Bina, Conlon, Daggett, Davitt, Dieleman, Dunton, Howell, Husak, Jochum, Menke, Oxley, Pavich, Schnekloth, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: Miller of Buchanan (arrived 1:09 p.m.), West (arrived 1:16 p.m.), Brandt (arrived 1:09 p.m.), Branstad (arrived 1:45 p.m.), Clark of Lee (arrived 1:45 p.m.), Cusack (arrived 1:21 p.m.), Den Herder (arrived 1:09 p.m.), Egenes (arrived 1:14 p.m.), Gilloon (arrived 1:09 p.m.), Harbor (arrived 1:15 p.m.), Harvey (arrived 1:28 p.m.), Hines (arrived 2:03 p.m.), Junker (arrived 1:26 p.m.), O'Halloran (arrived 1:10 p.m.), Spencer (arrived 1:27 p.m.), Svoboda (arrived 1:20 p.m.) and Rinas.

Excused: Horn.

House File 68, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Daggett, Davitt, Den Herder, Dieleman, Dunton, Gilloon, Harbor, Hines, Howell, Husak, Jochum, Menke, O'Halloran, Oxley, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wulff and Wyckoff.

Nay: Conlon, Harvey, Junker and Pavich.

Absent or Not Voting: Clark of Lee, Cusack, Egenes, Horn, Rinas and Wells.

Study Bill 95, a bill for an act relating to the reporting of stock transfers for inheritance tax purposes.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, Anderson, Bennett, Bina, Brandt, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Gilloon, Howell, Husak, Jochum, Menke, O'Halloran, Oxley, Pavich, Schnekloth, Thompson, Varley, Wells, Wulff and Wyckoff.

Nay: None.

Absent or Not Voting: West, Branstad, Clark of Lee, Cusack, Egenes, Harbor, Harvey, Hines, Horn, Junker, Rinas, Spencer and Svoboda.

Study Bill 96, a bill for an act relating to the deduction of debts and property taxes for inheritance tax purposes.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Gilloon, Harbor, Harvey, Hines, Howell, Husak, Jochum, Menke, O'Halloran, Oxley, Pavich, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Nay: None.

Absent or Not Voting: Clark of Lee, Cusack, Egenes, Horn, Junker and Rinas.

Study Bill 128, a bill for an act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Conlon, Daggett, Davitt, Den Herder, Dieleman, Egenes, Gilloon, Harbor, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Schnekloth, Thompson, Varley, Wells, Wulff and Wyckoff.

Nay: Dunton.

Absent or Not Voting: Branstad, Clark of Lee, Cusack, Harvey, Hines, Horn, Rinas, Spencer and Svoboda.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., March 16, 1977

Convened: 9:05 a.m.

Adjourned: 9:50 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: None.

Senate File 71, a bill for an act to abolish the state board of eugenics.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Nay: None.

Absent or Not Voting: None.

Study Bill 25, a bill for an act relating to the meeting of a public agency in a closed session and to any action taken at such meeting.

Recommended AMEND AND DO PASS.

Aye: Harvey, Crawford, Hansen, Higgins, Junker, Patchett, Shimanek, Stromer, Tauke, Walter and West.

Nay: Monroe, Woods, Avenson, Brandt, Dieleman, Griffee, Jesse, Middleswart and Poncy.

Absent or Not Voting: None.

AMENDMENTS FILED

H-3284	H.F. 224	Junker of Woodbury
H-3285	H.F. 279	Miller of Buchanan
H-3286	H.F. 279	Spear of Lee
H-3287	H.F. 101	Junker of Woodbury
H-3288	H.F. 75	Junker of Woodbury
H-3289	H.F. 367	Schroeder of Pottawattamie
H-3292	H.F. 75	Harvey of Scott Husak of Tama Harbor of Mills Clark of Lee
H-3293	H.F. 75	Rinas of Linn Harvey of Scott Walter of Pottawattamie Clark of Lee Bina of Scott Tauke of Dubuque
H-3296	H.F. 224	Brockett of Marshall
H-3297	H.F. 249	Dieleman of Marion
H-3298	H.F. 249	Dieleman of Marion
H-3299	H.F. 268	Brandt of Black Hawk
H-3300	H.F. 279	Miller of Buchanan
H-3301	H.F. 224	Hargrave of Johnson
H-3302	H.F. 101	Spear of Lee
H-3303	H.F. 279	Schnekloth of Scott

On motion by Fitzgerald of Webster the House adjourned at 5:45 p.m., until 9:00 a.m., Thursday, March 17, 1977.

JOURNAL OF THE HOUSE

Sixty—seventh Calendar Day -- Forty—eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 17, 1977

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

Prayer was offered by the Reverend Edward Osborn, pastor of the Riverside United Methodist Church, Fort Dodge, Iowa.

The Journal of Wednesday, March 16, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Bell, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Welden of Hardin on request of Middleswart of Warren; Binneboese of Plymouth for March 17 and 18 on request of Junker of Woodbury.

PRESENTATION OF VISITORS

Connors of Polk presented to the House Shari Thullen from Des Moines, Iowa. Shari was the honored guest of the House as a result of the drawing at the 1976 Iowa State Fair.

Pelton of Clinton presented to the House the boys basketball team from St. Mary High School, Clinton, Iowa, accompanied by their coach, John Lingle.

PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk and Lonergan of Boone from one thousand one hundred forty-two residents of Iowa, requesting that the

Governor's recommended aid for area schools not be reduced.

INTRODUCTION OF BILLS

HOUSE FILE 410, by committee on transportation, a bill for an act relating to the crime of operating of a motor vehicle while having alcohol in the blood and subjecting violators to a penalty.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 411, by committee on ways and means, a bill for an act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 412, by committee on ways and means, a bill for an act relating to the reporting of stock transfers for inheritance tax purposes.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 413, by Newhard, Binneboese, Patchett, Crabb, Avenson, Lageschulte, Shimanek, Perkins, Millen, Dyrland, Harbor, Koogler, Harvey, Hargrave, Tofte, Branstad, Anderson, Daggett, Oxley, Fitzgerald, Horn, Hansen, Howell, Krewson, Krause, Welden, Poncy, Dunton, Baker, Nielsen, Husak, Schroeder, Den Herder, Jesse and Gilloon, a bill for an act relating to the sale of certified raw milk.

Read first time and referred to committee on AGRICULTURE.

MOTION TO RECONSIDER LOST (House File 277)

Perkins of Greene called up for consideration the motion to

reconsider House File 277, filed on March 16, 1977, and moved to reconsider the vote by which House File 277, a bill for an act relating to the authority of the Iowa natural resources council, passed the House on March 16, 1977.

A non-record roll call was requested.

The ayes were 12, nays 68.

The motion lost.

CONSIDERATION OF BILLS

Business Pending

The House resumed consideration of House File 279, a bill for an act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties, and the following amendment H-3253 filed by Spear of Lee:

H-3253

- 1 Amend House File 279 as follows:
- 2 1. Page 1, by striking lines 17 through 26
- 3 and inserting in lieu thereof the following:
- 4 "(336A.10), Code 1977, is amended by striking
- 5 that section and inserting in lieu thereof the
- 6 following:
- 7 336A.10. The board(s) of supervisors of a
- 8 county may require a public defender or assistant
- 9 public defender to devote his or her full time
- 10 to the discharge of his or her duties and not
- 11 to directly or indirectly engage in the private
- 12 practice of law."

Spear of Lee asked and received unanimous consent to withdraw amendment H-3274, to amendment H-3253, filed by him on March 15, 1977.

Spear of Lee offered the following amendment H-3286, to amendment H-3253, filed by him and moved its adoption:

H-3286

- 1 Amend amendment H-3253 to House File 279 as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "law" the following: "except that he or she may be
- 5 a member of a law partnership or a professional
- 6 corporation on leave of absence".

Amendment H-3286 was adopted.

On motion by Spear of Lee, amendment H-3253, as amended, was adopted.

Miller of Buchanan offered the following amendment H-3285 filed by him:

H-3285

- 1 Amend House File 279 as follows:
- 2 1. Page 1, by inserting after line 26 the follow-
- 3 ing section:
- 4 "Sec. Chapter three hundred thirty-six A
- 5 (336A), Code 1977, is amended by adding the following
- 6 new section:
- 7 **NEW SECTION. CASE RECORDS MADE AND KEPT.** County
- 8 attorneys shall keep records of all cases they handle.
- 9 The records shall include the following information:
- 10 1. The number of cases handled each year.
- 11 2. The nature of each case.
- 12 3. The length of time spent on each case.
- 13 The prosecuting attorney training coordinator shall
- 14 obtain this information from the county attorneys
- 15 and keep it in a centralized location.
- 16 These records shall be accumulated and kept for
- 17 the first two consecutive years of each five-year
- 18 period starting on January 1, 1978."
- 19 2. The title page, line 3, by inserting after
- 20 the word "counties" the words "and relating to case
- 21 records to be kept".
- 22 3. By renumbering the remaining section to conform
- 23 to this amendment.

Miller of Buchanan offered the following amendment H-3300, to amendment H-3285, filed by him:

H-3300

- 1 Amend amendment H-3285, to House File 279, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the
- 4 word "attorneys" the following: "and public
- 5 defenders".

Lipsky of Linn rose on a point of order that amendment H-3300 was not germane.

The Speaker ruled the point not well taken and amendment H-3300 germane.

Miller of Buchanan moved the adoption of amendment H-3300, to amendment H-3285.

Amendment H-3300 was adopted.

Lipsky of Linn rose on a point of order that amendment H-3285, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-3285, as amended, not germane.

Schnekloth of Scott offered the following amendment H-3303 filed by him:

H-3303

- 1 Amend House File 279 as follows:
- 2 1. Page 1, by inserting after line 26 the
- 3 following:
- 4 "Sec. Chapter one thousand two hundred
- 5 forty-five (1245), Acts of the Sixty-sixth General
- 6 Assembly, 1976 Session, chapter two (2), section
- 7 one thousand five hundred seven (1507), is
- 8 amended to read as follows:
- 9 SEC. 1507. NEW SECTION. FEES TO ATTORNEYS.
- 10 An attorney appointed by the court to represent
- 11 any person charged with a crime in this state
- 12 shall be entitled to a reasonable compensation
- 13 ~~which shall be the ordinary and customary charges~~

14 ~~for like services in the community~~ to be decided
15 in each case by the district court judge, includ—
16 ing such sum or sums as the court may determine
17 are necessary for investigation in the interests
18 of justice and in the event of appeal the cost of
19 obtaining the transcript of the trial and the
20 printing of the trial record and necessary briefs
21 in behalf of the defendant. Such attorney need
22 not follow the case into another county or into
23 the supreme court unless so directed by the court
24 at the request of the defendant, where grounds for
25 further litigation are not capricious or unreason—
26 able, but if such attorney does so his or her fee
27 shall be determined accordingly. Only one attorney
28 fee shall be so awarded in any one case except that
29 in class A felony cases, two may be authorized.”

Lipsky of Linn rose on a point of order that amendment H-3303 was not germane.

The Speaker ruled the point well taken and amendment H-3303 not germane.

Schnekloth of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-3303.

A non-record roll call was requested.

The ayes were 34, nays 45.

The motion lost.

Spear of Lee offered the following amendment H-3264 filed by him and moved its adoption:

H-3264

- 1 Amend House File 279 as follows:
- 2 Page 1, by striking line 27.

Amendment H-3264 was adopted.

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

On the question "Shall the bill pass?" (H.F. 279)

The ayes were, 94:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Binneboese	Jesse	Newhard	Rinas
Schroeder	Welden		

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

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

The House resumed session, Speaker Cochran in the chair.

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bina of Scott for the remainder of the day on request of Walter of Pottawattamie.

PRESENTATION OF VISITORS

Schnekloth of Scott presented to the House the Honorable Edgar H. Holden, former member of the House during the Sixty-second, Sixty-third, Sixty-fourth and Sixty-fifth General Assemblies, representing Scott County.

Den Herder of Sioux presented to the House foreign exchange students, Tuula Kiasner from Finland, Jan Tissiak from Holland and Holger Scheler from Germany.

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

Eleven government students from Sioux and Lyon counties. By Den Herder of Sioux.

INTRODUCTION OF BILLS

HOUSE FILE 414, by committee on budget, a bill for an act making appropriations to the Iowa civil rights commission and the state department of health.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 415, by committee on ways and means, a bill for an act relating to the deduction of debts and property taxes for inheritance tax purposes.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 416, by Jochum, Hines, Rinas, Anderson, Gilloon, Bina and Higgins, a bill for an act to provide for the use of administrative hearing officers by the Iowa state commerce commission in public utility rate cases.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 417, by committee on transportation, a bill for an act relating to railroad laws providing for changes to railroad laws, funding, repeal of certain sections and penalties.

Read first time and PLACED ON THE CALENDAR.

CONSIDERATION OF BILLS

Regular Calendar

House File 75, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, with report of committee recommending amendment and passage was taken up for consideration.

Hullinger of Decatur asked and received unanimous consent to withdraw amendment H-3053 filed by the committee on energy on February 17, 1977 and found on pages 410 and 411 of the House Journal.

Hullinger of Decatur offered amendment H-3114 filed by the committee on energy on March 1, 1977 and found on pages 568 through 570 of the House Journal.

Rinas of Linn offered amendment H-3293, to amendment H-3114, filed by Rinas et. al, on March 17, 1977.

Hullinger of Decatur rose on a point of order that amendment H-3293 was not germane.

The Speaker ruled the point well taken and amendment H-3293 not germane.

Rinas of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H-3293.

A non-record roll call was requested.

The ayes were 25, nays 54.

The motion lost.

Brockett of Marshall offered the following amendment H-3309, to amendment H-3114, filed by him from the floor and moved its adoption:

H-3309

- 1 Amend amendment H-3114 to House File 75 as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the
- 4 word "repairs." the following:
- 5 "The term "new construction" as used in this
- 6 section shall not include "custom built" single
- 7 family residential units to be occupied by the
- 8 owner. For purposes of this section "custom
- 9 built" means those units which are designed and
- 10 built according to the owners specifications
- 11 and does not include those units which are built
- 12 according to a builders design and which design
- 13 or specifications are also used in the building
- 14 of tract homes by that builder unless the owner
- 15 has substantially altered the design or speci-
- 16 fication of the unit."

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H-3309 lost.

Junker of Woodbury offered amendment H-3288, to amendment H-3114, filed by him. Division was requested as follows:

H-3288

- 1 Amend amendment H-3114, to House File 75, as
- 2 follows:

H-3288A

- 3 1. Page 1, by striking lines 30 and 31 and
- 4 inserting in lieu thereof the words "cooling
- 5 system."

H-3288B

- 6 2. Page 2, by striking lines 13 through 26.

On motion by Junker of Woodbury, amendment H-3288A, to amendment H-3114, was adopted.

Junker of Woodbury moved the adoption of amendment H-3288B, to amendment H-3114.

Roll call was requested by Tofte of Winneshiek and Junker of Woodbury.

On the question "Shall amendment H-3288B, to amendment H-3114, be adopted?"

The ayes were, 65:

Baker
Byerly
Conlon
Danker
Dyrland

Bennett
Chiodo
Crabb
Den Herder
Evans

Branstad
Clark, B.J.
Crawford
Dieleman
Garrison

Brockett
Clark, J.H.
Daggett
Dunton
Gilloon

Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harper	Hines
Hoffmann	Horn	Husak	Jesse
Jochum	Junker	Lageschulte	Lipsky
Menke	Middleswart	Millen	Miller, O.L.
Monroe	Newhard	Nielsen	Oxley
Pavich	Pellet	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Smalley
Spear	Spencer	Stephens	Stromer
Thompson	Tofte	Walter	Wells
West	Woods	Wulff	Wyckoff
		Mr. Speaker	

The nays were, 25:

Anderson	Avenson	Brandt	Brunow
Davitt	Fitzgerald	Gentleman	Harvey
Hinkhouse	Howell	Hullinger	Koogler
Krause	Krewson	Lindeen	Lonergan
Norland	O'Halloran	Patchett	Pelton
Shimaneck	Small	Svoboda	Tauke
Varley			

Absent or not voting, 10:

Bina	Binneboese	Connors	Cusack
Doyle	Egenes	Higgins	Miller, K.D.
Schroeder	Welden		

Amendment H-3288B was adopted.

(House File 75 and amendment H-3114 pending at adjournment.)

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that House File 280 be placed on the top of the daily debate calendar for Friday, March 18, 1977.

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

The House resumed session, Speaker Cochran in the chair.

INTRODUCTION OF BILL

HOUSE FILE 418, by committee on budget, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

Read first time and PLACED ON THE BUDGET CALENDAR.

MOTION TO RECONSIDER

(Amendment H-3288B to amendment H-3114 to House File 75)

I move to reconsider the vote by which amendment H-3288B, to amendment H-3114, to House File 75 was adopted by the House on March 17, 1977.

EVANS of Grundy

COMMUNICATION FROM OFFICE OF THE GOVERNOR

A communication has been received from the office of the Governor and is on file in the office of the Chief Clerk, advising statutory salaries approved by the Governor during the year, pursuant to Chapter 1001, Laws of the Sixty-sixth General Assembly, 1976 Session.

COMMUNICATION FROM THE INDUSTRIAL COMMISSIONER

There is on file in the office of the Chief Clerk, the Thirty-second Biennial Report of the Iowa Industrial Commissioner covering the period of July 1, 1974 and ending June 30, 1976, submitted in accordance with Section 86.9, Iowa Code.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 15, 1977. Had I been present I would have voted "aye" on Senate File 162, amendment H-3269 to Senate File 197 and on Senate File 197; "nay" on Conference Committee Report on House Concurrent Resolution 4 and on House Concurrent Resolution 4.

KREWSON of Polk

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the date indicated:

Research Analyst	William C. Maloney	Step 3 to 4 on 3/18/77
Research Analyst	Michael L. Triggs	Step 1 to 2 on 3/18/77
Clerk to Chief Clerk	Cathy S. Kelly	Step 2 to 3 on 3/04/77
Cloakroom Attendant	Bessie Bagby	Step 2 to 3 on 3/04/77
Doorkeeper	Frank L. Christen	Step 5 to 6 on 3/04/77
House Clerk	Frances I. Andrew	Grade 13 to 15 on 3/04/77
House Clerk	Linda Handsaker	Grade 13 to 15 on 3/04/77
House Clerk	Barbara J. Harrison	Grade 13 to 15 on 3/04/77
House Clerk	Mary P. Jochum	Grade 13 to 15 on 3/04/77
House Clerk	Janis P. Landess	Grade 13 to 15 on 3/04/77
House Clerk	Marilyn Nielsen	Grade 13 to 15 on 3/04/77
House Clerk	Velva Owen	Grade 13 to 15 on 3/04/77
House Clerk	Neva I. Wise	Grade 13 to 15 on 3/04/77
House Clerk	Mary V. Cochran	Grade 13 to 15 on 3/04/77
House Clerk	Shirley M. Miller	Grade 13 to 15 on 3/04/77

WELLS of Linn, chair

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 16, 1977

Convened: 7:30 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Lindeen and Miller of Calhoun.

Absent: Hargrave (arrived 8:25 a.m.), Hines (arrived 7:55 a.m.) and Newhard.

Recommendation to Budget Committee: ADC—removal of 18, 19 and 20 year olds — \$46 million 400 thousand.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 16, 1977

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Loneragan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Informational meeting with the Commission on Alcoholism.

LSB 1453 approved by the committee and will be sent to the Budget committee.

COMMITTEE ON AGRICULTURE

Scheduled: 9:00 a.m., March 16, 1977

Convened: 9:05 a.m.

Adjourned: 9:55 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Absent: Svoboda.

Senate File 109, a bill for an act to update Iowa specifications and standards for cheese and cheese products.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Nay: None.

Absent or Not Voting: Svoboda.

Senate File 110, a bill for an act relating to testing dairy products for manufacturing purposes.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Nay: None.

Absent or Not Voting: Svoboda.

Study Bill 162, a bill for an act relating to the weighing of bulk commodities by hopper scale or belt conveyor.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Nay: None.

Absent or Not Voting: Svoboda.

House Concurrent Resolution, a resolution relating to the U.S. Environmental Protection Agency being informed of the concern of the legislature for farmers, consumers, and country elevators.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gilson, Harper, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller of Calhoun.

Nay: None.

Absent or Not Voting: Svoboda.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., March 16, 1977

Convened: 9:06 a.m.

Adjourned: 9:56 a.m.

Present: Bina, chair; Hines, ranking member; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Pavich, Schnekloth, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Clark of Lee, vice-chair (arrived 9:23 a.m.), Perkins (arrived 9:12 a.m.), Rinas (arrived 9:06 a.m.), Hargrave, Newhard and Nielsen.

Assigned bills to subcommittees.

Discussed local option taxes — S.B. 141 No. 2.

COMMITTEE ON COMMERCE

Scheduled: 1:00 p.m., March 16, 1977

Convened: 1:04 p.m.

Adjourned: 1:10 p.m.

Present: Small, chair; Lonergan, vice—chair; Anderson, Bina, Brunow, Den Herder, Jochum, Koogler and Tauke.

Absent: Brockett, ranking member; Chiodo, Dieleman, Evans, Halvorson ; Krause, Welden and West.

Excused: Schroeder and Walter.

Assigned bills and dispersed into subcommittees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 1:00 p.m.; March 16, 1977

Convened: 1:07 p.m.

Adjourned: 2:40 p.m.

Present: Hullinger, chair; Spear, vice—chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Oxley, Pellett, Stephens, Stromer and Wyckoff.

Absent: Harvey (arrived 1:09 p.m.), Junker (arrived 1:09 p.m.), Miller of Calhoun (arrived 1:09 p.m.) and Wells (arrived 1:20 p.m.).

Lynn Farrell from the Advisory Commission on Intergovernmental Relations spoke to the group and answered various questions on Home Rule.

Study Bill 56, a bill for an act to permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions.

Recommended AMEND AND DO PASS.

Aye: Hullinger, Spear, Baker, Brandt, Clark of Lee, Gilloon, Harvey, Hinkhouse, Miller of Calhoun, Oxley, Stephens, Wells and Wyckoff.

Nay: Danker, Byerly, Hoffmann, Lindeen and Stromer.

Absent or Not Voting: Gilson, Junker and Pellett.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:00 p.m., March 16, 1977

Convened: 1:10 p.m.

Adjourned: 2:50 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Higgins, Pelton, Scheelhaase, Shimanek, Smalley and Spencer.

Absent: Gentleman (arrived 1:19 p.m.), Lipsky (arrived 1:20 p.m.), Patchett (arrived 1:22 p.m.), Woods (arrived 1:15 p.m.) and Nielsen.

House File 70, a bill for an act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or Not Voting: Nielsen.

House File 287, a bill for an act relating to child custody in dissolution of marriage cases.

Recommended AMEND AND DO PASS.

H-3304

- 1 Amend House File 287 as follows:
- 2 1. Page 1, line 8, by striking the words "in
- 3 appropriate cases".
- 4 2. Page 1, by striking line 9.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or Not Voting: Nielsen.

Senate File 36, a bill for an act correcting an erroneous correlating amendment contained in chapter twelve hundred forty-one (1241) of the Acts of the Sixty-sixth General Assembly.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or Not Voting: Nielsen.

COMMITTEE ON RULES

Scheduled: 5:00 p.m., March 17, 1977

Convened: 5:00 p.m.

Adjourned: 5:10 p.m.

Present: Nielsen, chair; Harbor, ranking member; Avenson, Conlon, Crabb, Harper, Lonergan, Menke, Millen, Tauke and Hargrave.

Absent: Cusack, Fitzgerald, Husak and Monroe.

Senate Concurrent Resolution 7, a resolution relating to Good Friday adjournment.

Recommended AMEND AND DO PASS.

H-3319

- 1 Amend Senate Concurrent Resolution 7 as amended
- 2 and passed by the Senate by striking lines 3 and 4
- 3 and inserting in lieu thereof the words "it be to
- 4 reconvene on Tuesday, April 12, 1977."

Adopted by voice vote.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., March 17, 1977

Convened: 8:15 a.m.

Adjourned: 9:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Absent: Jesse.

Excused: Welden.

Study Bill 212, a bill for an act making appropriations to the Iowa civil rights commission and the state department of health.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: None.

Absent or Not Voting: Jesse and Welden.

Study Bill 204, a bill for an act making appropriations to miscellaneous state agencies.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: None.

Absent or Not Voting: Jesse and Welden.

COMMITTEE ON BUDGET

Scheduled: Upon recess , March 17, 1977

Convened: 5:15 p.m.

Adjourned: 6:35 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Absent: None.

Excused: Welden.

Committee Bill, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland and Wells.

Nay: O'Halloran, Stromer and Varley.

Absent or Not Voting: Wulff (passed) and Welden (excused).

AMENDMENTS FILED

H-3305	H.F. 101	Spear of Lee
H-3306	H.F. 101	Miller of Buchanan
H-3307	H.F. 101	Miller of Buchanan
H-3308	HCR 17	Howell of Floyd
H-3310	H.F. 224	Hargrave of Johnson
H-3311	H.F. 356	Wyckoff of Benton
H-3312	H.F. 224	Monroe of Des Moines
H-3313	H.F. 224	Krause of Kossuth
		Lageschulte of Bremer
		Monroe of Des Moines
H-3314	H.F. 75	Howell of Floyd
H-3315	H.F. 100	Evans of Grundy
		Doyle of Woodbury
H-3316	H.F. 75	Evans of Grundy
H-3317	H.F. 75	Lipsky of Linn
		Jesse of Polk
H-3318	H.F. 252	Monroe of Des Moines
H-3320	H.F. 418	Hines of Story

On motion by Avenson of Fayette the House adjourned at 6:48 p.m. until 9:00 a.m., Friday, March 18, 1977.

JOURNAL OF THE HOUSE

Sixty—eighth Calendar Day -- Forty—ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 18, 1977

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

Prayer was offered by the Reverend J. R. Christenson, Associate Pastor, of the St. Paul Lutheran Church, Davenport, Iowa.

The Journal of Thursday, March 17, 1977 was approved, as corrected.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. George Kern, Des Moines, Iowa.

PRESENTATION OF VISITORS

Wyckoff of Benton presented to the House foreign exchange student Koichiro Tanaka, from Japan. He attends Urbana High School, Urbana, Iowa, and is the guest of the Howard Williams family.

Nielsen of Polk presented to the House the 1977 Girls State Basketball Champions from Southeast Polk High School, Runnells, Iowa.

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

Sixteen fourth, fifth and sixth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Miss Mills and Mr. Sandberg. By Brunow of Appanoose.

Twelve Ecology students from Southeast Polk High School, Runnells, Iowa, accompanied by Blake Andrews. By Nielsen of Polk.

Twenty Brownies from Hanawalt Elementary School, Des Moines, Iowa, accompanied by Judy Thornton. By Newhard of Jones.

Twenty-five government class students from Monticello High School, Monticello, Iowa, accompanied by Keith Stamp. By Shimanek of Jones.

PETITION FILED

The following petition was received and placed on file:

By Danker of Pottawattamie from ninety-five constituents against any move to have ratification of the equal rights amendment rescinded.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 44, a bill for an act relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

Also: That the Senate has on March 16, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 192, a bill for an act relating to the location of the division of the state historical society of the Iowa state historical department.

Also: That the Senate has on March 16, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 195, a bill for an act increasing fees for permits to carry weapons.

Also: That the Senate has on March 16, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

STEVEN C. CROSS, Secretary.

HOUSE FILE 75 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 75 be deferred.

CONSIDERATION OF BILLS

Regular Calendar

House File 280, a bill for an act relating to establishing a prosecutor internship program, was taken up for consideration.

Miller of Buchanan offered the following amendment H-3138 filed by him:

H-3138

1 Amend House File 280, page 1, line 8, by inserting
2 after the word "counties." the words "However, Iowa
3 crime commission funds shall only be used to fund
4 the prosecutor intern program if there are no other
5 applications for funds. Funds earmarked for the
6 prosecutor intern program shall not be used for any
7 other purpose. When Iowa crime commission funds are
8 no longer available, the prosecutor intern program
9 shall terminate unless the boards of supervisors of
10 participating counties vote to fund the prosecutor
11 intern program."

Conlon of Muscatine rose on a point of order that amendment H-3138 was not germane.

The Speaker ruled the point not well taken and amendment H-3138 germane.

Miller of Buchanan moved the adoption of amendment H-3138.

A non-record roll call was requested.

The ayes were 22, nays 54.

Amendment H—3138 lost.

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

On the question "Shall the bill pass?" (H.F. 280)

The ayes were, 90:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Higgins	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklloth
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Wulff
		Wyckoff	Mr. Speaker

The nays were, none:

Absent or not voting, 10:

Binneboese	Hines	Jochum	Junker
Monroe	Newhard	Rinas	Schroeder
Welden	Woods		

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

BUDGET CALENDAR

House File 367, a bill for an act making appropriations to various state departments, was taken up for consideration.

Svoboda of Iowa offered the following amendment H-3275 filed by her and Small of Johnson. Division was requested as follows:

H-3275

1 Amend House File 367 as follows:

H-3275A

2 1. Page 1, line 11, by inserting before the word

3 "For" the letter "a."

4 2. Page 1, by inserting after line 14 the follow-

5 ing:

6 "b. For the purpose of extending

7 the council's arts and older Americans

8 program to county care facilities

9 which agree to establish programs in

10 the arts for residents of such facili-

11 ties. Program activities shall in-

12 clude, but are not limited to, paint-

13 ing, music, theatre, dance, sculpture,

14 architecture, or allied arts and

15 crafts. The Iowa state arts council

16 shall assist the administrators of

17 county care facilities in establish-

18 ing arts activities in cooperation

19 with the faculty or students of de-

20 partments directly related to one of

21 the creative arts of public or pri-

22 vate colleges or universities in this

23 state, and professional artists re-

24 siding within this state. A grant

25 to a county care facility under this

26 paragraph shall not exceed one thou-

27 sand (1,000) dollars\$10,000"

H-3275B

28 3. Page 4, line 3, by striking the number

29 "2,144,731" and inserting in lieu thereof the number

30 "2,134,731".

Cusack of Scott asked and received unanimous consent to defer action on amendment H-3275A.

Speaker pro tempore Nielsen of Polk in the chair at 10:46 a.m.

Svoboda of Iowa moved the adoption of amendment H-3275B.

Roll call was requested by Svoboda of Iowa and Bina of Scott.

On the question "Shall amendment H-3275B be adopted?"

The ayes were, 55:

Baker	Bina	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Crawford	Cusack	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Gentleman	Gilloon	Gilson	Griffee
Hargrave	Harvey	Higgins	Hinkhouse
Howell	Jesse	Junker	Krause
Krewson	Lindeen	Lonergan	Menke
Miller, K.D.	Miller, O.L.	Monroe	Newhard
O'Halloran	Patchett	Pavich	Pelton
Perkins	Rinas	Scheelhaase	Schneklloth
Shimanek	Small	Smalley	Spencer
Stephens	Stromer	Svoboda	Tauke
Varley	Walter	Woods	

The nays were, 36:

Anderson	Avenson	Bennett	Brockett
Brunow	Conlon	Connors	Crabb
Daggett	Danker	Davitt	Den Herder
Garrison	Halvorson	Harbor	Harper
Hoffmann	Horn	Husak	Koogler
Lageschulte	Lipsky	Middleswart	Millen
Norland	Oxley	Pellett	Poncy
Spear	Thompson	Tofte	Wells
West	Wulff	Wyckoff	Mr. Speaker (Nielsen)

Absent or not voting, 9:

Binneboese	Cochran	Fitzgerald	Hansen
Hines	Hullinger	Jochum	Schroeder
Welden			

Admendment H-3275B was adopted.

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

The House resumed session, Speaker Cochran in the chair.

The House resumed consideration of amendment H-3275A.

Svoboda of Iowa moved the adoption of amendment H-3275A.

Amendment H-3275A was adopted.

House File 367 deferred.

OBJECTION TO IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked for unanimous consent to take up for immediate consideration House File 418.

Objection was raised.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 17

Howell of Floyd called up for consideration **House Concurrent Resolution 17** filed on March 14, 1977 and found on pages 809 and 810 of the House Journal.

Howell of Floyd offered the following amendment H-3308 filed by him and moved its adoption:

H-3308

- 1 Amend House Concurrent Resolution 17, found
- 2 on page 809 of the House Journal, as follows:
- 3 1. Line 10, by striking "April 20, 1977"
- 4 and inserting in lieu thereof the following:
- 5 "April 27, 1977".

Amendment H-3308 was adopted.

Howell of Floyd moved the adoption of House Concurrent Resolution 17, as amended.

The motion prevailed and the resolution, as amended, was adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber during the afternoon of March 17, 1977, to attend constituent meetings in Davenport. Had I been present, I would have voted "aye" on amendment H-3288B, to amendment H-3114, to House File 75.

BINA of Scott

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 213 State Government

Relating to the giving and receiving of gifts by state and local government officials, providing for administration of regulations established by this Act, and providing penalties.

S. B. 214 County Government

To permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions.

SUBCOMMITTEE ASSIGNMENTS

House File 241

State Government
Avenson, chair
Griffee
Stromer

House File 273

State Government
Harvey, chair
Monroe
Higgins

House File 278

State Government
Monroe, chair
Patchett
Walter
Crawford
Tauke

House File 244

State Government
Avenson, chair
Griffee
Stromer

House File 274

State Government
Woods, chair
Harvey
Brandt

House File 285

State Government
Woods, chair
Jesse
Harvey

House File 288

State Government
Woods, chair
Harvey
Stromer

House File 291

State Government
West, chair
Dieleman
Harvey

House File 299

Judiciary and Law
Enforcement
Jesse, chair
Branstad
Gentleman
Newhard
Nielsen

House File 301

State Government
Higgins, chair
Monroe
Crawford

House File 304

Judiciary and Law
Enforcement
Dyrland, chair
Clark of Cerro Gordo
Gentleman

House File 313

State Government
Tauke, chair
Avenson
Griffiee

House File 314

State Government
Harvey, chair
Walter
Shimanek

House File 315

Judiciary and Law
Enforcement
Patchett, chair
Pelton
Shimanek

House File 316

Judiciary and Law
Enforcement
Conlon, chair
Nielsen
Smalley

House File 322

Labor and Industrial
Relations
Poncy, chair
Hines
Lageschulte

House File 323

Labor and Industrial
Relations
Jochum, chair
Hines
Brockett
Small
Smalley

House File 324

Judiciary and Law
Enforcement
Nielsen, chair
Smalley
Clark of Cerro Gordo

House File 325

Labor and Industrial
Relations
Horn, chair
Chiodo
Gilloon
Egenes
Branstad

House File 326

Judiciary and Law
Enforcement
Scheelhaase, chair
Clark of Cerro Gordo
Spencer

House File 333

State Government
Jesse, chair
Woods
Stromer

House File 334

Judiciary and Law
Enforcement
Jesse, chair
Higgins
Lipsky

House File 337

State Government
Dieleman, chair
Jesse
Harvey

House File 339

Ways and Means
Miller of
Buchanan, chair
Howell
Clark of Lee
Conlon
O'Halloran
Menke
Oxley

House File 340

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

House File 341

Labor and Industrial
Relations
Horn, chair
Chiodo
Gilloon
Egenes
Branstad

House File 342

Ways and Means
Svoboda, chair
Junker
Egenes
Pavich
Jochum

House File 344

Education
Patchett, chair
Dyrland
Horn
Baker
Norland
Poncy
Crawford
Daggett
Stromer
Wulff

House File 346

Ways and Means
Gilloon, chair
Bennett
Harbor
Varley
Bina
Davitt
Brandt
Horn
Schneklloth

House File 347

Ways and Means
Svoboda, chair
Junker
Egenes
Pavich
Jochum

House File 348

State Government
Griffie, chair
Brandt
West

House File 349

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

House File 351

State Government
Higgins, chair
Jesse
Shimanek

House File 352

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

House File 357

State Government
Monroe, chair
Patchett
Walter
Crawford
Tauke

House File 359

Labor and Industrial
Relations
Horn, chair
Chiodo
Gilloon
Egenes
Branstad

House File 360

Ways and Means
Norland, chair
West
Davitt
Schneklloth
Daggett
Rinas
Husak
Anderson
Wulff
Miller of Buchanan
Brandt

House File 361

Labor and Industrial
Relations
Connors, chair
Pavich
Poncy
Halvorson
Thompson

House File 363

Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Daggett
Stromer
Wulff

House File 368

State Government
Junker, chair
Monroe
Walter
Hansen
Jesse

House File 370

Education
 Patchett, chair
 Baker
 Dyrland
 Horn
 Norland
 Poncy
 Crawford
 Daggett
 Stromer
 Wulff

House File 371

Education
 Patchett, chair
 Baker
 Dyrland
 Horn
 Norland
 Poncy
 Crawford
 Daggett
 Stromer
 Wulff

House File 372

Judiciary and Law
 Enforcement
 Clark of
 Cerro Gordo, chair
 Woods
 Dyrland

House File 373

State Government
 Brandt, chair
 West
 Walter

House File 374

Natural Resources
 Avenson, chair
 Perkins
 Pelton

House File 375

Education
 Patchett, chair
 Baker
 Dyrland
 Horn
 Norland
 Poncy
 Crawford
 Daggett
 Stromer
 Wulff

House File 376

Labor and Industrial
 Relations
 Jochum, chair
 Hines
 Brockett
 Small
 Smalley

House File 377

Natural Resources
 Tofte, chair
 Miller of Buchanan
 Garrison

House File 379

Energy
 O'Halloran and
 Varley, co-chair
 Evans
 Griffie
 Howell

House File 381

Human Resources
 Hargrave, chair
 Higgins
 Brunow
 Schroeder

House File 384

Education
 Dyrland, chair
 Baker
 Koogler
 Small
 Brockett
 Krewson

House File 387

Human Resources
 Higgins, chair
 Lipsky
 Baker

House File 389

State Government
 Stromer, chair
 Avenson
 Middleswart

House File 390

Education
 Patchett, chair
 Baker
 Dyrland
 Horn
 Norland
 Poncy
 Crawford
 Daggett
 Stromer
 Wulff

House File 392

Human Resources
 Hargrave, chair
 Brunow
 Schroeder

House File 399

Labor and Industrial
 Relations
 Connors, chair
 Pavich
 Poncy
 Halvorson
 Thompson

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 17, 1977

Convened: 7:30 a.m.

Adjourned: 8:45 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gilson, Lindeen and Miller of Calhoun.

Absent: Hargrave (arrived 8:05 a.m.), Hines (arrived 8:00 a.m.) and Newhard.

Excused: Gentleman (arrived 8:00 a.m.).

Recommendations to Budget Committee: Pharmacy, \$2.55 raise with no co-pay; Dentist, Optometrists, Opticians, Audiologists, Orthopedics, No Increase; Intermediate Care Facilities, \$19.50 raise; Title 19, \$74 million; Medicaid Management Information System, \$140 thousand.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 17, 1977

Convened: 8:10 a.m.

Adjourned: 8:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Krewson.

Informational meeting with the Commission on Alcoholism and the Drug Abuse Authority.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 11:22 a.m., March 17, 1977

Convened: 11:22 a.m.

Adjourned: 1:40 p.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Oxley and Poncy.

Absent: Nielsen (arrived 12:30 p.m.) and Pelton (arrived 12:02 p.m.).

Voted to report Education Budget Bill as amended by this Subcommittee, to Budget Committee.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:00 p.m., March 17, 1977

Convened: 1:11 p.m.

Adjourned: 2:49 p.m.

Present: Middleswart, chair; Halvorson, ranking member; Bennett, Evans, Miller of Buchanan, Perkins, Scheelhaase, Shimanek, Tofte, Varley and Wyckoff.

Absent: Avenson (arrived 1:15 p.m.), Griffee (arrived 1:15 p.m.), Jesse (arrived 1:14 p.m.), Spencer (arrived 1:14 p.m.), Stephens (arrived 1:15 p.m.), Chiodo and Garrison.

Excused: Pelton (arrived 2:40 p.m.), O'Halloran and Welden.

Study Bill 190, a bill for an act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Evans, Griffee, Jesse, Miller of Buchanan, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley and Wyckoff.

Nay: None.

Absent or Not Voting: Chiodo, Garrison, O'Halloran, Pelton and Wyckoff.

Study Bill 206, a bill for an act relating to the establishment of sanitary disposal projects and authorizing the use of injunctions for certain violations.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Evans, Griffee, Jesse, Miller of Buchanan, Perkins, Scheelhaase, Shimanek, Tofte and Varley.

Nay: Pelton, Stephens and Wyckoff.

Absent or Not Voting: Chiodo, Garrison, O'Halloran and Welden.

Discussed Study Bill 85. Failed to pass House File 196, relating to establishing a wildlife habitat stamp.

COMMITTEE ON EDUCATION

Scheduled: 1:15 p.m., March 17, 1977

Convened: 1:23 p.m.

Adjourned: 2:35 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Poncy, Small, Spear, Stromer, Thompson and Wulff.

Absent: None.

Study Bill 1, a bill for an act relating to the operation of area education agencies.

Recommended AMEND AND DO PASS.

Aye: Patchett, Miller of Calhoun, Daggett, Baker, Crawford, Gilson, Hansen, Krewson, Norland, Poncy, Small, Spear, Stromer and Thompson.

Nay: Dyrland, Horn and Koogler.

Absent or Not Voting: Brockett, Byerly and Wulff.

AMENDMENTS FILED

H-3322

H.F. 75

Evans of Grundy

H-3323

H.F. 75

West of Marshall

H-3324	H.F. 367	Harbor of Mills
H-3325	H.F. 367	Tauke of Dubuque
		Walter of Pottawattamie
		Harvey of Scott
H-3326	H.F. 367	Woods of Polk
H-3327	H.F. 418	Daggett of Adams
H-3328	H.F. 364	Miller of Buchanan
H-3329	H.F. 418	Branstad of Winnebago
H-3330	H.F. 82	Doyle of Woodbury
H-3331	H.F. 390	Baker of Buena Vista
H-3332	H.F. 356	Lonergan of Boone
H-3333	H.F. 418	Lipsky of Linn
H-3334	H.F. 367	Koogler of Mahaska
H-3335	H.F. 418	Pelton of Clinton
H-3336	H.F. 418	Tauke of Dubuque
		Shimanek of Jones
H-3337	H.F. 418	Crawford of Story
		Wulff of Black Hawk
		Lipsky of Linn
		Pelton of Clinton
H-3338	H.F. 418	Lageschulte of Bremer
		Harvey of Scott

On motion by Fitzgerald of Webster the House adjourned at 12:27 p.m. until 10:00 a.m., Monday, March 21, 1977.

JOURNAL OF THE HOUSE

Seventy—first Calendar Day -- Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 21, 1977

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

Prayer was offered by the Reverend Edward English, pastor of the Society of Friends Church, West Branch, Iowa.

The Journal of Friday, March 18, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Jr., Pocahontas, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk on request of Dunton of Keokuk; Junker of Woodbury on request of Wyckoff of Benton; Patchett of Johnson on request of Dyrland of Clayton; Harper of Davis for the morning session on request of Bina of Scott.

PRESENTATION OF VISITORS

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

Forty seniors from Titonka Junior—Senior High School, Titonka, Iowa, accompanied by Terry Tausz and Ray Gaul. By Branstad of Winnebago.

PETITION FILED

The following petition was received and placed on file:

By Harbor of Mills from twenty restaurant owners opposed to taking restaurant inspectors from the Agriculture Department and putting them under the jurisdiction of the Health Department.

INTRODUCTION OF BILLS

HOUSE FILE 419, by Cusack, a bill for an act relating to age discrimination in employment.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 327, a bill for an act providing an appropriation to agencies whose responsibilities relate to transportation, public safety and public defense.

Also: That the Senate has on March 16, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 180, a bill for an act relating to the regulation of premium rates for credit life and credit accident and health insurance.

Also: That the Senate has on March 17, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 233, a bill for an act making appropriations to miscellaneous state agencies.

Also: That the Senate has on March 17, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 234, a bill for an act making an appropriation to the boards of architectural examiners and landscape architectural examiners.

Also: That the Senate has on March 17, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 235, a bill for an act appropriating funds from the motor vehicle fuel tax fund to the department of revenue and also to the department of job service for administration of the IPERS system, the city finance committee and the comprehensive conference.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 327

H-3339

- 1 Amend House File 327 as amended and passed by the
- 2 House as follows:
- 3 Page 8, line 14, by striking the word and figure
- 4 "five (5)."

BUSINESS PENDING
Budget Calendar

The House resumed consideration of House File 367, a bill making appropriations to various state departments.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H-3334.

H-3334

- 1 Amend House File 367 as follows:
- 2 1. Page 1, line 14, by striking the number
- 3 "211,000" and inserting in lieu thereof the following
- 4 "201,000".

Koogler of Mahaska asked and received unanimous consent to withdraw

Harvey of Scott offered the following amendment H-3276 filed by him and Byerly of Polk and moved its adoption:

H-3276

- 1 Amend House File 367 as follows:
- 2 1. Page 2, line 16, by striking the figure
- 3 "685,000" and inserting in lieu thereof the figure
- 4 of "932,052".

Amendment H-3276 lost.

Lageschulte of Bremer offered the following amendment H-3277 filed by him and moved its adoption:

H-3277

- 1 Amend House File 367 as follows:
- 2 1. Page 2, line 23, by adding the following:
- 3 "However, if such federal funds do not become avail-
- 4 able, it is the intent of the general assembly that
- 5 it will appropriate an amount of funds to replace
- 6 those funds anticipated that do not become available
- 7 during the fiscal year beginning July 1, 1977."

Amendment H-3277 was adopted.

Harbor of Mills offered the following amendment H-3324 filed by him and moved its adoption:

H-3324

- 1 Amend House File 367 as follows:
- 2 Page 2, by inserting after line 27 the follow-
- 3 ing section:
- 4 "Sec. ____ The office for planning and programming
- 5 shall not expend any funds for the employment of new
- 6 persons or to fill new positions until such time as
- 7 the number of employees in the department is reduced
- 8 in number by death, resignation, retirement, or
- 9 discharge for cause and equal not more than ninety
- 10 percent of the table of organization of the department
- 11 as approved by the Budget Committee. This section
- 12 shall not apply to the department director of the
- 13 office for planning and programming."

Amendment H-3324 was adopted.

Harbor of Mills offered the following amendment H-3289, filed by him. Division was requested as follows:

H-3289

- 1 Amend House File 367 as follows:

H-3289A

- 2 1. Page 3, by striking lines 12 through 35.

H-3289B

- 3 2. Page 4, line 24, by striking the figure "83,677"
- 4 and inserting in lieu thereof the figure "2,083,677".

H-3289C

5 3. Page 6, by inserting after line 16 the follow-
6 ing:

7 "Sec. Notwithstanding chapter nineteen A
8 (19A) of the Code, department and agency heads of
9 departments and agencies receiving funds appropriated
10 by this Act may place at least one employee, but not
11 more than two percent of all employees of the
12 department or agency, on a probationary status by
13 giving an employee written notice of such action.
14 The probationary status shall last not more than six
15 months from the time of receipt of the notice. Prior
16 to or at the end of the six-month period the employee
17 may be discharged, reduced in grade, returned to the
18 previous status, or increased in grade. Not later
19 than five months after receiving notice of the pro-
20 bationary status, the employee shall be informed why
21 the action of the agency or department head has been
22 taken and what the employee must do to maintain the
23 present employment status or qualify for an increase
24 in grade."

25 4. Renumber the sections in accordance with this
26 amendment.

Harbor of Mills asked and received unanimous consent to withdraw amendment H-3289B.

Harbor of Mills moved the adoption of amendment H-3289A.

Amendment H-3289A lost.

Connors of Polk rose on a point of order that amendment H-3289C was not germane.

The Speaker ruled the point well taken and H-3289C not germane.

Tauke of Dubuque offered the following amendment H-3325 filed by Tauke, Walter and Harvey and moved its adoption:

H-3325

- 1 Amend House File 367 as follows:
- 2 1. Page 3, line 18, by inserting after the word
- 3 "costs" the words "until the department of general
- 4 services complies with the intent of House Concurrent
- 5 Resolution 11, including taking whatever action is
- 6 necessary to facilitate the opening of the windows
- 7 within the House chamber,".

Amendment H-3325 lost.

Woods of Polk offered the following amendment H-3326 filed by him and moved its adoption:

H-3326

- 1 Amend House File 367 as follows:
- 2 1. Page 6, by inserting after line 16 the
- 3 following:
- 4 "Sec.— If monies appropriated to a
- 5 department pursuant to this Act are to be expend—
- 6 ed to employ consultants, and the fees for such
- 7 consulting service are to exceed twenty—five
- 8 hundred (2,500) dollars, the department shall
- 9 submit copies of such consulting agreements to
- 10 the legislative and executive councils within
- 11 ten days of entering into such agreements.
- 12 Prior to acting on the recommendations of a
- 13 consultant employed under the preceding para—
- 14 graph, and in no event later than sixty days
- 15 after submission of the consultants' report to
- 16 the department, the department shall submit a
- 17 copy of such report to the legislative council
- 18 and executive council. Upon determination of
- 19 the action to be taken, in the area covered by
- 20 the consultants' report, the department shall
- 21 submit a memo to the legislative council and
- 22 executive council outlining the action the depart—
- 23 ment is proposing."

Amendment H-3326 was adopted.

Wyckoff of Benton moved to reconsider the vote by which amendment H-3275A (to page 1) was adopted by the House.

Roll call was requested by Svoboda of Iowa and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the vote by which amendment H-3275A was adopted be reconsidered?"

The ayes were, 43:

Anderson	Avenson	Baker	Bennett
Branstad	Brockett	Brunow	Chiodo
Crabb	Cusack	Daggett	Davitt
Den Herder	Dunton	Fitzgerald	Gilson
Griffee	Halvorson	Hansen	Harbor
Hinkhouse	Hullinger	Husak	Jesse
Koogler	Lageschulte	Middleswart	Miller, K.D.
Nielsen	Oxley	Pellett	Perkins
Scheelhaase	Spear	Stephens	Stromer
Tofte	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 44:

Bina	Brandt	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Danker	Dieleman
Doyle	Dyrland	Evans	Gentleman
Gilloon	Harvey	Higgins	Hines
Hoffmann	Howell	Jochum	Krause
Krewson	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, O.L.	Newhard
O'Halloran	Pavich	Pelton	Poncy
Rinas	Schnekloth	Shimanek	Small
Smalley	Spencer	Svoboda	Tauke
Thompson	Varley	Walter	Wulff

Absent or not voting, 13:

Binneboese	Byerly	Connors	Egenes
Garrison	Hargrave	Harper	Horn
Junker	Monroe	Norland	Patchett
Schroeder			

The motion lost.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw the motion to reconsider amendment H-3257B filed by him from the floor.

Scheelhaase of Woodbury offered amendment H-3340 filed by him from the floor.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw amendment H-3340.

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

On the question "Shall the bill pass?" (H.F. 367)

The ayes were, 80:

Anderson	Baker	Bennett	Bina
Brandt	Branstad	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Krause	Krewson	Lageschulte
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Newhard
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Spoboda	Tauke	Thompson
Varley	Walter	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 7:

Avenson	Brockett	Harvey	Koogler
Nielsen	Tofte	Welden	

Absent or not voting, 13:

Binneboese	Byerly	Egenes	Garrison
Hargrave	Harper	Hullinger	Junker
Lindeen	Monroe	Norland	Patchett
Schroeder			

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

WAYS AND MEANS CALENDAR

House File 249, a bill for an act revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders, was taken up for consideration.

Dieleman of Marion offered the following amendment H-3262 filed by the committee on ways and means:

H-3262

1 Amend House File 249 as follows:

2 1. Page 1, line 19, by striking the word "ninety"
3 and inserting in lieu thereof the words "~~ninety~~
4 thirty".

5 2. Page 2, line 7, by striking the words "~~month~~
6 quarter" and inserting in lieu thereof the word
7 "month".

8 3. Page 2, by inserting after line 17 the follow-
9 ing new sections:

10 "Sec. Section three hundred twenty-four point
11 fifty-two (324.52), unnumbered paragraph two (2),
12 Code 1977, is amended to read as follows:

13 Any person who is unable to display either of the
14 permits provided in section three hundred twenty-four
15 point fifty-three (324.53) of the Code and brings
16 into the state in the fuel supply tanks of a commercial
17 motor vehicle more than thirty gallons of motor fuel
18 or special fuel in violation of the provisions of
19 the preceding paragraph is guilty of a misdemeanor
20 and upon conviction shall be fined not more than one
21 hundred dollars or shall be imprisoned in the county
22 jail not more than thirty days.

23 Sec. Section three hundred twenty-four point
24 fifty-three (324.53), unnumbered paragraphs one (1)
25 and three (3), Code 1977, are amended to read as
26 follows:

27 The advance arrangements referred to in the
28 preceding section shall include the procuring of a
29 permanent interstate fuel permit or single trip
30 interstate permit and may in the discretion of the
31 department of revenue include the posting of a suitable
32 indemnity bond in a sum to be fixed by the department
33 of revenue to assure the required reporting, tax
34 payments and the keeping of required records.

35 Permit A permanent permit may be obtained upon
36 application to the department of revenue. The
37 department of revenue shall charge a fee of one dollar
38 for each permit issued. The holder of a permanent
39 permit under this division shall have the privilege
40 of bringing into this state in the fuel supply tanks
41 of commercial motor vehicles any amount of motor fuel
42 or special fuel to be used in the operation of the
43 vehicles and for that privilege shall pay Iowa motor
44 fuel or special fuel taxes as provided in section
45 324.54. A single trip interstate permit as provided
46 for in this section may be obtained from the depart-
47 ment of revenue or the department of transportation.
48 A fee of twelve dollars shall be charged for each
49 individual single trip interstate permit issued.
50 A single trip interstate permit shall be subject to

Page 2

1 the following provisions and limitations:

2 1. The permit shall be issued and be valid for
3 seventy-two consecutive hours, except in emergencies,
4 or until the time of leaving the state, whichever
5 first occurs.

6 2. The permit shall cover only one commercial
7 motor vehicle and is not transferable.

8 3. Single trip interstate fuel permits may be
9 made available from sources other than indicated in
10 this section at the discretion of the director of
11 revenue."

12 4. Title page, line 1, by inserting after the
13 word "Act" the words "relating to interstate motor
14 vehicle permits, providing for permanent and single
15 trip interstate permits and".

Dieleman of Marion offered the following amendment H-3298, to amendment H-3262, filed by him and moved its adoption:

H-3298

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-3262, to House File 249, page 1, by striking lines
- 3 5 through 7 and inserting in lieu thereof the follow-
- 4 ing:
- 5 "2. Page 2, line 7, by striking the words "month
- 6 quarter following" and inserting in lieu thereof the
- 7 words "month following"."

Amendment H-3298, to amendment H-3262, was adopted.

Dieleman of Marion offered the following amendment H-3297, to amendment H-3262, filed by him and moved its adoption:

H-3297

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-3262, to House File 249 as follows:
- 3 1. Page 1, by inserting after line 9 the follow-
- 4 ing new section:
- 5 "Sec. Section three hundred twenty-four point
- 6 eleven (324.11), subsection one (1), Code 1977, is
- 7 amended to read as follows:
- 8 1. Any person operating as a common or contract
- 9 carrier and any distributor who is also engaged in
- 10 transportation within this state of motor fuel or
- 11 special fuel for others, shall register with the
- 12 department of revenue on or before the first day of
- 13 the third calendar month which begins after the
- 14 effective date of this division and currently
- 15 thereafter as additional equipment is put to use,
- 16 each vehicle used in aforesaid transportation in this
- 17 state, except railroad, water-vessel or pipe-line
- 18 equipment. The registration shall be on forms
- 19 furnished by and shall contain such information as
- 20 may reasonably be required by the department of
- 21 revenue. A fee of ~~one dollar~~ five dollars shall be
- 22 paid to the department of revenue for original
- 23 registration of each vehicle. The department of
- 24 revenue shall furnish to the registrant for each
- 25 vehicle registered suitable identification which shall
- 26 be permanently attached to the vehicle and shall be

27 available for inspection at all times. Currently
 28 as any vehicle is retired or its use for the
 29 transportation of motor fuel for others is
 30 discontinued, the registrant shall notify the
 31 department of revenue or at the direction of the
 32 department of revenue shall either surrender to the
 33 department of revenue or destroy the vehicle
 34 identification issued under this section. Annually
 35 on or before the first day of July of each year, each
 36 carrier as aforesaid shall file with the department
 37 of revenue a statement showing each registered vehicle
 38 then in use for transportation of motor fuel for
 39 others.”

40 2. Page 1, line 37, by striking the words “one
 41 dollar” and inserting in lieu thereof the words “one
 42 dollar five dollars”.

Amendment H-3297 was adopted.

Dieleman of Marion moved the adoption of amendment H-3262, as amended.

Amendment H-3262, as amended, was adopted.

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

On the question “Shall the bill pass?” (H.F. 249)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonerger	Menke	Middleswart

Millen	Miller, K.D.	Miller, O.L.	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stophens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none:

Absent or not voting, 13:

Binneboese	Byerly	Egenes	Garrison
Hargrave	Harper	Higgins	Horn
Junker	Monroe	Patchett	Schroeder
Wells			

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

House File 385, a bill for an act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 385)

The ayes were, 69:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Fitzgerald	Gentleman	Gilloon	Gilson
Griffie	Hansen	Harbor	Harvey
Higgins	Hines	Hoffmann	Jesse
Jochum	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke

Miller, K.D.	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pelton
Perkins	Poncy	Rinas	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Wells	West	Woods	Wyckoff
			Mr. Speaker

The nays were, 16:

Brockett	Crabb	Danker	Dunton
Dyrland	Evans	Halvorson	Hinkhouse
Hullinger	Husak	Middleswart	Millen
Miller, O.L.	Pellet	Scheelhaase	Tofte

Absent or not voting, 15:

Binneboese	Byerly	Egenes	Garrison
Hargrave	Harper	Horn	Howell
Junker	Koogler	Monroe	Patchett
Schroeder	Welden	Wulff	

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

House File 68, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases, was taken up for consideration.

Miller of Buchanan asked and received unanimous consent to defer action on House File 68.

On motion by Fitzgerald of Webster the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk on request of Baker of Buena Vista.

SPECIAL PRESENTATION

Krause of Kossuth presented to the House Mr. and Mrs. Desmond O'Malley, T. D. Shadow Minister of Defense in the Irish Parliament. Mr. O'Malley addressed the House with a few brief words.

INTRODUCTION OF BILLS

HOUSE FILE 420, by Bennett, Husak, Harbor, Wyckoff, Perkins, Hinkhouse, Scheelhaase, Schneklath, Stromer, Danker, Pellett and Hullinger, a bill for an act relating to the rule of perpetuities.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 421, by committee on agriculture, a bill for an act relating to the weighing of bulk commodities by hopper scale or belt conveyer.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 422, by Pelton, a bill for an act to prohibit devices for the taking of game in state parks and preserves.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 423, by Pelton, a bill for an act to make doves a nongame bird.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 424, by Newhard and Schroeder, a bill for an act relating to certain conflict of interest provisions applicable to members of the board of supervisors, school directors, administrative officers and teachers, and township and hospital trustees, and subjecting violators to penalties.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 425, by Crabb, a bill for an act relating to the method of determining the composition of state educational boards.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 426, by Clark of Cerro Gordo, a bill for an act relating to the inspection of land and water craft registered with the Iowa state conservation commission.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 427, by Brandt, a bill for an act to provide property tax relief by providing a reimbursement for property taxes paid and rent constituting property taxes paid.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 428, by Patchett, a bill for an act relating to unsolicited commercial telephone calls and providing a penalty.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 429, by Harbor, Wyckoff, Schroeder, Danker, Pellett and Crabb, a bill for an act relating to the procedures to be used by counties with respect to dishonored checks.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 430, by Newhard, a bill for an act relating to certain incumbent senators who are nominated in the primary election as candidates for other offices.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 431, by Svoboda, a bill for an act relating to the exemption of wood shavings from the sales tax.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 432, by Patchett, a bill for an act to prohibit mandatory retirement policies for public employees.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 433, by Perkins, a bill for an act relating to the termination of a life estate in agricultural land which has been leased.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 434, by Wells, a bill for an act relating to deer hunting licenses.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 435, by Patchett, a bill for an act to authorize township trustees to provide ambulance service, and to purchase, own, rent and maintain ambulances and associated equipment.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 436, by Byerly, a bill for an act relating to the safety of persons working in manholes and providing a penalty.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 214, a bill for an act providing appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state.

STEVEN C. CROSS, Secretary

IMMEDIATE MESSAGE

Wyckoff of Benton asked and received unanimous consent that House File 367 be immediately messaged to the Senate.

HOUSE CONCURRENT RESOLUTION 19

By Baker, Horn, Branstad, Pelton, Husak,
West, Poncy, Stromer, Woods and
Perkins

- 1 *Whereas*, the bonus board has had the responsibility
- 2 for administering funds providing for veterans' pro-
- 3 grams and has also carried out other duties in regard
- 4 to veterans' programs; and
- 5 *Whereas*, consideration is being given to abolishing
- 6 some funds and consolidating others that formerly
- 7 affected veterans' programs because the purpose for
- 8 establishing such funds has in some cases been
- 9 accomplished; and
- 10 *Whereas*, an examination of present duties of the

11 bonus board as well as an examination of providing
12 for consolidating duties relating to veterans' pro-
13 grams should be undertaken; and

14 *Whereas*, consideration is being given to establish-
15 ing a department of veterans' affairs which would
16 carry out all duties and administer programs relating
17 to veterans; *Now Therefore*,

18 *Be It Resolved by the House of Representatives, the*
19 *Senate Concurring*, That the legislative council is
20 urged to establish a study committee or subcommittee of
21 the appropriate standing committee to conduct a study
22 during the 1977 legislative interim for the purpose
23 of examining present duties of the bonus board, the
24 transfer of duties relating to veterans presently being
25 administered by other departments, and the establishment
26 of a department of veterans' affairs, and to make a
27 report accompanied by bill drafts designed to carry
28 out the recommendations of the committee or subcommittee
29 to the 1977 session of the general assembly; and

30 *Be It Further Resolved*, That the study committee or

Page 2

1 subcommittee shall make periodic reports to the
2 legislative council relating to the report of the
3 study committee or subcommittee.

Laid over under Rule 25.

HOUSE RESOLUTION 12

By Pelton of Clinton
Schnekloth of Scott

1 *Whereas*, the St. Mary's High School of Clinton boys
2 basketball team has won the Iowa Boys Class 1-A High
3 School Basketball championship; and

4 *Whereas*, the St. Mary's High School of Clinton boys
5 basketball team has displayed the utmost in spirit and
6 teamwork,

7 *Now Therefore*,

8 *Be It Resolved by the House of Representatives*, That
9 the Sixty-seventh General Assembly, 1977 Session, extend
10 its heartiest congratulations to St. Mary's of Clinton,
11 their coaches, cheerleaders, faculty and administration,
12 families and loyal fans who encouraged and supported St.
13 Mary's of Clinton through the regular season and during
14 the tournament; and

15 *Be It Further Resolved*, That the members of the Sixty-

- 16 seventh General Assembly commend St. Mary's of Clinton
17 for their splendid example of sportsmanship, fair play
18 and athletic prowess which took them to the highest place
19 in Iowa Boys Class 1—A high school basketball, winning
20 the Boys Class 1—A State Basketball championship and be—
21 coming Iowa's number one team.
22 *Be It Further Resolved*, That a copy of this resolution
23 be sent to Coaches John Lingle and Bill Beyer and the St.
24 Mary's High School of Clinton boys basketball team.

Laid over under Rule 25.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of House File 82, a bill for an act creating a division of radiation protection within the state department of health, prescribing its powers and duties and providing penalties for violations and the committee on energy amendment H-3052, filed on February 17, 1977 and found on pages 411 through 414 of the House Journal.

Doyle of Woodbury offered the following amendment H-3330, to amendment H-3052, filed by him and moved its adoption:

H-3330

- 1 Amend amendment H-3052 to House File 82 as follows:
- 2 1. Page 1, line 37, by striking the word "state"
- 3 and inserting in lieu thereof the word "state,".
- 4 2. Page 2, lines 5 and 6, by striking the words
- 5 "protective gloves and aprons and".
- 6 3. Page 2, line 7, by striking the word "are"
- 7 and inserting in lieu thereof the word "is".

Amendment H-3330 was adopted.

Horn of Linn offered the following amendment H-3128, to amendment H-3052, filed by him:

H-3128

1 Amend H-3052 as follows:

2 1. Page 1, by inserting after line 15 the follow-
3 ing:

4 "Records" means X-rays and any files or
5 documents relating to the X-rays developed by a pro-
6 fessional for use by the professional in providing
7 services to a client.

8 "Professional" means a person licensed in
9 this state as defined in section one hundred forty-
10 seven point one (147.1) of the Code or a licensed
11 health care facility.

12 "Client" means a patient of a professional
13 who engages the professional by an implied or express
14 agreement to perform professional services for com-
15 pensation on the client's behalf.

16 "Representative" means the spouse, parent,
17 guardian, conservator, guardian ad litem, attorney,
18 or other legally-designated representative of a
19 client."

20 2. Page 2, by inserting after line 33 the follow-
21 ing:

22 "Sec. 4. NEW SECTION. OWNERSHIP OF RECORDS.

23 Subject only to a possessory lien by the professional
24 for any reasonable compensation which has not been
25 duly paid by the client, the client owns all records
26 with right of possession upon demand. The lien
27 attaches only to records which are directly related
28 to the unpaid compensation.

29 Sec. 5. NEW SECTION. DESTRUCTION OF RECORDS.

30 1. A professional shall not destroy possessed
31 records until:

32 a. Five years have passed since the records were
33 developed;

34 b. The professional has offered writing to the
35 client or representative to deliver possession of
36 the records; or,

37 c. The client or representative has consented
38 in writing to destruction.

39 2. If a professional destroys records under
40 paragraph b or c of subsection one (1) of this section,
41 the professional shall maintain either:

42 a. A verified affidavit that:

43 (1) Was executed within thirty days of the day
44 the written offer to deliver possession was mailed;
45 and,

46 (2) Shows a copy of this written offer and that
47 it was mailed by restricted certified mail within

- 48 twenty-eight days before the records were destroyed;
49 and,
50 (3) Includes the certified mail receipt signed

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- 1 by the client or representative or refused; and,
2 (4) Swears that either no answer or unpaid
3 compensation was received; or,
4 b. A written consent to destroy signed by the
5 client or representative.

6 Sec. 6. NEW SECTION. REASONABLE COMPENSATION.
7 A professional may include in any reasonable
8 compensation charged a charge for delivery of records
9 to a client. However, this charge shall inhere in
10 the initial billing or statement for all services
11 rendered by the professional, whether or not this
12 billing or statement contains any language to the
13 contrary. A receipt showing actual delivery of
14 specified records which is signed by the client or
15 a legally designated representative shall absolve
16 the professional from any other or further
17 responsibility for these records.

18 Sec. 7. NEW SECTION. COPIES OF RECORDS. The
19 provisions of sections four (4) through seven (7)
20 of this Act shall not be construed to prohibit a
21 professional from making and keeping copies of records.
22 Copies made for the client may be at the client's
23 expense and copies kept by the professional shall
24 be at the professional's expense. A charge for the
25 client's copies shall not include a charge for other
26 service or advice."

27 3. Page 2, line 36, by inserting before the word
28 "this" the words "sections one (1) through three (3)
29 of".

30 4. Page 2, line 37, by inserting after the word
31 "to" the words "sections one (1) through three (3)
32 of".

33 5. Page 2, line 38, by inserting before the word
34 "this" the words "sections one (1) through three (3)
35 of".

36 6. Page 2, line 39, by inserting after the word
37 "misdemeanor." the words "A professional who will-
38 fully refuses to deliver or destroys material in
39 violation of the provisions of sections four (4)
40 through seven (7) of this Act is, upon conviction,
41 guilty of an aggravated misdemeanor."

42 7. Page 2, by striking lines 41 and 42 and in-
43 serting in lieu thereof the words "determination by

44 the commissioner that the provisions of sections one
45 (1) through three (3) of this Act or any rule adopted
46 pursuant to the provisions of sections one (1) through
47 three (3) of this Act has been or".

48 8. By renumbering the remaining sections and cor-
49 recting internal references in accordance with this
50 amendment.

O'Halloran of Black Hawk rose on a point of order that amendment H-3128 was not germane.

The Speaker ruled the point well taken and amendment H-3128 not germane.

Brandt of Black Hawk offered the following amendment H-3122, to amendment H-3052, filed by her and Schroeder of Pottawattamie:

H-3122

1 Amend the Committee on Energy Amendment H-3052
2 to House File 82 as follows:

3 1. Page 3, by inserting after line 2 the fol-
4 lowing:

5 "Sec. Section one hundred thirty-five B point
6 twenty-six (135B.26), Code 1977, is amended to read
7 as follows:

8 135B.26 COMPENSATION. The contract between the
9 hospital and doctor in charge of the laboratory or
10 X-ray facilities may contain any provision for
11 compensation of each upon which they mutually agree,
12 ~~provided, however, that no contract shall be entered~~
13 ~~into which in any way creates the relationship of~~
14 ~~employer and employee between the hospital and the~~
15 ~~doctor, and a. A percentage arrangement or a~~
16 ~~relationship of employer and employee between the~~
17 ~~hospital and the doctor is not and shall not be~~
18 ~~construed to be~~ unprofessional conduct on the part
19 of the doctor or in violation of the statutes of this
20 state upon the part of the hospital.

21 Sec. Acts of the Sixty-fifth General Assembly,
22 1973 Session, chapter two hundred seventy-four (274),
23 section one (1), unnumbered paragraph one (1), is
24 amended to read as follows:

25 The general assembly determines that health
26 maintenance organizations, when properly regulated,
27 encourage methods of treatment and controls over the

28 quality of care which effectively contain costs and
29 provide for continuous health care by undertaking
30 responsibility for the provision, availability, and
31 accessibility of services. It is the intent of this
32 Act that legal barriers be removed to allow a variety
33 of organizational structures to establish and operate
34 health maintenance organizations in order to provide
35 for experimentation with and improvement in this
36 alternative system of health care delivery. For this
37 reason, and because the primary responsibility of
38 a health maintenance organization lies in providing
39 quality health care services on a prepaid basis without
40 regard to the type and number of services actually
41 rendered, rather than providing indemnification against
42 the cost of such services, the general assembly finds
43 it necessary to provide a statutory framework for
44 the establishment and continuing regulation of health
45 maintenance organizations which is separate from the
46 insurance laws of this state, except as otherwise
47 provided in this Act, and the general assembly further
48 finds it desirable to make a special exception, limited
49 to health maintenance organizations, in order that
50 health maintenance organizations may have the option

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1 of contracting with or employing providers of health
2 care services notwithstanding the provisions of Title
3 VIII and ~~section one hundred thirty-five B point~~
4 ~~twenty-six (135B.26)~~ of the Code.”
5 2. Page 3, line 6, by inserting after the word
6 “Act” the words “relating to health laws providing
7 for agreements between hospitals and doctors and for”.

Doyle of Woodbury rose on a point of order that amendment H-3122, to amendment H-3052, was not germane.

The Speaker ruled the point well taken and H-3122 not germane.

Brandt of Black Hawk moved that the rules governing germaneness be suspended for the consideration of amendment H-3122.

On the question “Shall the rules be suspended to consider amendment H-3122?”

The ayes were, 44:

Bennett	Bina	Brandt	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Cusack	Daggett	Davitt	Dyrland
Gentleman	Gilloon	Griffee	Halvorson
Hargrave	Harvey	Higgins	Hoffmann
Howell	Jesse	Jochum	Krause
Krewson	Lageschulte	Lipsky	Miller, K.D.
Monroe	Nielsen	Patchett	Pavich
Pellett	Rinas	Schnekloth	Shimanek
Smalley	Spear	Spencer	Svoboda
Tauke	Tofte	Varley	Walter

The nays were, 46:

Anderson	Baker	Binneboese	Branstad
Brockett	Chioldo	Connors	Crabb
Den Herder	Dieleman	Doyle	Dunton
Egenes	Evans	Gilson	Hansen
Harper	Hines	Hinkhouse	Horn
Hullinger	Husak	Koogler	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, O.L.	Newhard	Norland	O'Halloran
Oxley	Pelton	Perkins	Poney
Scheelhaase	Stephens	Stromer	Thompson
Welden	Wells	West	Wulff
Wyckoff	Mr. Speaker		

Absent or not voting, 10:

Avenson	Byerly	Danker	Fitzgerald
Garrison	Harbor	Junker	Schroeder
Small	Woods		

The motion lost.

Brunow of Appanoose offered amendment H-3341, to amendment H-3052, filed by him from the floor. Division was requested as follows:

H-3341

- 1 Amend amendment H-3052 to House File 82 as
- 2 follows:

H-3341A

- 3 1. Page 2, by inserting after line 33 the
4 following:
5 "Sec. 4. A person shall not install, use,
6 or place into operation a computerized axial
7 tomography scanner which has not been approved
8 by the Health Facilities Construction Review
9 Committee of the department of health prior to
10 March 1, 1977 or which has not been placed in
11 operation by the effective date of this Act.
12 Sec. 5. Section four (4) of this amendment
13 shall be repealed January 1, 1979."

H-3341B

- 14 2. Page 3, by striking lines 3 and 4 and
15 inserting in lieu thereof the following:
16 "Sec. — This Act being deemed of immediate
17 importance, shall take effect and be in force
18 from and after its publication in The Moravia
19 Union, a newspaper published in Moravia, Iowa,
20 and in The Seymour Herald, a newspaper published
21 in Seymour, Iowa."

Brunow of Appanoose moved the adoption of amendment
H-3341A.

Amendment H-3341A was adopted.

By unanimous consent the following amendment, H-3348 to
amendment H-3341 filed by Hargrave of Johnson from the floor
was adopted.

H-3348

- 1 Amend amendment H-3341 to House File 82 as
2 follows:
3 1. By striking line 16, and inserting in
4 lieu thereof the following:
5 "Sec. — Section four (4) of this Act
6 being deemed of immediate".

Brunow of Appanoose moved the adoption of amendment
H-3341B, as amended, to amendment H-3052.

Amendment H-3341B, as amended, was adopted.

Small of Johnson in the chair at 4:16 p.m.

Husak of Tama rose on a point of order and invoked Rule 32.

The Speaker ruled the point not well taken and Rule 32 not in order.

Doyle of Woodbury moved the adoption of amendment H-3052, as amended.

Amendment H-3052, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 82)

The ayes were, 79:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffie	Hansen	Hargrave	Harper
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Jochum
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonerger	Middleswart	Millen
Miller, K.D.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Rinas
Scheelhaase	Schnekloth	Shimanek	Spear
Spencer	Stromer	Svoboda	Thompson
Varley	Walter	Welden	Wells
Woods	Wulff	Mr. Speaker	
		(Small)	

The nays were, 16:

Daggett	Halvorson	Harbor	Harvey
Husak	Koogler	Menke	Miller, O.L.
Nielsen	Poncy	Smalley	Stephens
Tauke	Tofte	West	Wyckoff

Absent or not voting, 5:

Byerly
Schroeder

Garrison

Higgins

Junker

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

The House resumed consideration of House File 101, a bill for an act relating to the required presence of an attendant on the jail premises when a prisoner is incarcerated, and amendment H-3295, found on page 856 of the House Journal.

Doyle of Woodbury asked and received unanimous consent to defer action on amendment H-3049.

Amendment H-3049 was deferred.

Spear of Lee offered the following amendment H-3305 to amendment H-3295, filed by him and moved its adoption:

H-3305

- 1 Amend amendment H-3295, to House File 101
- 2 as follows:
- 3 1. Page 1, by striking lines 10 and 11 and
- 4 inserting in lieu thereof the following: "prisoners,
- 5 keep a female attendant on the jail premises at all
- 6 times during the incarceration of one or more female
- 7 prisoners, and make nighttime".

Amendment H-3305, was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H-3302 to amendment H-3295, filed by him on March 16, 1977.

Spear of Lee offered the following amendment H-3342, to amendment H-3295, filed by him from the floor and moved its adoption:

H-3342

- 1 Amend H-3295 to House File 101 as follows:
- 2 1. Page 1, by striking lines 13, 14, and 15
- 3 and inserting in lieu thereof the following:
- 4 "provide for incarceration in a jail which conforms
- 5 to the provisions of this subsection."

A non-record roll call was requested.

The ayes were 59, nays 16.

Amendment H-3342 was adopted.

Miller of Buchanan offered the following amendment H-3307, to amendment H-3295, filed by him and moved its adoption:

H-3307

- 1 Amend amendment H-3295 to House File 101 as
- 2 follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following:
- 5 "An attendant need not be on the jail premises
- 6 if the jail is monitored by electronic or other
- 7 monitoring devices when one or more prisoners
- 8 are incarcerated."

Amendment H-3307 lost.

Doyle of Woodbury moved the adoption of amendment H-3295, as amended.

Amendment H-3295, as amended, was adopted.

With the adoption of amendment H-3295, the following amendments are out of order: H-3049, H-3104, H-3287 and H-3306.

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

On the question "Shall the bill pass?" (H.F. 101)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Harbor	Hargrave
Harper	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jesse	Jochum	Koogler
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schnekloth
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wulff	Wyckoff
			Mr. Speaker (Small)

The nays were, 8:

Chiodo	Hansen	Howell	Menke
Middleswart	Poncy	Spencer	Woods

Absent or not voting, 7:

Byerly	Garrison	Junker	Krause
Nielsen	O'Halloran	Schroeder	

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

House File 364, a bill for an act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employees' retirement system, was taken up for consideration.

Miller of Buchanan offered the following amendment H-3328 filed by him:

H-3328

- 1 Amend House File 364 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 section:
- 4 "Sec. Chapter seventy-nine (79), Code 1977,
- 5 is amended by adding the following new section:
- 6 **NEW SECTION. ALTERNATE USE OF SICK LEAVE.** An
- 7 employee of the state of Iowa may utilize all leave
- 8 of absence for a medically-related disability, accu-
- 9 mulated under section seventy-nine point one (79.1)
- 10 of the Code, for reasons other than a medically-related
- 11 disability during the period of time immediately
- 12 preceding the date of the employee's retirement under
- 13 section ninety-seven A point six (97A.6), subsection
- 14 one (1), of the Code or under either section ninety-
- 15 seven B point forty-five (97B.45) of the Code or
- 16 section ninety-seven B point forty-seven (97B.47)
- 17 of the Code."
- 18 2. Amend the title, line 2, by inserting after
- 19 the word "service" the words "and accumulated sick
- 20 leave".
- 21 3. By numbering and renumbering sections as
- 22 necessary.

Hansen of O'Brien rose on a point of order that amendment H-3328 was not germane.

The Speaker ruled the point well taken and amendment H-3328 not germane.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked:

On the question "Shall the bill pass?" (H.F. 364)

The ayes were, 93:

Anderson

Avenson

Baker

Bennett

Bina	Binneboese	Brandt	Branstad
Bröckett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harper	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Loneran
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Small)

The nays were, none:

Absent or not voting, 7:

Byerly	Garrison	Junker	Krause
Norland	O'Halloran	Schroeder	

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

Speaker Cochran in the chair at 5:15 p.m.

SENATE MESSAGES CONSIDERED

SENATE FILE 192, a bill for an act relating to the location of the division of the state historical society of the Iowa state historical department.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 195, a bill for an act increasing fees for permits to carry weapons.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 205, a bill for an act relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

Read first time and PASSED ON FILE.

SENATE FILE 214, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

Read first time and referred to committee on BUDGET.

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the committee on budget meeting for the consideration of Senate File 214.

HOUSE FILE 157 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 157 from further consideration by the House.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 215 Judiciary and Law Enforcement

Relating to the appointment, removal and duties of bailiffs.

S.B. 216 Natural Resources

Relating to the operation of snowmobiles.

S.B. 217 Budget

Relating to the appropriation of federal funds by the general assembly.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., March 18, 1977

Convened: 8:04 a.m.

Adjourned: 9:02 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Horn (arrived 8:18 a.m.), Small (arrived 8:42 a.m.) and Hines.

Discussion of Study Bill 32 and consideration of amendments. Made subcommittee assignments.

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., March 18, 1977

Convened: 8:15 a.m.

Adjourned: 8:55 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Daggett, Danker, Doyle, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Norland, Pellett and Perkins.

Absent: Pelton (arrived 8:40 a.m.), Varley (arrived 8:25 a.m.), Welden, Binneboese, Evans and Svoboda.

House File 174, a bill for an act to provide public recognition for innovative methods of energy conservation.

Recommended DO PASS.

Aye: O'Halloran, Howell, Daggett, Danker, Doyle, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Norland, Pellett, Pelton, Perkins and Varley.

Nay: None.

Absent or Not Voting: Welden, Binneboese, Evans and Svoboda.

Discussion of Study Bill 92 — municipal utilities.

AMENDMENTS FILED

H-3343	H.F. 414	Woods of Polk
H-3344	H.F. 418	Woods of Polk
H-3345	H.F. 418	Miller of Buchanan
H-3346	H.F. 418	Miller of Buchanan
H-3347	S.F. 149	Hargrave of Johnson

On motion by Fitzgerald of Webster, the House adjourned at 5:37 p.m. until 10:00 a.m., Tuesday, March 22, 1977.

JOURNAL OF THE HOUSE

Seventy—second Calendar Day -- Fifty—first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 22, 1977

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

Prayer was offered by the Reverend Frank Shearer, pastor of the First Reformed Church, Pella, Iowa.

The Journal of Monday, March 21, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Shirk, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Halloran of Black Hawk on request of Doyle of Woodbury; Junker of Woodbury on request of Wyckoff of Benton; Garrison of Black Hawk on request of Dunton of Keokuk.

PRESENTATION OF VISITORS

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

Forty eighth grade students from Glidden—Ralston Junior—Senior High School, Glidden, Iowa, accompanied by Gaylan Frasca. By Perkins of Greene.

Fifty—one students from the Woodbine High School Government Class, Woodbine, Iowa, accompanied by Phil Hummel. By Crabb of Crawford.

PETITIONS FILED

The following petitions were received and placed on file:

By Horn of Linn from ninety—three students from Iowa area schools regarding House File 418, in support of increased funds for the Department of Public Instruction (area schools) budget.

By Brunow of Appanoose from ninety—six constituents requesting chicory be declared a primary noxious weed and seventeen in favor of rescinding the equal rights amendment.

By Miller of Calhoun from seventy—nine members of the Paton—Churdan Community School District voicing opposition to proposed school reorganization; thirty—three members of the ecology class of Nashua High School urging the state to assume ownership, repair and maintenance of Nashua Iowa Dam and four hundred forty—eight members of Western Iowa Tech Community College favoring the study bill which would allow revenue bonding for dormitories at community colleges.

By Koogler of Mahaska from one thousand one hundred students from the Des Moines Area Community College requesting consideration be given to adequately funding area schools.

By Bina of Scott from seventeen American Association of University Women (Davenport-Bettendorf Branch) members in support of the equal rights amendment and in strong opposition to rescinding that amendment in Iowa.

By Binneboese of Plymouth, from twenty—four constituents from the forty—ninth district, asking the legislature to adequately fund human resources programs, such as ADC families, expanded community—based corrections, SSI recipients, the Iowa Housing Authority, child care centers and alternatives to institutionalization of the elderly; and for progressive tax revisions, such as modifying the present 100% deductibility of the federal income tax on the Iowa personal income tax return.

INTRODUCTION OF BILLS

HOUSE FILE 437, by committee on county government, a bill for an act to permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 438, by committee on state government, a bill for an act relating to the meeting of a public agency in a closed session and to any action taken at such meeting.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 439, by committee on natural resources, a bill for an act relating to the establishment of sanitary disposal projects and authorizing the use of injunctions for certain violations.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 440, by committee on budget, a bill for an act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 441, by Harbor, Wyckoff, Schroeder, Danker, Pellett and Crabb, a bill for an act repealing the duty of certain financial officers of governmental subdivisions to maintain lists of depositories.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 442, by Patchett, a bill for an act relating to conformity of buildings to standards and specifications for handicapped persons.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE MESSAGES CONSIDERED

SENATE FILE 180, a bill for an act relating to the regulation of premium rates for credit life and credit accident and health insurance.

Read first time and referred to committee on COMMERCE.

SENATE FILE 233, a bill for an act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards.

Read first time and referred to committee on BUDGET.

SENATE FILE 234, a bill for an act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

Read first time and referred to committee on BUDGET

SENATE FILE 235, a bill for an act appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa

department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and the Iowa comprehensive conference.

Read first time and referred to committee on BUDGET.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 77, a bill for an act relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code.

Also: That the Senate has on March 18, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 160, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Also: That the Senate has on March 18, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 162, a bill for an act making an appropriation to the judicial department.

Also: That the Senate has on March 18, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 163, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

Also: That the Senate has on March 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 174, a bill for an act relating to the hunting of pheasants by nonresidents.

Also: That the Senate has on March 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 224, a bill for an act relating to city development clarifying what the city clerk and development board must file when a city is involved in voluntary boundary adjustment.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 160

H-3349

- 1 Amend the House amendment S-3164 to Senate
- 2 File 160, as follows:
- 3 1. Page 1, by striking lines 3 through 6.

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 162

H-3350

- 1 Amend the House amendment, S-3180, to Senate
- 2 File 162, as follows:
- 3 1. Page 1, by striking lines 2 through 18,
- 4 and inserting in lieu thereof the following:
- 5 "1. Page 1, line 23, by striking the figure
- 6 "6,874,899" and inserting in lieu thereof the figure
- 7 "6,981,639"."

Fitzgerald of Webster asked and received unanimous consent to consider House File 414 and upon its completion, to take up for consideration Senate File 214.

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

The House resumed session, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

Budget Calendar

House File 414, a bill for an act making appropriations to the

Iowa civil rights commission and the state department of health, was taken up for consideration.

Woods of Polk offered the following amendment H-3343 filed by him and moved its adoption:

H-3343

- 1 Amend House File 414 as follows:
- 2 1. Page 2, by inserting after line 34 the
- 3 following:
- 4 "Sec. ____ If monies appropriated to a
- 5 department pursuant to this Act are to be expend-
- 6 ed to employ consultants, and the fees for such
- 7 consulting service are to exceed twenty-five
- 8 hundred (2,500) dollars, the department shall
- 9 submit copies of such consulting agreements to
- 10 the legislative and executive councils within
- 11 ten days of entering into such agreements.
- 12 Prior to acting on the recommendations of a
- 13 consultant employed under the preceding para-
- 14 graph, and in no event later than sixty days
- 15 after submission of the consultants' report to
- 16 the department, the department shall submit a
- 17 copy of such report to the legislative council
- 18 and executive council. Upon determination of
- 19 the action to be taken in the area covered by
- 20 the consultants' report, the department shall
- 21 submit a memo to the legislative council and
- 22 executive council outlining the action the depart-
- 23 ment is proposing."

Amendment H-3343 was adopted.

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

On the question "Shall the bill pass?" (H.F. 414)

The ayes were, 76:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford

Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Griffee	Halvorsen	Hansen
Hargrave	Hurvey	Hines	Hoffmann
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krewson	Lageschulte
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Thompson	Tofte	Walter
Welden	Wulff	Wyckoff	Mr. Speaker

The ayes were, none:

Absent or not voting, 24:

Brockett	Byerly	Dunton	Garrison
Gilson	Harbor	Harper	Higgins
Hinkhouse	Horn	Junker	Krause
Lindeen	Lipsky	Nielsen	O'Halloran
Patchett	Rinas	Small	Tauke
Varley	Wells	West	Woods

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

On motion by Fitzgerald of Webster the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Eleven students from the University of Dubuque, accompanied by their official Stan Schmidt. By Jochum of Dubuque.

Fifty—seven seniors from Mechanicsville, accompanied by Mr. Grantz. By Newhard of Jones and Hinkhouse of Cedar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 1977, passed the following bill in which the concurrence of the Senate was asked:

Senate File 167, a bill for an act relating to transportation and providing for changes in the motor vehicle registration.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 20

By Patchett

- 1 *Whereas*, the legislative and judicial branches of
2 state government are in critical need of additional
3 space to carry out their respective duties and
4 responsibilities; and
5 *Whereas*, the various divisions of the Iowa state
6 historical department are in need of additional
7 suitable space to carry out their statutory duties
8 and responsibilities; and
9 *Whereas*, it may be feasible to renovate the state
10 historical building for the use of the state supreme
11 court, the court of appeals, the attorney general and
12 one or more of the state law enforcement agencies of
13 the department of public safety; *Now Therefore*,
14 *Be It Resolved by the House of Representatives*,
15 *the Senate Concurring*, That the director of the
16 department of general services initiate a study to
17 determine the feasibility of renovating the state
18 historical building to create a hall of justice for
19 the state supreme court, the court of appeals, the
20 attorney general, and one or more of the state law
21 enforcement agencies under the department of public
22 safety. The director of the department of general
23 services shall report the findings of the study,
24 including estimated renovation costs; to the
25 general assembly not later than January 15, 1978;
26 and
27 *Be It Further Resolved*, That the state historical

- 28 board investigate the availability of federal or
29 private grants or funds for the purpose of construct—
30 ing a new state historical building.

Referred to committee on STATE GOVERNMENT.

CONSIDERATION OF BILLS

Senate File 214, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state, with report of committee recommending amendment and passage was taken up for consideration.

Horn of Linn offered amendment H-3351 filed by the committee on budget and requested division as follows:

H-3351

- 1 Amend Senate File 214 as follows:

H-3351A

- 2 1. Page 1, by inserting after line 13 the following:
3 "a. For the war orphans educational aid fund created
4 by section thirty-five point eight (35.8) of the Code
5\$40,000".

H-3351B

- 6 2. Page 1, lines 20 through 22 by striking the
7 words "for the fiscal period July 1, 1977 to December
8 31, 1977".
9 3. Page 1, line 22, by striking the figure
10 "30,000" and inserting in lieu thereof the figure
11 "83,800".

H-3351C

- 12 4. Page 1, line 27, by striking the figure
13 "3,792,500" and inserting in lieu thereof the figure
14 "3,692,500".

H-3351D

- 15 5. Page 2, line 17, by striking the figure
 16 "500,000" and inserting in lieu thereof the figure
 17 "250,000".

H-3351E

- 18 6. Page 4, line 15, by striking the figure
 19 "2,475,000" and inserting in lieu thereof the figure
 20 "2,350,000".

H-3351F

- 21 7. Page 5, line 33, by striking the figure
 22 "150,000" and inserting in lieu thereof the figure
 23 "100,000".

H-3351G

- 24 8. Page 6, by striking lines 8 through 13.

H-3351H

- 25 9. Page 6, by striking lines 14 through 35.
 26 10. Page 7, by striking lines 1 through 3 and
 27 inserting in lieu thereof the following:
 28 "12. MERGED AREA SCHOOLS
 29 a. For general state financial aid to merged areas
 30 as defined in section two hundred eighty A point two
 31 (280A.2) of the Code the amount of thirty-two million
 32 three hundred fourteen thousand one hundred (32,314,100)
 33 dollars to be allocated as follows:

34	(1)	Merged Area I	\$1,605,849
35	(2)	Merged Area II	\$2,169,145
36	(3)	Merged Area III	\$1,970,520
37	(4)	Merged Area IV.....	\$ 787,210
38	(5)	Merged Area V	\$2,528,214
39	(6)	Merged Area VI.....	\$2,214,423
40	(7)	Merged Area VII	\$2,103,036
41	(8)	Merged Area IX	\$2,435,621
42	(9)	Merged Area X.....	\$3,637,503
43	(10)	Merged Area XI	\$4,976,733
44	(11)	Merged Area XII.....	\$1,612,085
45	(12)	Merged Area XIII.....	\$2,201,767
46	(13)	Merged Area XIV	\$ 830,378
47	(14)	Merged Area XV.....	\$1,748,114
48	(15)	Merged Area XVI.....	\$1,543,502

H-3351I

- 49 11. Page 7 by inserting after line 20 the following:
50 "d. FOR MERGED AREA X

Page 2

- 1 For continuation of the waste water program.....
2\$100,000".

H-3351J

- 3 12. Page 7, line 26, by striking the figure
4 "120,000" and inserting in lieu thereof the figure
5 "100,000".

H-3351K

- 6 13. Page 7, line 31, by inserting after the
7 word "purposes" the words "however, as a condition
8 for the appropriation of these funds and notwithstanding
9 any provision of chapter twenty (20) of the Code, the
10 state board of regents, for purposes of implementing
11 collective bargaining pursuant to chapter twenty (20)
12 of the Code, shall continue to act as a 'public
13 employer' for its academic, professional and scientific,
14 and other employees who are exempt from its merit system
15 by chapter nineteen A (19A) of the Code and who are
16 defined as 'professional' employees by chapter twenty
17 (20) of the Code".

H-3351L

- 18 14. Page 8, by striking line 7.

H-3351M

- 19 15. Page 8, line 13, by striking the figure
20 "63,712,000" and inserting in lieu thereof the figure
21 "62,331,700".
22 16. Page 9, line 9, by striking the figure
23 "1,363,000" and inserting in lieu thereof the figure
24 "1,338,700".

H-3351N

25 17. Page 9, line 15, by striking the figure
 26 "52,514,000" and inserting in lieu thereof the figure
 27 "51,352,900".

H-3351Q

28 18. Page 9, line 25, by striking the figure
 29 "5,489,000" and inserting in lieu thereof the figure
 30 "5,342,200".

H-3351O

31 19. Page 9, line 29, by striking the figure
 32 "21,612,000" and inserting in lieu thereof the figure
 33 "21,174,500"

H-3351P

34 20. Page 9, by inserting after line 29 the
 35 following new subsections:
 36 "— IOWA BRAILLE AND SIGHT-SAVING SCHOOL
 37 For salaries, support, maintenance, equipment,
 38 and miscellaneous purposes.....\$1,512,000
 39 — STATE SCHOOL FOR THE DEAF
 40 For salaries, support, maintenance, equipment, and
 41 miscellaneous purposes.....\$2,825,000".

Crawford of Story offered the following amendment H-3363,
 to amendment H-3351A, filed by him and moved its adoption:

H-3363

1 Amend H-3351, filed by Committee on Budget, to
 2 Senate File 214, as amended and passed by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 1 the follow-
 5 ing:
 6 "— Page 1, by inserting before line 1 the
 7 following section:
 8 "Sec.— There is appropriated from the general
 9 fund of the state for the fiscal year beginning July
 10 1, 1977 and ending June 30, 1978, the sum of four
 11 million eight hundred thousand (4,800,000) dollars,

- 12 or so much thereof as may be necessary, to be allocated
 13 to the agencies, institutions, commissions,
 14 departments, and boards responsible for education
 15 programs in this state to supplement the amounts
 16 appropriated in this Act in such amounts as will
 17 increase the funds appropriated in this Act to a level
 18 equal to that provided for in the budget submitted
 19 by the governor to the general assembly.””
 20 2. By numbering and renumbering sections as
 21 necessary.

Roll call was requested by Crawford of Story and Menke of O'Brien.

Rules 69 and 70 were invoked.

On the question "Shall amendment H--3363 be adopted?"

The ayes were, 45:

Bennett	Bina	Branstad	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Den Herder	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Hargrave
Harper	Harvey	Hines	Hoffmann
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Patchett	Pellett
Pelton	Schneklath	Shimanek	Small
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	West
Wulff			

The nays were, 49:

Anderson	Avenson	Baker	Binneboese
Brandt	Brunow	Chiодо	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Gilloon	Gilson
Griffie	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	Oxley	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Spear	Spencer	Svoboda	Walter
Welden	Wells	Woods	Wyckoff
			Mr. Speaker

Absent or not voting, 6:

Connors
O'Halloran

Garrison
Schroeder

Higgins

Junker

Amendment H-3363 lost.

Horn of Linn moved the adoption of H-3351A.

Amendment H-3351A was adopted.

Horn of Linn moved the adoption of H-3351B.

Amendment H-3351B was adopted.

Brunow of Appanoose in the chair at 3:53 p.m.

Horn of Linn moved the adoption of H-3351C.

Roll call was requested by Egenes of Story and Pelton of Clinton.

On the question "Shall amendment H-3351C be adopted?"

The ayes were, 53:

Anderson
Binneboese
Cusack
Doyle
Fitzgerald
Hines
Hullinger
Koogler
Middleswart
Norland
Poncy
Smalley
Welden

Avenson
Chiodo
Daggett
Dunton
Gilloon
Hinkhouse
Husak
Krause
Miller, K.D.
Oxley
Rinas
Spear
Wells

Baker
Cochran
Davitt
Dyrland
Gilson
Horn
Jesse
Lageschulte
Miller, O.L.
Pavich
Scheelhaase
Tauke
West

Bina
Connors
Dieleman
Evans
Hargrave
Howell
Jochum
Lonergan
Newhard
Perkins
Small
Walter
Wyckoff
Mr. Speaker
(Brunow)

The nays were, 36:

Bennett	Brandt	Branstad	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Danker	Den Herder
Egenes	Gentleman	Halvorson	Hansen
Harbor	Harper	Harvey	Hoffmann
Krewson	Lindeen	Lipsky	Menke
Millen	Patchett	Pellett	Pelton
Schnekloth	Shimanek	Stephens	Stromer
Thompson	Tofte	Varley	Wulff

Absent or not voting, 11:

Garrison	Griffee	Higgins	Junker
Monroe	Nielsen	O'Halloran	Schroeder
Spencer	Svoboda	Woods	

Amendment H-3351C was adopted.

Tauke of Dubuque offered amendment H-3367, to amendment H-3351D, filed by him, Halvorson of Clayton and Shimanek of Jones from the floor and moved its adoption:

H-3367

- 1 Amend the Committee Amendment H-3351 to Senate
- 2 File 214, as passed by the Senate as follows:
- 3 1. Page 1, by striking all of lines 15 through
- 4 17 and inserting in lieu thereof the following:
- 5 "5. Page 2, line 11, by inserting after the word
- 6 'full-time' the words 'and half-time'".

Roll call was requested by Tauke of Dubuque and Menke of O'Brien.

Rule 70 was invoked.

On the question "Shall amendment H-3367 be adopted?"

The ayes were, 46:

Bennett	Branstad	Brockett	Byerly
---------	----------	----------	--------

Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Dieleman
Dyrland	Egenes	Evans	Gentleman
Gilson	Halvorson	Hansen	Harbor
Harper	Harvey	Hines	Hoffmann
Jochum	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Patchett
Pellett	Pelton	Schneklath	Shimanek
Small	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
West	Wulff		

The nays were, 47:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Chiodo	Cochran
Connors	Cusack	Davitt	Den Herder
Doyle	Dunton	Fitzgerald	Gilloon
Griffee	Hargrave	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	Oxley	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Spear
Svoboda	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Brunow)	

Absent or not voting, 7:

Garrison	Higgins	Junker	Nielsen
O'Halloran	Schroeder	Spencer	

Amendment H-3367 lost.

Lageschulte of Bremer offered the following amendment H-3358, to amendment H-3351D, filed by him, Harvey of Scott and Tofte of Winneshiek from the floor and moved its adoption:

H-3358

- 1 Amend the Budget Committee amendment H-3351 to
- 2 Senate File 214, as passed by the Senate, as follows:
- 3 1. Page 1, line 17, by striking the numbers
- 4 "250,000" and inserting in lieu thereof the numbers
- 5 "1,000,000".

Roll call was requested by Clark of Lee and Tofte of Winneshiek.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3358 be adopted?"

The ayes were, 47:

Baker	Bennett	Bina	Branstad
Brockett	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Dieleman	Dyrland
Egenes	Evans	Gentleman	Gilson
Halvorson	Hansen	Harbor	Harper
Harvey	Hinkhouse	Hoffmann	Jochum
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schnekloth	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	West	Wulff	

The nays were, 47:

Anderson	Avenson	Binneboese	Brandt
Chiodo	Cochran	Connors	Cusack
Davitt	Doyle	Dunton	Fitzgerald
Gilloon	Griffie	Hargrave	Hines
Horn	Howell	Hullinger	Husak
Jesse	Koogler	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Brunow)	

Absent or not voting, 6:

Garrison	Higgins	Junker	Krause
O'Halloran	Schroeder		

Amendment H-3358 lost.

Bennett of Ida offered the following amendment H-3368, to amendment H-3351D, filed by him from the floor and moved its adoption:

H-3368

- 1 Amend the Committee Amendment H-3351 to Senate
- 2 File 214, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 17, the
- 4 following:
- 5 "6. Page 2, line 17, by inserting after the
- 6 word 'Code' the words 'and for tuition grants to
- 7 students who meet the qualifications prescribed
- 8 under sections two hundred sixty-one point nine
- 9 (261.9) to two hundred sixty-one point sixteen
- 10 (261.16) of the Code and who are enrolled in
- 11 Gallaudet College in Washington, D.C.'".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 47, nays 46.

Amendment H-3368 was adopted.

Welden of Hardin moved to reconsider the vote by which amendment H-3367, to amendment H-3351D, failed to pass the House on March 22, 1977.

Roll call was requested by Welden of Hardin and Crabb of Crawford.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3367, to amendment H-3351D, be reconsidered?"

The ayes were, 44:

Bennett	Branstad	Brockett	Clark, B. J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Dieleman
Dyrland	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harper
Harvey	Hoffmann	Jochum	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schnekloth
Shimanek	Smalley	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wulff

The nays were, 51:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Byerly	Chiodo
Cochran	Connors	Cusack	Davitt
Doyle	Dunton	Fitzgerald	Gilloon
Gilson	Griffee	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Koogler	Krause
Loneragan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker (Brunow)	

Absent or not voting, 5:

Garrison	Higgins	Junker	O'Halloran
Schroeder			

The motion to reconsider lost.

Horn of Linn moved the adoption of amendment H-3351D.

Roll call was requested by Branstad of Winnebago and Lipsky of Linn.

Rule 70 was invoked.

On the question "Shall amendment H-3351D be adopted?"

The ayes were, 48:

Anderson	Avenson	Binneboese	Brandt
Byerly	Chiodo	Cochran	Connors
Cusack	Davitt	Doyle	Dunton
Fitzgerald	Gilloon	Gilson	Griffee
Hargrave	Hines	Horn	Howell
Hullinger	Husak	Jesse	Koogler
Krause	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker (Brunow)

The nays were, 47:

Baker	Bennett	Bina	Branstad
Brockett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Den Herder	Dieleman	Dyrland	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harper	Harvey	Hinkhouse
Hoffmann	Jochum	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Patchett	Pellett	Pelton	Schneklath
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wulff	

Absent or not voting, 5:

Garrison	Higgins	Junker	O'Halloran
Schroeder			

Amendment H-3351D was adopted.

Horn of Linn moved the adoption of amendment H-3351E.

Amendment H-3351E was adopted.

Daggett of Adams offered the following amendment H-3361, to amendment H-3351F, filed by him and Stromer of Hancock from the floor and moved its adoption:

H-3361

- 1 Amend H-3351 to Senate File 214, as
- 2 passed by the Senate as follows:
- 3 1. Page 1, by striking lines 21 through 23,
- 4 and inserting in lieu thereof the following:
- 5 "7. Page 5, line 33, by striking the figures
- 6 "150,000" and inserting in lieu thereof the
- 7 figures "500,000".

Roll call was requested by Stromer of Hancock and Crabb of Crawford.

On the question "Shall amendment H-3361 be adopted?"

The ayes were, 46:

Bennett	Bina	Brandt	Branstad
Brockett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Den Herder	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harper
Harvey	Hinkhouse	Hoffmann	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, O.L.	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff		

The nays were, 48:

Anderson	Avenson	Baker	Binneboese
Byerly	Chiodo	Cochran	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Gilloon
Gilson	Griffee	Hargrave	Hines
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller, K.D.	Monroe
Newhard	Norland	Oxley	Patchett
Pavich	Poncy	Rinas	Small

Spear
Wells

Spencer
Woods

Svoboda
Wyckoff

Walter
Mr. Speaker
(Brunow)

Absent or not voting, 6:

Garrison
O'Halloran

Higgins
Schroeder

Junker

Nielsen

Amendment H-3361 lost.

Horn of Linn moved the adoption of amendment H-3351F.

A non-record roll call was requested.

The ayes were 48, nays 44.

Amendment H-3351F was adopted.

Horn of Linn moved the adoption of amendment H-3351G.

Speaker Cochran in the chair at 5:30 p.m.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 54, nays 38.

Amendment H-3351G was adopted.

Gilloon of Dubuque offered the following amendment H-3373, to amendment H-3351H, filed by Gilloon et al. from the floor:

H-3373

- 1 Amend amendment H-3351, to Senate File 214,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 31 through 48
- 4 and inserting in lieu thereof the following:

5 “(280A.2) of the Code the amount of thirty—
6 one million nine hundred ninety thousand nine
7 hundred fifty—four (31,990,954) dollars to be
8 allocated as follows:

9	(1)	Merged Area I.....	\$1,589,790
10	(2)	Merged Area II.....	\$2,147,453
11	(3)	Merged Area III.....	\$1,950,814
12	(4)	Merged Area IV.....	\$ 729,838
13	(5)	Merged Area V.....	\$2,502,932
14	(6)	Merged Area VI.....	\$2,192,278
15	(7)	Merged Area VII.....	\$2,082,005
16	(8)	Merged Area IX.....	\$2,411,265
17	(9)	Merged Area X.....	\$3,601,128
18	(10)	Merged Area XI.....	\$4,926,965
19	(11)	Merged Area XII.....	\$1,595,964
20	(12)	Merged Area XIII.....	\$2,179,749
21	(13)	Merged Area XIV.....	\$ 822,074
22	(14)	Merged Area XV.....	\$1,730,633
23	(15)	Merged Area XVI.....	\$1,528,066”.

24 — Page 7, line 20, by striking the figures
25 “8,285,900” and inserting in lieu thereof the
26 figures “8,109,056”.”

27 2. Page 2, by inserting after line 5, the
28 following:

29 “— Page 7, by inserting after line 26 the
30 following new subsection:

31 “e. For Merged Area I

32 For planning and construction of a
33 vocational technical education facility...\$500,000

34 It is the intent of the general assembly that
35 monies appropriated by this subsection shall not
36 revert and that \$500,000 per year will be approp-
37 riated in the next two succeeding years to finance
38 the construction of such facility.”

Stromer of Hancock rose on a point of order that amendment H-3373 was not germane.

The Speaker ruled the point not well taken and amendment H-3373 germane.

Gilloon of Dubuque moved the adoption of amendment H-3373, to amendment H-3351.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 7, nays 84.

Amendment H-3373 lost.

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

The House resumed session, Speaker Cochran in the chair.

Fitzgerald of Webster moved the previous question on Senate File 214, with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 52, nays 38.

The motion prevailed.

Harvey of Scott offered amendment H-3374, to amendment H-3351H, filed by Harvey et. al., from the floor:

H-3374

- 1 Amend the Budget Committee amendment H-3351 to
- 2 Senate File 214, as passed by the Senate, as follows:
- 3 1. Page 1, by striking line 33 and inserting
- 4 in lieu thereof the following:
- 5 "dollars to be allocated as follows, provided
- 6 that, as a condition of this appropriation no part of
- 7 the funds appropriated shall be expended by the
- 8 department of public instruction with respect to any
- 9 contract entered into between a community college or
- 10 area vocation school and any private institution
- 11 pursuant to section two hundred eighty A point twenty-
- 12 three (280A.23), subsection one (1), section two
- 13 hundred eighty A point twenty-five (280A.25)
- 14 subsection eight (8), and chapter twenty-eight E
- 15 (28E) of the Code, without:
- 16 (a) approval of such contract, whether oral or
- 17 written, by all private institutions within the merged
- 18 area wherein the community college or area vocational
- 19 school is situated which offer the same or comparable
- 20 curriculum as that contemplated under such contract; and
- 21 (b) preparation by each contracting party of a
- 22 detailed projection of the costs to such party, direct
- 23 or indirect, and a detailed projection of the costs to

24 the state government, arising as a consequence of such
 25 proposed contract for the three-year period from the
 26 proposed effective date of such contract, regardless
 27 of the proposed term of such contract, which cost
 28 projections shall be submitted to the state board of
 29 public instruction and approved as a part of such
 30 contract”.

By unanimous consent, the following amendment H-3382, to amendment H-3374, filed by Harvey of Scott from the floor was adopted:

H-3382

- 1 Amend amendment H-3374 to amendment H-3351,
- 2 to Senate File 214 as passed by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 15 through 21
- 5 and inserting in lieu thereof the following:
- 6 “(28E) of the Code, without preparation by each
- 7 contracting party of a”.

Harvey of Scott moved the adoption of amendment H-3374, as amended.

Roll call was requested by Spencer of Clay and Varley of Adair.

Rule 70 was invoked.

Under the provisions of Rule 71, Bina of Scott refrained from voting.

On the question “Shall amendment H-3374, as amended, be adopted?”

The ayes were, 47:

Bennett	Brandt	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Dieleman
Doyle	Dyrland	Egenes	Gentleman
Gilloon	Halvorson	Hansen	Harbor
Harvey	Hines	Jochum	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Pavich	Pellett
Pelton	Perkins	Schnekloth	Shimanek
Small	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wulff	

The nays were, 47:

Anderson	Avenson	Baker	Binneboese
Brockett	Brunow	Byerly	Chiodo
Connors	Cusack	Davitt	Dunton
Evans	Fitzgerald	Gilson	Griffiee
Hargrave	Harper	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Koogler	Krause	Loneragan
Middleswart	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Poncy	Rinas	Scheelhaase	Spear
Spencer	Svoboda	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 6:

Bina	Garrison	Higgins	Junker
O'Halloran	Schroeder		

Amendment H-3374 lost.

Halvorson of Clayton offered the following amendment H-3370, to amendment H-3351H, filed by him from the floor and moved its adoption:

H-3370

1 Amend amendment H-3351 to Senate File 214, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 34 through 50 and
 4 inserting in lieu thereof the following:
 5 "(1) Merged Area I \$1,612,516
 6 (2) Merged Area II \$2,175,812
 7 (3) Merged Area III..... \$1,977,187
 8 (4) Merged Area IV..... \$ 743,877
 9 (5) Merged Area V..... \$2,534,881
 10 (6) Merged Area VI \$2,221,090
 11 (7) Merged Area VII..... \$2,109,703
 12 (8) Merged Area IX..... \$2,442,288
 13 (9) Merged Area X..... \$3,644,170
 14 (10) Merged Area XI..... \$4,983,400
 15 (11) Merged Area XII..... \$1,618,752
 16 (12) Merged Area XIII \$2,208,434
 17 (13) Merged Area XIV..... \$ 837,045
 18 (14) Merged Area XV \$1,754,781

19 (15) Merged Area XVI \$1,550,169".
 20 2. Page 2, by striking lines 1 and 2.

Roll call was requested by Tauke of Dubuque and Wells of Linn.

On the question "Shall amendment H-3370 be adopted?"

The ayes were, 37:

Bennett	Brandt	Branstad	Brockett
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Halvorson	Hansen
Harbor	Hoffmann	Hullinger	Krause
Lageschulte	Lindeen	Menke	Millen
Monroe	Pellett	Pelton	Schneklath
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Welden	West
Wulff			

The nays were, 54:

Anderson	Avenson	Baker	Bina
Binneboese	Byerly	Connors	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Gilloon
Gilson	Griffee	Hargrave	Harper
Harvey	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krewson	Lipsky	Middleswart
Miller, K.D.	Miller, O.L.	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Shimanek	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 9:

Brunow	Garrison	Gentleman	Higgins
Junker	Lonergan	O'Halloran	Schroeder
Varley			

Amendment H-3370 lost.

Thompson of Polk offered the following amendment H—3366, to amendment H—3351, filed by Thompson, et. al., from the floor and moved its adoption:

H—3366

- 1 Amend the Committee Amendment H—3351 to Senate
- 2 File 214 as passed by the Senate as follows:
- 3 1. Page 1, by inserting after line 48 the
- 4 following:
- 5 “ — Page 7, by inserting after line 20 the
- 6 following:
- 7 ‘—To provide additional funds
- 8 to the merged area schools because
- 9 of increased enrollment during the
- 10 school year beginning July 1, 1976,
- 11 prorated to each merged area school
- 12 based upon its growth in cost centers.....\$400,000.00”

Roll call was requested by Pelton of Clinton and Clark of Lee.

Rule 70 was invoked.

On the question “Shall amendment H—3366 be adopted?”

The ayes were, 38:

Bennett	Bina	Brandt	Branstad
Brockett	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harper	Harvey
Hoffmann	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, O.L.
Pellett	Pelton	Schneklath	Shimaneck
Smalley	Stromer	Tauke	Thompson
Tofte	Wulff		

The nays were, 54:

Anderson	Avenson	Baker	Binneboese
Brunow	Chiodo	Connors	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Gilloon
Gilson	Griffie	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler

Lonergan	Middleswart	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Stephens	Svoboda	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 8:

Garrison	Harbor	Higgins	Junker
Krause	O'Halloran	Schroeder	Varley

Amendment H—3366 lost.

Horn of Linn moved the adoption of amendment H—3351H.

Roll call was requested by Lipsky of Linn and Hoffmann of Muscatine.

Rule 70 was invoked.

On the question "Shall amendment H—3351H be adopted?"

The ayes were, 49:

Anderson	Avenson	Baker	Binneboese
Brunow	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Gilloon	Gilson
Griffee	Hargrave	Hines	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Newhard	Nielsen
Norland	Oxley	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Stephens	Svoboda
Walter	Wells	Woods	Wyckoff
			Mr. Speaker

The nays were, 43:

Bennett	Bina	Brandt	Branstad
Brockett	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett

Danker	Den Herder	Egenes	Evans
Gentleman	Hansen	Harper	Harvey
Hinkhouse	Hoffmann	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, O.L.	Monroe	Patchett	Pellett
Pelton	Schnekloth	Shimanek	Smalley
Stromer	Tauke	Thompson	Tofte
Welden	West	Wulff	

Absent or not voting, 8:

Garrison	Halvorson	Harbor	Higgins
Junker	O'Halloran	Schroeder	Varley

Amendment H-3351H was adopted.

Senate File 214 pending at adjournment.

**REREFERRED TO JUDICIARY
and LAW ENFORCEMENT
(HOUSE FILE 433)**

The Speaker announced that House File 433, previously referred to committee on agriculture, was rereferred to the committee on judiciary and law enforcement.

**REREFERRED TO WAYS AND MEANS
(SENATE FILE 195)**

The Speaker announced that Senate File 195, previously referred to the committee on state government was referred to the committee on ways and means.

COMMUNICATION FROM SECRETARY OF STATE

March 22, 1977

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 32, was published in The Waterloo Courier, Waterloo, Iowa on March 10, 1977, and in the Cherokee Daily Times, Cherokee, Iowa on March 9, 1977.

I further certify that Senate File 53, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 9, 1977, and in the Ames Daily Tribune, Ames, Iowa on March 8, 1977.

I further certify that House File 164, was published in the Quad-City Times, Davenport, Iowa on March 10, 1977, and in The Iowegian & Citizen, Centerville, Iowa on March 8, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 22, 1977. Had I been present, I would have voted "aye" on House File 414.

DUNTON of Keokuk

COMMUNICATION FROM INDUSTRIAL COMMISSIONER

A copy of the Thirty-second Biennial Report of the Industrial Commissioner, submitted pursuant to Section 86.9 of the Code has been received and placed on file in the office of the Chief Clerk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 218 Natural Resources

Relating to indemnification of county conservation board members for errors or omissions in the performance of their official duties.

S.B. 219 State Government

Relating to the duties of the fire marshal and making an appropriation.

S.B. 220 Natural Resources

Relating to the designation of protected water areas.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 8:30 a.m., March 21, 1977

Convened: 8:40 a.m.

Adjourned: 9:50 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Lindeen and Miller of Calhoun.

Absent: Hines (arrived 9:30 a.m.), Hargrave and Newhard.

General discussion on ADC and Bi-levels.

COMMITTEE ON COMMERCE

Scheduled: 1:00 p.m., March 21, 1977

Convened: 1:04 p.m.

Adjourned: 1:10 p.m.

Present: Small, chair; Lonergan, vice-chair; Brockett, ranking member; Bina, Brunow, Chiodo, Dieleman, Evans, Jochum, Koogler, Krause, Tauke, Walter, Welden and West.

Absent: Anderson, Den Herder, and Halvorson.

Excused: Schroeder.

Assigned bills and dispersed into subcommittees.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 1:00 p.m., March 21, 1977

Convened: 1:05 p.m.

Adjourned: 2:18 p.m.

Present: Hullinger, chair; Spear, vice-chair; Baker, Brandt, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Oxley, Stephens and Wyckoff.

Absent: Clark of Lee (arrived 1:16 p.m.), Danker (arrived 1:20 p.m.), Gilloon (arrived 1:15 p.m.), Harvey (arrived 1:12 p.m.), Pellett (arrived 1:20 p.m.), Stromer (arrived 1:18 p.m.), Wells (arrived 1:14 p.m.), Byerly and Junker.

Discussion of the proposed dog licensing bill which was deferred for further action.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:00 p.m., March 21, 1977

Convened: 1:10 p.m.

Adjourned: 3:00 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Higgins, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: Gentleman (arrived 1:20 p.m.), Nielsen (arrived 1:52 p.m.) and Garrison.

Excused: Patchett.

Continued discussion of House File 248 and its amendments.

COMMITTEE ON BUDGET

Scheduled: 10:00 a.m., March 22, 1977

Convened: 10:15 a.m.

Adjourned: 11:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Koogler, Norland, Stromer, Welden, Wells and Wulff.

Absent: O'Halloran and Varley.

Senate File 214, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

Recommended AMEND AND DO PASS.

Amendment H-3351 found on pages 949 through 952 of the House Journal.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, Welden and Wells.

Nay: Den Herder, Stromer and Wulff.

Absent or Not Voting: O'Halloran and Varley.

IMMEDIATE MESSAGE

Husak of Tama asked and received unanimous consent that House File 414 be immediately messaged to the Senate.

AMENDMENTS FILED

H-3352	S. F. 214	Jesse of Polk Dunton of Keokuk Koogler of Mahaska
H-3353	S. F. 214	Miller of Buchanan
H-3354	S. F. 214	Gilloon of Dubuque Dyrland of Clayton Tauke of Dubuque Jochum of Dubuque
H-3355	S. F. 214	Hines of Story Patchett of Johnson Egenes of Story

H-3356	S. F. 214	Harbor of Mills Wyckoff of Benton Baker of Buena Vista Husak of Tama Bennett of Ida Millen of Van Buren
H-3357	S. F. 214	Miller of Buchanan
H-3359	S. F. 214,	Pelton of Clinton
H-3360	S. F. 214	Lageschulte of Bremer Harvey of Scott Tofte of Winneshiek
H-3362	S. F. 214	Jesse of Polk
H-3364	S. F. 214	Crawford of Story Wulff of Black Hawk Pelton of Clinton Lipsky of Linn
H-3365	S. F. 214	Baker of Buena Vista Koogler of Mahaska Hargrave of Johnson
H-3369	S. F. 214	Wyckoff of Benton Pavich of Pottawattamie Danker of Pottawattamie Schroeder of Pottawattamie
H-3371	S. F. 214	Bennett of Ida
H-3372	S. F. 214	Stromer of Hancock Patchett of Johnson Brandt of Black Hawk Svoboda of Iowa
H-3375	S. F. 214	Brandt of Black Hawk
H-3376	S. F. 214	Danker of Pottawattamie Crabb of Crawford Daggett of Adams Harbor of Mills
H-3377	S. F. 214	Brandt of Black Hawk
H-3378	H. F. 327	Welden of Hardin
H-3379	S. F. 205	Monroe of Des Moines Woods of Polk Harvey of Scott
H-3380	S. F. 214	Dyrland of Clayton
H-3381	H. F. 327	Gilloon of Dubuque

On motion by Fitzgerald of Webster the House adjourned at 7:10 p.m. until 10:00 a.m., Wednesday, March 23, 1977.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day -- Fifty-second Session Day

Hall of The House of Representatives
Des Moines, Iowa, Wednesday, March 23, 1977

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

Prayer was offered by the Reverend Stan Wierson, pastor of the United Methodist Church, Buffalo Center, Iowa.

The Journal of Tuesday, March 22, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gerald McGowan, Sioux City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of Scheelhaase of Woodbury; Garrison of Black Hawk on request of Dunton of Keokuk; Byerly of Polk on request of Baker of Buena Vista.

PRESENTATION OF VISITORS

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

Thirteen members of the Cloverettes 4-H Club from Boone, Iowa, and Chris Bishop, House Page, accompanied by Virginia Bishop, Rosie Crouse and Gayle Hull. By Lonergan of Boone.

Fifty-one students from Central High School, Argyle, Iowa. By Clark of Lee.

Six Y-Teens from Atlantic, Iowa, accompanied by Miss Gayle Morris. By Pellet of Cass.

Fourteen students from the office education class, Waukon High School, Waukon, Iowa. By Halvorson of Clayton.

Seventy-five ninth grade students from Laing Middle School, Algona, Iowa, accompanied by Harlan Skaar. By Krause of Kossuth.

Forty-four members of the office education class of Hempstead Senior and Wahlert High Schools, Dubuque, Iowa, accompanied by Betty Hogan, Marge Riley and Jan Keeney. By Tauke of Dubuque.

Forty-one political science students from Adair-Casey Junior-Senior High School, Adair, Iowa, accompanied by Mr. Queck and Mr. Hoinung. By Gilson of Guthrie and Pellett of Cass.

PETITIONS FILED

The following petitions were received and placed on file:

By Miller of Calhoun seventeen citizens of central Iowa supporting House File 413, a bill to legalize the sale of certified raw milk.

By Welden of Hardin from one hundred and six constituents opposing a state of Iowa gasoline tax based on a percentage of the retail price.

From Dieleman of Marion, four hundred thirty-four signatures requesting improved and added facilities at Rock Creek Lake Camp ground.

By Branstad of Winnebago, Griffee of Chickasaw and Perkins of Greene from thirty-two members of the Nashua High School ecology class urging the state of Iowa to assume ownership, repair and maintenance of the Nashua Iowa Dam.

By Varley of Adair from twenty—seven constituents from Representative District fifty—seven urging the legislature to rescind the ratification of the equal rights amendment.

By Anderson of Jasper from four hundred and forty constituents proposing an increase in facilities at Rock Creek State Park that would allow a total capacity of five hundred campers.

SENATE AMENDMENT CONSIDERED

Perkins of Greene called up for consideration Senate File 160, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H—3349, to the House amendment, received from the Senate on March 22, 1977 and found on page 945 of the House Journal.

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

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

On the question "Shall the bill pass?" (S.F. 160)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Den Herder	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harper
Harvey	Hines	Hinkhouse	Hoffmann

Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wulff	Wyckoff	Mr. Speaker	

The nays were, 2:

Davitt Miller, K.D.

Absent or not voting, 11:

Byerly	Doyle	Garrison	Higgins
Junker	Krause	Patchett	Schroeder
Smalley	Stromer	Woods	

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 13

Fitzgerald of Webster called up for consideration House Concurrent Resolution 13 filed on February 18, 1977 and found on page 420 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

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

The House resumed session, Speaker Cochran in the Chair.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of Senate File 214, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for

education programs in this state, and amendment H-3351 (found on pages 949 through 952 of the House Journal).

(Amendment H-3351I pending at recess).

On motion by Fitzgerald of Webster the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Fifteen members of the state and local government class from Northwood-Kensett High School, Northwood, Iowa accompanied by Bob Perry. By Norland of Worth.

INTRODUCTION OF BILLS

HOUSE FILE 443, by Oxley, Wyckoff, Lageschulte, Hullinger, Evans, Poncy, Menke, Miller of Calhoun, Miller of Buchanan, Stephens, Dieleman, Danker, Dyrland, Daggett, Dunton, Gilson, Schnekloth, Hansen, Husak, Harbor, Crabb, Koogler, Welden, Bennett, Harper, Middleswart, Binneboese, Krause, Hinkhouse, Svoboda, Perkins, Pellett, Junker, Lindeen, Den Herder, Spencer, Stromer, Shimanek, Patchett, Schroeder, Millen, Davitt, Halvorson, Anderson, Newhard, Pelton, West, Branstad, Clark of Lee, Lonergan, Clark of Cerro Gordo, Tofte and Hoffmann, a bill for an act relating to determining the market value of agricultural property for tax purposes.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 444, by committee on agriculture, a bill for an act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 445, by committee on natural resources, a bill for an act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

Read first time and PLACED ON THE CALENDAR.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 231, a bill for an act providing for an extension of the moratorium for acquiring agricultural land to trusts, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code.

Also: That the Senate has on March 21, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 150, a bill for an act to repeal provisions relating to the compensation of deputy county officers in certain counties.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

SENATE FILE 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute

registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, and exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations.

Read first time and referred to committee on
TRANSPORTATION.

SENATE FILE 174, a bill for an act relating to the hunting of pheasants by nonresidents.

Read first time and referred to committee on NATURAL
RESOURCES.

SENATE FILE 224, a bill for an act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads.

Read first time and referred to committee on CITIES.

SENATE FILE 231, a bill for an act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to

be made under chapter one hundred seventy—two C (172C) of the Code.

Read first time and referred to committee on AGRICULTURE.

HOUSE RESOLUTION 13

By Branstad, Menke, Miller of Calhoun,
Varley, Wyckoff, Halvorson, Stromer,
Crabb, Hinkhouse, Pelton, Middleswart,
Harbor, Millen, Dunton, Welden,
Stephens, Lindeen, Daggett, Evans,
Smalley, Harvey, Bennett, and Tofte

- 1 *Whereas*, "common situs picketing" would permit
2 striking workers to picket an entire construction site,
3 even though their dispute is only with one sub—contract—
4 or doing work on the project, and
5 *Whereas*, the United States Supreme Court ruled
6 that under the National Labor Relations Act "common
7 situs picketing" is unlawful, and
8 *Whereas*, Iowa has had a long and honored tradition
9 beginning in 1947 with the passage of right to work
10 laws, of allowing employees freedom to choose whether
11 or not to join a union, and
12 *Whereas*, "common situs picketing" would be a means
13 of keeping non—union workers from their jobs and, in
14 effect, a means of turning the construction industry
15 into a nationwide closed shop, *Now Therefore* ,
16 *Be It Resolved By The House Of Representatives*
17 that we petition the United States Congress to resist
18 any attempts to pass a bill that would allow "common
19 situs picketing", and
20 *Be It Further Resolved*, that a copy of this
21 Resolution be sent to each Senator and Representative
22 from the State of Iowa in the Congress of the United
23 States as well as to President Jimmy Carter.

Referred to the committee on LABOR AND INDUSTRIAL
RELATIONS.

HOUSE RESOLUTION 14

By Egenes

- 1 *Whereas*, the Roland—Story Norsemen boys basketball
2 team has won the Iowa Boys Class 2—A High School Basketball
3 championship; and

4 *Whereas*, the Roland—Story Norsemen boys basketball team
5 has displayed the utmost in spirit and teamwork;

6 *Now Therefore*,

7 *Be It Resolved By The House Of Representatives*; That
8 the Sixty—seventh General Assembly, 1977 Session, extend
9 its heartiest congratulations to the Roland—Story Norsemen,
10 their coaches, cheerleaders, faculty and administration,
11 families and loyal fans who encouraged and supported the
12 Roland—Story Norsemen through the regular season and during
13 the tournament; and

14 *Be It Further Resolved*, That the members of the Sixty—
15 seventh General Assembly commend the Roland—Story Norsemen
16 for their splendid example of sportsmanship, fair play and
17 athletic prowess which took them to the highest place in
18 Iowa Boys Class 2—A high school basketball, winning the
19 Boys Class 2—A State Basketball championship and becoming
20 Iowa's number one team in the Class 2—A Division, and the
21 only undefeated boys team of the 76—77 season.

22 *Be It Further Resolved*, That a copy of this resolution
23 be sent to Coaches Dave Donohue and John Warrick and the
24 Roland—Story boys basketball team.

Laid over under Rule 25.

CONSIDERATION OF BILLS

The House resumed consideration of Senate File 214, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, and amendment H—3351I found on pages 949 through 952 of the House Journal.

Horn of Linn moved the adoption of amendment H—3351I (found on page 951 of the House Journal).

A non—record roll call was requested.

The ayes were 63, nays 23.

Amendment H—3351I was adopted.

Horn of Linn moved the adoption of H-3351J.

Amendment H-3351J was adopted.

Horn of Linn moved the adoption of H-3351K.

Stromer of Hancock rose on a point of order that amendment H-3351K was not germane.

The Speaker ruled the point not well taken and amendment H-3351K germane.

Roll call was requested by Avenson of Fayette and Harbor of Mills.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3351K be adopted?"

The ayes were, 51:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Crawford	Cusack	Davitt
Dieleman	Dunton	Dyrland	Fitzgerald
Gilloon	Gilson	Griffee	Hargrave
Hines	Hinkhouse	Horn	Howell
Husak	Jesse	Jochum	Koogler
Krause	Lipsky	Lonergan	Miller, K.D.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Scheelhaese	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Mr. Speaker	

The nays were, 40:

Bennett	Branstad	Brockett	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Den Herder	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harper
Hoffmann	Hullinger	Krewson	Lageschulte
Lindeq	Menke	Middleswart	Millen
Miller, O.L.	Pellett	Pelton	Schneklath
Shimanek	Smalley	Stephens	Stromer

Tauke
Welden

Thompson
West

Tofte
Wulff

Varley
Wyckoff

Absent or not voting, 9:

Byerly
Harvey
Schroeder

Clark, B.J.
Higgins

Doyle
Junker

Garrison
Rinas

Amendment H-3351K was adopted.

Crawford of Story offered the following amendment H-3364 filed by Crawford et. al, to amendment H-3351L.

The Speaker ruled amendment H-3364 to amendment H-3351, out of order.

Crawford of Story moved that the rules governing germaneness be suspended for the consideration of amendment H-3364.

Roll call was requested by Crawford of Story and Bennett of Ida.

On the question "Shall the rules be suspended?"

The ayes were, 46:

Bennett
Clark, B.J.
Crawford
Egenes
Hansen
Hoffmann
Lipsky
O'Halloran
Schneklath
Stephens
Tofte
Wulff

Brandt
Clark, J.H.
Daggett
Evans
Harbor
Krewson
Menke
Patchett
Shimanek
Stromer
Varley
Wyckoff

Branstad
Conlon
Danker
Gentleman
Harper
Lageschulte
Millen
Pellett
Small
Tauke
Welden

Brockett
Crabb
Den Herder
Halvorson
Hines
Lindeen
Miller, K.D.
Pelton
Smalley
Thompson
West

The nays were, 40:

Anderson	Avenson	Baker	Bina
Binneboese	Brunow	Chiodo	Connors
Cusack	Davitt	Dieleman	Dunton
Dyrland	Fitzgerald	Gilloon	Gilson
Griffie	Hinkhouse	Horn	Howell
Husak	Jesse	Jochum	Koogler
Lonergan	Miller, O.L.	Newhard	Nielsen
Norland	Oxley	Pavich	Perkins
Poncy	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 14:

Byerly	Doyle	Garrison	Hargrave
Harvey	Higgins	Hullinger	Junker
Krause	Middleswart	Monroe	Rinas
Scheelhaase	Schroeder		

The motion, having failed to receive a constitutional majority, lost.

Horn of Linn moved the adoption of H-3351L.

Roll call was requested by Danker of Pottawattamie and Harbor of Mills.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3351L be adopted?"

The ayes were, 47:

Anderson	Avenson	Baker	Bina
Binneboese	Brunow	Chiodo	Connors
Cusack	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Gilloon
Gilson	Griffie	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Norland	Oxley	Perkins	Poncy
Rinas	Small	Spear	Spencer
Tauke	Tofte	Welden	Wells
Woods	Wyckoff	Mr. Speaker	

The nays were, 43:

Bennett	Brandt	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Danker	Den Herder	Egenes
Gentleman	Halvorson	Hansen	Harbor
Harper	Harvey	Hines	Hoffmann
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Newhard	O'Halloran
Patchett	Pavich	Pellett	Pelton
Schnekloth	Shimanek	Smalley	Stephens
Stromer	Svoboda	Thompson	Varley
Walter	West	Wulff	

Absent or not voting, 10:

Byerly	Daggett	Doyle	Garrison
Hargrave	Higgins	Hullinger	Junker
Scheelhaase	Schroeder		

Amendment H-3351 L was adopted.

Horn of Linn moved the adoption of amendment H-3351M.

Speaker pro tempore Nielsen of Polk in the chair at 3:05 p.m.

Roll call was requested by Lipsky of Linn and Crabb of Crawford.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3351M be adopted?"

The ayes were, 46:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Dunton	Fitzgerald	Gilloon
Gilson	Griffie	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	Oxley	Pavich	Perkins

Poncy
Svoboda
Wyckoff

Rinas
Walter
Mr. Speaker
(Nielsen)

Spear
Wells

Spencer
Woods

The nays were, 44:

Bennett
Clark, J.H.
Danker
Evans
Harbor
Hoffmann
Lipsky
Patchett
Shimanek
Stromer
Varley

Branstad
Conlon
Den Herder
Gentleman
Harper
Krewson
Menke
Pellett
Small
Tauke
Welden

Brockett
Crabb
Dyrland
Halvorson
Harvey
Lageschulte
Millen
Pelton
Smalley
Thompson
West

Clark, B.J.
Crawford
Egenes
Hansen
Hines
Lindeen
O'Halloran
Schneklath
Stephens
Tofte
Wulff

Absent or not voting, 10:

Byerly
Hargrave
Scheelhaase

Daggett
Higgins
Schroeder

Doyle
Hullinger

Garrison
Junker

Amendment H-3351M was adopted.

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

The House resumed session, Nielsen of Polk in the chair.

Horn of Linn moved the adoption of amendment H-3351N.

Roll call was requested by Varley of Adair and Menke of O'Brien.

Rule 70 was invoked.

On the question "Shall amendment H-3351N be adopted?"

The ayes were, 46:

Anderson
Binneboese
Cusack

Avenson
Chiodo
Davitt

Baker
Cochran
Dieleman

Bina
Connors
Dunton

Fitzgerald	Gilloon	Gilson	Griffie
Hargrave	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	Oxley	Pavich	Poncy
Rinas	Scheelhaase	Spear	Spencer
Svoboda	Walter	Wells	Woods
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 45:

Bennett	Brandt	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Danker	Den Herder	Dyrland
Egenes	Evans	Gentleman	Halvorson
Harbor	Harper	Harvey	Hines
Hoffmann	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	O'Halloran
Patchett	Pellett	Pelton	Perkins
Schnekloth	Shimanek	Small	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff			

Absent or not voting, 9:

Brunow	Byerly	Daggett	Doyle
Garrison	Hansen	Higgins	Junker
Schroeder			

Amendment H-3351N was adopted.

Horn of Linn moved the adoption of amendment H-3351Q.

Roll call was requested by Stromer of Hancock and Crawford of Story.

Rule 70 was invoked.

On the question "Shall amendment H-3351Q be adopted?"

The ayes were, 46:

Anderson	Avenson	Baker	Bina
Binneboese	Brunow	Chiodo	Cochran

Connors	Cusack	Davitt	Dieleman
Dunton	Fitzgerald	Gilloon	Gilson
Griffee	Hargrave	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Miller, K.D.
Miller, O.L.	Monroe	Newhard	O'Halloran
Oxley	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Wells	Woods
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 43:

Bennett	Brandt	Branstad	Brockett
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Dyrland
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harper	Harvey
Hines	Hoffmann	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Patchett	Pellett	Pelton	Schneklath
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wulff	

Absent or not voting, 11:

Byerly	Clark, J.H.	Doyle	Garrison
Higgins	Hullinger	Junker	Middleswart
Norland	Schroeder	Walter	

Amendment H-3351Q was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Bina of Scott; Higgins of Scott on request of Dyrland of Clayton.

Horn of Linn moved the adoption of H-3351O.

Pursuant to Rule 73, the following members respectfully request a Call of the House on Senate File 214 and all motions and amendments filed thereto: Lipsky of Linn, Varley of Adair,

Harbor of Mills, Egenes of Story, Welden of Hardin and Millen of Van Buren.

Fitzgerald of Webster moved that the Call of the House be lifted.

The ayes were 52, nays 40.

The motion prevailed and the Call of the House was lifted.

The House resumed consideration of amendment H-35510.

Horn of Linn moved the adoption of amendment H-33510.

Roll call was requested by Harbor of Mills and Varley of Adair.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-33510 be adopted?"

The ayes were, 47:

Anderson	Avenson	Baker	Binneboese
Brunow	Chiodo	Cochran	Connors
Cusack	Davitt	Dieleman	Dunton
Dyrland	Fitzgerald	Gilloon	Gilson
Griffie	Hargrave	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	Oxley	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Spear	Spencer	Svoboda	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 45:

Bennett	Bina	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harper	Harvey
Hines	Hoffmann	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
O'Halloran	Patchett	Pellett	Pelton
Schneklath	Shimanek	Small	Smalley

Stephens
Tofte
Wulff

Stromer
Varley

Tauke
Welden

Thompson
West

Absent or not voting, 8:

Brockett
Higgins

Byerly
Junker

Doyle
Schroeder

Garrison
Walter

Amendment H-3351O was adopted.

Horn of Linn moved the adoption of amendment H-3351P.

Roll call was requested by Wyckoff of Benton and Husak of Tama.

Rule 69 was invoked.

On the question "Shall amendment H-3351P be adopted?"

The ayes were, 91:

Anderson
Bina
Brockett
Cochran
Crawford
Davitt
Dyrland
Gentleman
Halvorson
Harper
Hoffmann
Husak
Krause
Lipsky
Millen
Newhard
Pavich
Poncy
Shimanek
Spencer
Tauke
Welden
Wulff

Avenson
Binneboese
Brunow
Conlon
Cusack
Den Herder
Egenes
Gilloon
Hansen
Harvey
Horn
Jesse
Krewson
Lonergan
Miller, K.D.
Norland
Pellett
Rinas
Small
Stephens
Thompson
Wells
Wyckoff

Baker
Brandt
Chiodo
Connors
Daggett
Dieleman
Evans
Gilson
Harbor
Hines
Howell
Jochum
Lageschulte
Menke
Miller, O.L.
O'Halloran
Pelton
Scheelhaase
Smalley
Stromer
Tofte
West
Mr. Speaker
(Nielsen)

Bennett
Branstad
Clark, B.J.
Crabb
Danker
Dunton
Fitzgerald
Griffie
Hargrave
Hinkhouse
Hullinger
Koogler
Lindeen
Middleswart
Monroe
Oxley
Perkins
Schneklath
Spear
Svoboda
Varley
Woods

The nays were, 1:

Patchett

Absent or not voting, 8:

Byerly
Higgins

Clark, J. H.
Junker

Doyle
Schroeder

Garrison
Walter

Amendment H-3351P was adopted.

With the adoption of committee amendment H-3351, the following amendments were ruled out of order: H-3360, H-3369 and H-3380.

The following amendments, H-3377, H-3371 and H-3354, were ruled out of order in as much as the subject matter was previously disposed of with the consideration of admendment H-3351.

Brandt of Black Hawk asked and received unanimous consent to withdraw amendment H-3375 filed by her on March 22, 1977.

Harbor of Mills offered the following amendment H-3356 filed by Harbor et. al, and moved its adoption:

H-3356

- 1 Amend Senate File 214 as amended and passed by
- 2 the Senate as follows:
- 3 Page 2, by inserting after line 17 the following:
- 4 "3. From the funds appropriated by subsection
- 5 two (2) of this section, there shall be allocated
- 6 the amount of fifty thousand (50,000) dollars to be
- 7 used to provide grants to members of the Iowa national
- 8 guard who otherwise meet the qualifications for the
- 9 receipt of such grants.
- 10 Notwithstanding the provisions of section eight
- 11 point thirty-three (8.33) of the Code, or any provision
- 12 of this Act, the funds allocated pursuant to this
- 13 subsection shall not revert to the general fund of
- 14 the state but shall be used for the purposes of this
- 15 subsection until the entire amount of fifty thousand
- 16 (50,000) dollars is expended."

A non-record roll call was requested.

Under the provisions of Rule 71, Krause of Kossuth and Daggett of Adams refrained from voting.

The ayes were 36, nays 50.

Amendment H-3356 lost.

Miller of Buchanan offered the following amendment H-3357 filed by him and moved its adoption:

H-3357

- 1 Amend Senate File 214, as passed by the Senate,
- 2 as follows:
- 3 1. Page 3, by inserting after line 9 the
- 4 following:
- 5 "___ A person who receives financial benefits
- 6 under this section shall be required to repay the
- 7 amount of funds paid on behalf of such person unless
- 8 such person practices optometry in this state for
- 9 the same number of years for which the person
- 10 received benefits. The debt owed to the state shall
- 11 be prorated based upon the number of years the per-
- 12 son attended an optometric school and received
- 13 benefits from the state and for each year the person
- 14 practices in this state the prorated amount of debt
- 15 shall not have to be repaid to the state."

Amendment H-3357 was adopted.

Stromer of Hancock offered the following amendment H-3372 filed by Stromer et. al.:

H-3372

- 1 Amend Senate File 214, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 7, by inserting after line 26 the follow-
- 4 ing section:
- 5 "Sec. ___ Chapter two hundred eighty A (280A),
- 6 Code 1977, is amended by adding the following new
- 7 section:
- 8 **NEW SECTION. HIGH SCHOOL PROGRAMS.** Boards of

9 directors of school districts which offer fewer than
10 five different wage-earning preparatory vocational
11 programs shall coordinate their vocational and techni-
12 cal training needs with the board of directors of
13 the area school in which the district is located.

14 The boards of local school districts and area
15 schools shall encourage the development of programs
16 offered students of high school age under section
17 two hundred eighty A point one (280A.1), subsection
18 five (5), of the Code to avoid duplication. Whenever
19 possible, attendance centers shall be established
20 by the area schools and multiple local school districts
21 to serve vocational and technical training needs of
22 pupils enrolled in school districts to promote economic
23 efficiency. Consideration shall be given to geographic
24 location in relation to travel time of pupils and
25 adjustment of class time schedules of school districts
26 to facilitate participation by pupils.

27 For the purpose of this section, "vocational and
28 technical training needs" means wage-earning prepara-
29 tory vocational programs.

30 Pupils attending courses offered by an area school
31 under the provisions of this section shall not be
32 counted in the full-time equivalent enrollment of
33 the area school."

34 2. By renumbering sections to conform with this
35 amendment.

Horn of Linn rose on a point of order that amendment H-3372 was not germane.

The Speaker ruled the point well taken and amendment H-3372 not germane.

Danker of Pottawattamie offered the following amendment H-3376 filed by Danker et. al.:

H-3376

1 Amend Senate File 214, as amended and passed by
2 the Senate, as follows:

3 1. Page 7, by inserting after line 26 the following
4 sections:

5 "Sec. Section eight point six (8.6), Code
6 1977, is amended by adding the following new
7 subsection:

8 **NEW SUBSECTION.** To establish a procedure for

9 disbursement of funds of the area education agencies
10 under section four hundred forty-two point seven
11 (442.7); subsection seven (7), paragraph e and section
12 four hundred forty-two point twenty-seven (442.27),
13 subsection eight (8), of the Code. Disbursements
14 shall be made only upon vouchers approved by the state
15 comptroller.

16 Sec. Section four hundred forty-two point
17 seven (442.7), subsection seven (7), paragraph e,
18 Code 1977, is amended to read as follows:

19 e. For the additional allowable growth computed
20 under paragraphs "c" or "d" of this subsection, the
21 department of public instruction, in cooperation with
22 the appropriate personnel of the area education agency,
23 shall determine the amounts for each area education
24 agency, as required and the state comptroller shall
25 calculate the amounts of additional allowable growth
26 for each district, and shall calculate the amounts
27 due from each district to its area education agency
28 by multiplying the additional allowable growth per
29 pupil by the weighted enrollment in the district for
30 the budget year. The state comptroller shall deduct
31 the amounts so calculated for each school district
32 from the state aid due to the district pursuant to
33 this chapter, ~~shall establish a separate fund for~~
34 ~~such amounts and shall pay the amounts to the area~~
35 ~~education agencies deposit the amounts, with separate~~
36 ~~accounts for each area education agency, in the~~
37 ~~seperate fund~~ on a quarterly basis during each school
38 year. The state comptroller shall notify each school
39 district of the amount of state aid deducted for this
40 purpose and the balance of state aid will be paid
41 to the district. If a district does not qualify for
42 state aid under this chapter in an amount sufficient
43 to cover its amount due to the area education agency
44 as calculated by the state comptroller, the school
45 district shall pay the deficiency to the ~~area education~~
46 ~~agency state comptroller~~ from other moneys received
47 by the district, on a quarterly basis during each
48 school year.

49 Sec. Section four hundred forty-two point
50 twenty-seven (442.27), subsection eight (8), Code

Page 2

1 1977, is amended to read as follows:

2 8. The department of public instruction and the
3 state comptroller shall determine the total amounts

4 funded in each area for media services and other
5 services each year, and the amounts to be allocated
6 to each district. The state comptroller shall deduct
7 the amounts so calculated for each school district
8 from the state aid due to the district pursuant to
9 this chapter, shall establish a separate fund for
10 such amounts and shall pay the amounts to the
11 districts area education agencies deposit the amounts,
12 with separate accounts for each area education agency,
13 in the separate fund on a quarterly basis during each
14 school year. The state comptroller shall notify each
15 school district the amount of state aid deducted for
16 this purpose and the balance which will be paid to
17 the district. If a district does not qualify for
18 state aid under this chapter in an amount sufficient
19 to cover the amount due to its area education agency
20 as calculated by the state comptroller, the school
21 district shall pay the deficiency to its area education
22 agency the state comptroller from other moneys received
23 by the district, on a quarterly basis during each
24 school year."

25 2. Page 10, by inserting after line 12 the
26 following section:

27 "Section_ Section eight point six (8.6),
28 subsection six(6), Code 1977, is amended to read
29 as follows:

30 6. PREAUDIT SYSTEM. To establish and fix a
31 reasonable imprest cash fund for each state department
32 and institution for disbursement purposes where needed;
33 provided, that these revolving funds shall be
34 reimbursed only upon vouchers approved by the state
35 comptroller. It is the purpose of this subdivision
36 to establish a preaudit system of settling all claims
37 against the state, but the preaudit system shall not
38 be applicable to the institutions under the control
39 of the state board of regents or to the state fair
40 board."

41 3. By numbering and renumbering sections as
42 necessary.

Patchett of Johnson rose on a point of order that amendment
H-3376 was not germane.

The Speaker ruled the point well taken and amendment
H-3376 not germane.

Danker of Pottawattamie moved that the rules governing
germaneness be suspended for the consideration of amendment
H-3376.

A non-record roll call was requested.

The ayes were 33, nays 43.

Motion to suspend the rules lost.

Hines of Story offered the following amendment H-3355 filed by Hines et. al., and moved its adoption

H-3355

- 1 Amend Senate File 214, page 8, by inserting
- 2 after line 7, the following new subsection:
- 3 "c. For enrollment increases, to be
- 4 distributed by the State Board of Regents to
- 5 offset added enrollment at one or more of the
- 6 three State universities.....\$1,000,000."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 41, nays 46.

Amendment H-3355 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Harbor of Mills; Crabb of Crawford on request of Husak of Tama; Dieleman of Marion on request of Howell of Floyd.

Jesse of Polk offered the following amendment H-3352 filed by Jesse et. al. Division was requested as follows:

H-3352

- 1 Amend Senate File 214 as follows:

H-3352A

- 2 1. Page 8, line 13, by inserting after the word
- 3 "purposes" the words "however, no funds appropriated

4 in this subsection shall be expended for salaries for
 5 full time non-administrative instructional personnel
 6 who teach less than six academic hours each term".
 7 2. Page 9, line 15, by inserting after the word
 8 "purposes" the words "however, no funds appropriated
 9 in this subsection shall be expended for salaries for
 10 full time non-administrative instructional personnel
 11 who teach less than six academic hours each term".

H-3352B

12 3. Page 9, line 29, by inserting after the word
 13 "purposes" the words "however, no funds appropriated
 14 in this subsection shall be expended for salaries for
 15 full time non-administrative instructional personnel
 16 who teach less than six academic hours each term".

Egenes of Story rose on a point of order that amendment H-3352 was not germane. The Speaker ruled the point not well taken and amendment H-3352 germane.

Jesse of Polk moved the adoption of amendment H-3352A.

Roll call was requested by Small of Johnson and Hines of Story.

Rules 69 and 70 were invoked

On the question "Shall amendment H-3352A be adopted?"

The ayes were, 38:

Baker	Binneboese	Chiodo	Conlon
Cusack	Davitt	Den Herder	Duntton
Halvorson	Hansen	Harvey	Howell
Husak	Jesse	Jochum	Koogler
Lageschulte	Lindeen	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Newhard	Oxley
Pavich	Pellett	Perkins	Poncy
Rinas	Scheelhaase	Smalley	Spencer
Stephens	Tofte	Welden	Woods
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 49:

Anderson	Avenson	Bennett	Bina
Brandt	Branstad	Brunow	Clark, B.J.
Clark, J.H.	Connors	Crawford	Daggett
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffee
Harbor	Hargrave	Harper	Hines
Hinkhouse	Hoffmann	Horn	Krause
Krewson	Lipsky	Loneragan	Menke
Monroe	Norland	O'Halloran	Patchett
Pelton	Schnekloth	Shimanek	Small
Spear	Stromer	Svoboda	Tauke
Thompson	Varley	Wells	West
Wulff			

Absent or not voting, 13:

Brockett	Byerly	Cochran	Crabb
Danker	Dieleman	Doyle	Garrison
Higgins	Hullinger	Junker	Schroeder
Walter			

Amendment H-3352A lost.

Jesse of Polk moved the adoption of H-3352B.

Roll call was requested by O'Halloran of Black Hawk and Hines of Story.

On the question "Shall amendment H-3352B be adopted?"

The ayes were. 51:

Baker	Bennett	Bina	Binneboese
Branstad	Chiodo	Clark, J.H.	Conlon
Cusack	Daggett	Davitt	Den Herder
Dunton	Egenes	Hansen	Harbor
Harvey	Horn	Howell	Husak
Jesse	Jocum	Koogler	Lageschulte
Lindeen	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Oxley
Patchett	Pavich	Pellett	Perkins
Poncy	Rinas	Schnekloth	Smalley
Spear	Spencer	Stephens	Stromer
Thompson	Tofte	Welden	West
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 35:

Anderson	Avenson	Brandt	Brunow
Clark, B.J.	Cochran	Connors	Crawford
Dyrland	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffie	Halvorson
Harper	Hines	Hinkhouse	Hoffmann
Krause	Krewson	Lipsky	Lonergan
Menke	Norland	O'Halloran	Pelton
Scheelhaase	Shimanek	Svoboda	Tauke
Varley	Wells	Wulff	

Absent or not voting, 14:

Brockett	Byerly	Crabb	Danker
Dieleman	Doyle	Garrison	Hargrave
Higgins	Hullinger	Junker	Schroeder
Small	Walter		

Amendment H-3352B was adopted.

Speaker Cochran in the chair at 7:17 p.m.

Jesse of Polk offered the following amendment H-3362 filed by him. Division was requested as follows:

H-3362

1 Amend Senate File 214 as follows:

H-3362A

- 2 1. Page 8, line 13, by inserting after the word
 3 "purposes" the words "however, the Board of Regents
 4 shall submit the proposed salary level for all academe-
 5 mic personnel for the fiscal year 1977-1978, to the
 6 General Assembly on or before May 1, 1977, and no
 7 salary increase shall be paid from funds appropriated
 8 in this subsection until the proposed salary levels
 9 are approved by the General Assembly".
- 10 2. Page 9, line 15, by inserting after the word
 11 "purposes" the words "however, the Board of Regents
 12 shall submit the proposed salary level for all academe-
 13 ic personnel for the fiscal year 1977-1978, to the
 14 General Assembly on or before May 1, 1977, and no
 15 salary increase shall be paid from funds appropriated
 16 in this subsection until the proposed salary levels
 17 are approved by the General Assembly".

H-3362B

18 3. Page 9, line 29, by inserting after the word
19 "purposes" the words "however, the Board of Regents
20 shall submit the proposed salary level for all academ-
21 ic personnel for the fiscal year 1977-1978, to the
22 General Assembly on or before May 1, 1977, and no
23 salary increase shall be paid from funds appropriated
24 in this subsection until the proposed salary levels
25 are approved by the General Assembly".

Hines of Story rose on a point of order that amendment H-3362A was not germane.

The Speaker ruled the point well taken and amendment H-3362A not germane.

Jesse of Polk asked and received unanimous consent to withdraw amendment H-3362B.

Pelton of Clinton offered the following amendment H-3359 filed by him:

H-3359

- 1 Amend Senate File 214, as passed by the Senate,
- 2 as follows:
- 3 1. Page 9, by inserting after line 25 the
- 4 following:
- 5 "d. World Food Institute
- 6 For salaries, support, maintenance,
- 7 grants, and miscellaneous purposes for
- 8 research in food production.....\$75,000"

Pelton of Clinton moved to withdraw amendment H-3359.

Objection was raised.

Avenson of Fayette rose on a point of order that amendment H-3359 was not germane.

The Speaker ruled the point not well taken and amendment H-3359 germane.

Pelton of Clinton moved the adoption of amendment H-3359.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 43, nays 44.

Amendment H-3359 lost.

Miller of Buchanan offered the following amendment H-3353 filed by him:

H-3353

- 1 Amend Senate File 214, as passed by the Senate,
- 2 as follows:
- 3 1. Page 10, by inserting after line 2 the
- 4 following:
- 5 "Sec. — The college of medicine of the
- 6 state university of Iowa shall give preference to
- 7 persons, applying for admission to the college of
- 8 medicine, who agree to practice medicine in rural
- 9 areas and to practice in areas of the state where
- 10 the doctor-patient ratio indicates there is a
- 11 shortage of general practitioners as compared to
- 12 the state as a whole."
- 13 2. Renumber the remaining sections and correct
- 14 internal references as are necessary in accordance
- 15 with this amendment.

Anderson of Jasper rose on a point of order that amendment H-3353 was not germane.

The Speaker ruled the point well taken and amendment H-3353 not germane.

Miller of Buchanan moved that the rules governing germaneness be suspended for the consideration of amendment H-3353.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Varley of Adair.

Baker of Buena Vista offered the following amendment H-3365 filed by Baker, et. al.:

H-3365

- 1 Amend Senate File 214 as follows:
 2 1. Page 10, by inserting after line 12 the following:
 3 "b. Section thirty-five C point one (35C.1), Code
 4 1977, is amended by adding the following new unnumbered
 5 paragraph:
 6 **NEW UNNUMBERED PARAGRAPH.** A person shall not be
 7 entitled to compensation under this chapter if that person
 8 deserted the armed forces of the United States and subse-
 9 quently received a discharge or separation under honorable
 10 conditions from the armed forces because of a pardon or
 11 review process instituted at the direction of the president
 12 of the United States.
 13 c. Section 1, paragraph 2(b) being deemed of immediate
 14 importance, shall take effect and be in force from and
 15 after its publication in the Storm Lake Pilot-Tribune, a
 16 newspaper published in Storm Lake, Iowa, and in the Hartley
 17 Sentinel, a newspaper published in Hartley, Iowa.

Monroe of Des Moines rose on a point of order that amendment H-3365 was not germane.

The Speaker ruled the point well taken and amendment H-3365 not germane.

Baker of Buena Vista moved that the rules governing germaneness be suspended for the consideration of amendment H-3365.

Roll call was requested by Baker of Buena Vista and Gilson of Guthrie.

On the question "Shall the rules be suspended?"

The ayes were, 50:

Baker	Bennett	Binneboese	Branstad
Chiodo	Clark, J.H.	Conlon	Crawford
Daggett	Den Herder	Dunton	Evans
Gilson	Hansen	Harbor	Harper
Harvey	Hoffmann	Howell	Husak

Jesse	Koogler	Krause	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Oxley	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Shimanek	Smalley	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Woods
Wulff	Wyckoff		

The nays were, 35:

Anderson	Avenson	Bina	Brandt
Brunow	Clark, B.J.	Connors	Cusack
Davitt	Dyrland	Egenes	Fitzgerald
Gentleman	Gilloon	Griffee	Hargrave
Hines	Hinkhouse	Horn	Jochum
Krewson	Loneragan	Middleswart	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Patchett	Pavich	Rinas	Spear
Svoboda	Wells	Mr. Speaker	

Absent or not voting, 15:

Brockett	Byerly	Crabb	Danker
Dieleman	Doyle	Garrison	Halvorson
Higgins	Hullinger	Junker	Newhard
Schroeder	Small	Walter	

The motion, having failed to receive a constitutional majority, lost.

Dyrland of Clayton offered the following amendment H-3388 filed by him:

H-3388

- 1 Amend Senate File 214 as follows:
- 2 1. Page 7, by inserting after line 3 the
- 3 following:
- 4 "Any appropriation to the department of public
- 5 instruction for the merged area schools to be
- 6 used as general state financial aid shall be
- 7 contingent upon the departments disapproval of
- 8 any proposed contract between a community college

9 and any other institution which duplicates any
 10 course, program or curriculum offered by the
 11 community college as part of any existing degree
 12 program:".

Dyrland of Clayton asked and received unanimous consent to withdraw amendment H-3388.

Spear of Lee moved to reconsider the vote by which amendment H-3352B, to Senate File 214, was adopted.

A non-record roll call was requested.

The ayes were 46, nays 30.

The motion prevailed and the House reconsidered amendment H-3352B.

Jesse of Polk asked unanimous consent to withdraw amendment H-3352B.

Objection was raised.

Jesse of Polk moved the adoption of amendment H-3352B.

Roll call was requested by Branstad of Winnebago and Conlon of Muscatine.

On the question "Shall amendment H-3352B be adopted?"

The ayes were, 20:

Baker	Bennett	Branstad	Conlon
Daggett	Dunton	Egenes	Harvey
Hoffmann	Koogler	Lageschulte	Millen
Pellett	Perkins	Rinas	Smalley
Spencer	Stephens	Thompson	Wyckoff

The nays were, 61:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiudo	Clark, B.J.
Clark, J.H.	Connors	Crawford	Cusack
Davitt	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Horn	Howell
Husak	Jesse	Jochum	Krause
Krewson	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Pelton	Poncy
Scheelhaase	Schnekloth	Shimanek	Small
Spear	Svoboda	Tauke	Tofte
Varley	Wells	West	Wulff
			Mr. Speaker

Absent or not voting, 19:

Brockett	Byerly	Crabb	Danker
Den Herder	Dieleman	Doyle	Halvorson
Harper	Higgins	Hullinger	Junker
Newhard	Nielsen	Schroeder	Stromer
Walter	Welden	Woods	

Amendment H—3352B lost.

Horn of Linn moved to reconsider the vote by which amendment H—3351H was adopted by the House on March 22, 1977.

A non-record roll call was requested.

The ayes were 44, nays 35.

The motion prevailed.

Horn of Linn moved to reconsider the vote by which amendment H—3374, to amendment H—3351H, failed to be adopted by the House on March 22, 1977.

Roll call was requested by Spencer of Clay and Dunton of Keokuk.

On the question "Shall amendment H-3374 be reconsidered?"

The ayes were, 45:

Anderson	Avenson	Bennett	Bina
Binneboese	Branstad	Brunow	Chiodo
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Daggett	Dyrland	Fitzgerald
Gentleman	Gilloon	Griffiee	Hargrave
Harvey	Hinkhouse	Horn	Howell
Jesse	Jochum	Krewson	Middleswart
Miller, K.D.	Nielsen	Oxley	Patchett
Pavich	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Svoboda
Varley	Wells	Wulff	Wyckoff
Mr. Speaker			

The nays were, 35:

Baker	Brandt	Clark, B.J.	Davitt
Dunton	Egenes	Evans	Garrison
Gilson	Hansen	Harbor	Harper
Hines	Hoffmann	Husak	Koogler
Krause	Lageschulte	Lipsky	Lonergan
Menke	Millen	Miller, O.L.	Norland
O'Halloran	Pellett	Pelton	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	West	

Absent or not voting, 20:

Brockett	Byerly	Crabb	Danker
Den Herder	Dieleman	Doyle	Halvorson
Higgins	Hullinger	Junker	Lindeen
Monroe	Newhard	Rinas	Schroeder
Tofte	Walter	Welden	Woods

The motion prevailed.

Horn of Linn moved the adoption of amendment H-3374.

Roll call was requested by Tauke of Dubuque and Lageschulte of Bremer.

Under provisions of Rule 71, Bina of Scott refrained from voting.

On the question "Shall amendment H-3374 be adopted?"

The ayes were, 50:

Anderson	Avenson	Bennett	Binneboese
Brandt	Branstad	Chiodo	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Daggett	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Harbor	Hargrave	Harvey
Hinkhouse	Horn	Howell	Jesse
Jochum	Middleswart	Miller, K.D.	Nielsen
O'Halloran	Oxley	Patchett	Pelton
Poncy	Rinas	Scheelhaase	Schneklath
Shimanek	Small	Svoboda	Thompson
Varley	Wells	West	Wulff
Wyckoff	Mr. Speaker		

The nays were, 28:

Baker	Brunow	Clark, B.J.	Davitt
Dunton	Evans	Hansen	Harper
Hines	Hoffmann	Husak	Koogler
Krause	Lageschulte	Lipsky	Lonergan
Menke	Millen	Miller, O.L.	Norland
Pavich	Pellett	Smalley	Spear
Spencer	Stephens	Stromer	Tauke

Absent or not voting, 22:

Bina	Brockett	Byerly	Crabb
Danker	Den Herder	Dieleman	Doyle
Halvorson	Higgins	Hullinger	Junker
Krewson	Lindeen	Monroe	Newhard
Perkins	Schroeder	Tofte	Walter
Welden	Woods		

Amendment H-3374 was adopted.

On motion by Horn of Linn, amendment H-3351H, as amended, was adopted.

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

Rule 69 and 70 were invoked.

On the question "Shall the bill pass?" (S. F. 214)

The ayes were, 36:

Anderson	Bina	Binneboese	Brunow
Chiodo	Connors	Cusack	Davitt
Dunton	Dyrland	Fitzgerald	Gilloon
Griffie	Hargrave	Hinkhouse	Howell
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller, O.L.	Nielsen
Norland	Oxley	Pavich	Poncy
Rinas	Small	Spear	Spencer
Svoboda	Wells	Wyckoff	Mr. Speaker

The nays were, 45:

Avenson	Baker	Bennett	Brandt
Branstad	Clark, B. J.	Clark, J. H.	Conlon
Crawford	Daggett	Egenes	Evans
Garrison	Gentleman	Gilson	Hansen
Harbor	Harper	Harvey	Hines
Hoffmann	Horn	Husak	Krewson
Lageschulte	Lipsky	Menke	Millen
Miller, K. D.	O'Halloran	Patchett	Pellett
Pelton	Perkins	Scheelhaase	Schneklath
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Varley	West
Wulff			

Absent or not voting, 19:

Brockett	Byerly	Crabb	Danker
Den Herder	Dieleman	Doyle	Halvorson
Higgins	Hullinger	Junker	Lindeen
Monroe	Newhard	Schroeder	Tofte
Walter	Welden	Woods	

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

MOTION TO RECONSIDER
(Senate File 214)

I move to reconsider the vote by which Senate File 214 failed to pass the House on march 23, 1977.

HORN of Linn
BAKER of Buena Vista
AVENSON of Fayette

UNANIMOUS CONSENT CALENDAR
(House Resolution 12)

We hereby respectfully request that House Resolution 12, filed on March 21, 1977 and found on page 923 of the House Journal, be placed on the unanimous consent calendar.

PELTON of Clinton
SCHNEKLOTH of Scott
KREWSON of Polk

COMMUNICATION FROM CITY COUNCIL
MARION, IOWA

A copy of Resolution 5460 from the City Council of the City of Marion, Iowa, urging the Iowa Conservation Commission, the Linn County Conservation Commission, and the Iowa Legislature to review the utilization of funds available through the Iowa Conservation Commission for the improvement of Squaw Creek, was received and placed on file in the office of the Chief Clerk.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 5:37 p.m., March 21, 1977

Convened: 5:37 p.m.

Adjourned: 7:00 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen, Miller of Calhoun and Newhard.

Absent: Hines

General discussion on senate bill for social services subcommittee. Dispersed into finance and intent committees.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 22, 1977

Convened: 7:30 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun

Absent: Newhard

Dispersed into finance and intent committee.

COMMITTEE ON AGRICULTURE

Scheduled 9:00 a.m. March 22, 1977

Convened: 9:06 a.m.

Adjourned: 9:46 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: Byerly and Howell.

Excused: Harper.

Study Bill 70, a bill for an act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Husak, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: Krause.

Absent or not voting: Byerly, Harper and Howell.

Study Bill 188, a bill for an act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Husak, Krause, Lindeen, Lageschulte, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Byerly, Harper and Howell.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., March 22 1977

Convened: 9:07 a.m.

Adjourned: 9:55 a.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Dunton, Gentleman, Hoffmann, Koogler, Krewson, Newhard, Pavich, Perkins, Schneklath, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Connors (arrived 9:10 a.m.), Hargrave, Nielsen and Rinas.

Discussed Study Bill 141, No. 2.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., March 22, 1977

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Middleswart, Patchett, Shimanek, Stromer, Tauke, Walter and West.

Absent: Jesse, Junker and Poncey.

Senate File 41, a bill for an act relating to the management of state records.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Dieleman, Griffee, Hansen, Higgins, Middleswart, Walter and West.

Nay: Crawford and Shimanek.

Absent or Not Voting: Jesse, Junker, Patchett, Poncey and Tauke. (Passed)

Study Bill 193, a bill for an act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, grievances of employees subject to the policies of the legislative council, and making certain provisions of the Act retroactive.

Recommended AMEND AND DO PASS'

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Griffee, Hansen, Middleswart, Patchett, Shimanek, Stromer, Walter and West.

Nay: None.

Absent or Not Voting: Avenson, Higgins, Jesse, Junker, Poncey and Tauke.

House File 186 Tort Liability , failed to pass.

AMENDMENTS FILED

H-3384

H.F. 354

Lipsky of Linn

H-3385

S.F. 233

Husak of Tama

Bennett of Ida

H-3386	H.F. 75	Evans of Grundy
H-3387	H.F. 75	Evans of Grundy
H-3389	H.F. 354	Hargrave of Johnson
H-3390	H.F. 354	Thompson of Polk Connors of Polk
H-3391	H.F. 354	Baker of Buena Vista
H-3392	H.F. 354	Hargrave of Johnson
H-3393	H.F. 354	Hargrave of Johnson Lipsky of Linn
H-3394	H.F. 354	Monroe of Des Moines Lipsky of Linn

On motion by Fitzgerald of Webster the House adjourned at 9:30 p.m. until 10:00 a.m., Thursday, March 24, 1977.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day -- Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 24, 1977

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

Prayer was offered by the Reverend Don Gattelle, pastor of the United Methodist Church, Keswick, Iowa.

The Journal of Wednesday, March 23, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Boeke, West Union, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of Scheelhaase of Woodbury.

PRESENTATION OF VISITORS

Shimanek of Jones presented to the House the Honorable Roy Miller, former House member during the Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third General Assemblies, representing Jones County.

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

Three students from Buena Vista College, Storm Lake, Iowa, accompanied by Bob Seifer. By Baker of Buena Vista.

Ten seniors from Rake Junior-Senior High School, Rake, Iowa, accompanied by Mr. Sibley. By Branstad of Winnebago.

Thirty fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Helen Oglesby. By Brunow of Appanoose.

Twenty-five students from Christ the King School, Des Moines, Iowa, accompanied by Mrs. Spain. By Chiodo of Polk, Davitt of Warren and Woods of Polk.

Forty-one students from the Iowa School for the Deaf, Council Bluffs, Iowa, accompanied by Warren Krause, Gene Stewart and Phil Claussen. By Schroeder of Pottawattamie, Danker of Pottawattamie, Pavich of Pottawattamie and Walter of Pottawattamie.

Eighteen ninth grade students from Carlisle High School, Carlisle, Iowa, accompanied by Mike McVey. By Woods of Polk and Anderson of Jasper.

Thirty-eight eighth grade students from the Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Mr. Disney. By Gilloon of Dubuque.

PETITION FILED

By Husak of Tama from thirty-two members of the Nashua High School ecology class urging the state of Iowa to assume ownership, repair and maintenance of the Nashua Iowa Dam.

INTRODUCTION OF BILLS

HOUSE FILE 446, by Miller of Buchanan, a bill for an act creating a special civil action for a statutory penalty against a payor bank which dishonors certain checks.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 447, by Brandt, a bill for an act relating to the

property tax exemption for certain low-rent housing developments.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 448, by Hargrave, a bill for an act to establish a mobile home parks residential landlord and tenant act and providing civil penalties.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 449, by committee on state government, a bill for an act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 450, by Brunow, a bill for an act authorizing the board of supervisors to impose a coal severance tax and providing a penalty.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 451, by Nielsen, a bill for an act relating to nonprofit corporations.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 452, by Nielsen, a bill for an act relating to judicial review of arbitrator's awards.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 453, by Daggett, a bill for an act relating to the validity of certain claims filed for the military service tax exemption.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 454, by Nielsen, a bill for an act relating to the disposition of a decedent's property.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 455, by Byerly, a bill for an act relating to the restraint of dogs.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 456, by Nielsen, a bill for an act relating to business corporations.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 457, by Horn, a bill for an act relating to minors' school licenses.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 458, by Hansen, Menke and Baker, a bill for an act relating to the development of air carrier service in the state by the state department of transportation.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 459, by Svoboda, a bill for an act relating to the date on which claims for the homestead tax credit and the military service tax credit may be filed.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 460, by Patchett, a bill for an act relating to pricing mechanisms utilized by public utilities.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 461, by Hines, a bill for an act to adopt the multistate tax compact relating to corporate taxation, revising the corporate tax rates, and making an appropriation.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 462, by Harvey, Higgins, Tauke, Woods, Branstad, Gilloon, Walter, Junker, Harbor, Evans, Crabb, Brockett, Lindeen, Krewson and Oxley, a bill for an act to prohibit the practice of imposing a penalty for the early repayment of loans secured by mortgages on real property.

Read first time and referred to committee on COMMERCE.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 182, a bill for an act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty.

Also: That the Senate has on March 22, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 221, a bill for an act relating to the examination, certification, and appointment of assessors.

Also: That the Senate has on March 22, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 243, a bill for an act relating to the qualifications required of the director of the division of mental health resources of the department of social services.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT CONSIDERED

House Refuses to Concur

Wyckoff of Benton called up for consideration Senate File 162, a bill for an act making an appropriation to the judicial department, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H-3350

- 1 Amend the House amendment, S-3180, to Senate
- 2 File 162 as follows:
- 3 1. Page 1, by striking lines 2 through 18,
- 4 and inserting in lieu thereof the following:
- 5 "1. Page 1, line 23, by striking the figure
- 6 "6,874,899" and inserting in lieu thereof the figure
- 7 "6,981,639"."

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

CONSIDERATION OF BILLS

Regular Calendar

House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, was taken up for consideration.

Monroe of Des Moines offered amendment H-3394, filed by him and Lipsky of Linn, on March 24, 1977.

Baker of Buena Vista rose on a point of order that amendment H-3394 was not germane.

The Speaker ruled the point well taken and amendment H-3394 not germane.

Hargrave of Johnson offered the following amendment H-3389 filed by him and moved its adoption:

H-3389

- 1 Amend House File 354 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "department" the words "in consultation with the
- 4 appropriate health systems agency".
- 5 2. Page 6, line 15, by inserting after the word
- 6 "Act" the words "after consultation with all health
- 7 systems agencies serving the state of Iowa".
- 8 3. Page 9, line 23, by striking the word "Before"
- 9 and inserting in lieu thereof the words "Not less
- 10 than sixty days before".
- 11 4. Page 14, line 15, by inserting after the word
- 12 "application" the words ", and who unsuccessfully

13 requested a reconsideration hearing under section
14 eight (8), subsection three (3) of this Act or who
15 appeared or submitted a written statement to be
16 considered at such a hearing if one was held".

17 5. Page 15, lines 20 and 21, by striking the word
18 and figure "two (2)" and inserting in lieu thereof
19 the words and figures "three (3), paragraph c".

20 6. Page 19, line 8, by striking the numeral "4"
21 and inserting in lieu thereof the letter "d".

22 7. Page 19, line 13, by striking the numeral "5"
23 and inserting in lieu thereof the numeral "4".

Amendment H-3389 was adopted.

Hargrave of Johnson offered amendment H-3393 filed by him
and Lipsky of Linn.

Baker of Buena Vista asked and received unanimous consent
that action on amendment H-3393 be deferred.

Baker of Buena Vista offered amendment H-3391 filed by him.
Division was requested as follows:

H-3391

1 Amend House File 354 as follows:

H-3391A

2 1. Page 2, by inserting after line 15 the following
3 new subsection:

4 "— "Health care facility" is defined as it
5 is defined in section one hundred thirty-five C point
6 one (135C.1) of the Code."

H-3391B

7 2. Page 3, by striking lines 9 through 16,
8 inclusive.

H-3391C

9 3. Page 3, line 19, by inserting after the word
10 "Code" the words "; it does not include an organized
11 outpatient health facility nor an outpatient surgical
12 facility".

H-3391A

- 13 4. Page 3, by striking lines 25 and 26 and
14 inserting in lieu thereof the following:
15 "b. A health care facility."

H-3391C

- 16 5. Page 3, by striking lines 30 and 31.

H-3391B

- 17 6. Page 3, by striking line 32.

H-3391D

- 18 7. Page 8, line 35, by inserting after the word
19 "services" the words "; provided that it shall be
20 the policy of this state that a certificate of need
21 for construction or expansion of a health care facility
22 in any given area of the state shall not be denied
23 on the basis of excess bed capacity unless the total
24 number of health care facility beds in that area,
25 including those which are in existence and those for
26 which certificates of need have previously been
27 approved but for which construction has not yet been
28 completed, equals at least one hundred ten percent
29 of the need for health care facility beds in that
30 area."

Baker of Buena Vista moved the adoption of amendment
H-3391A.

Amendment H-3391A was adopted.

Baker of Buena Vista moved the adoption of amendment
H-3391B.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 44, nays 38.

Amendment H-3391B was adopted.

(House File 354 and amendments H-3391C and H-3391D pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

Fifty junior and senior students from Norwalk Community School, Norwalk, Iowa, accompanied by Mrs. McNeely. By Davitt of Warren.

INTRODUCTION OF BILLS

HOUSE FILE 463, by committee on education, a bill for an act relating to the operation of area education agencies and to make an appropriation.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 182, a bill for an act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty.

Read first time and referred to committee on ENERGY.

SENATE FILE 221, a bill for an act relating to the examination, certification, and appointment of assessors.

Read first time and referred to committee on WAYS AND MEANS.

SENATE FILE 243, a bill for an act relating to the

qualifications required of the director of the division of mental health resources of the department of social services.

Read first time and referred to committee on HUMAN RESOURCES.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 367, a bill for an act providing appropriations to various state departments.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 367

H-3401

- 1 Amend House File 367, as amended and passed by
- 2 the House as follows:
- 3 1. Page 3, line 3, by striking the figure "685,000"
- 4 and inserting in lieu thereof the figure "716,000".
- 5 2. Page 3, by striking lines 20 through 28.
- 6 3. Page 5, line 4, by striking the figure
- 7 "2,134,731" and inserting in lieu thereof the figure
- 8 "2,144,731".
- 9 4. Page 7, by striking lines 18 through 35.
- 10 5. Page 8, by striking lines 1 and 2.
- 11 6. Renumbering sections as required by this
- 12 amendment.

QUORUM CALL

Roll call was requested by Koogler of Mahaska and Junker of Woodbury to determine that a quorum was present.

The vote revealed:

Present, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harper	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

Absent, 13:

Byerly	Doyle	Jesse	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pellett	Rinas	Schroeder	Spencer
Varley			

BUSINESS PENDING

The House resumed consideration of House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, and amendments H-3391C and H-3391D.

Baker of Buena Vista moved the adoption of amendment H-3391C.

A non-record roll call was requested.

The ayes were 31, nays 50.

Amendment H-3391C lost.

Baker of Buena Vista moved the adoption of amendment H-3391D.

Roll call was requested by Tauke of Dubuque and Perkins of Greene.

Rule 70 was invoked.

On the question "Shall amendment H-3391D be adopted?"

The ayes were, 45:

Baker	Bennett	Binneboese	Branstad
Brockett	Chiodo	Clark, J.H.	Conlon
Crabb	Daggett	Danker	Den Herder
Dieleman	Dunton	Evans	Halvorson
Harbor	Harper	Harvey	Horn
Husak	Junker	Koogler	Lageschulte
Lindeen	Menke	Millen	Miller, K.D.
Miller, O.L.	Oxley	Pellett	Pelton
Perkins	Poncy	Schneklath	Smalley
Stephens	Stromer	Tauke	Varley
Welden	West	Woods	Wulff
Wyckoff			

The nays were, 46:

Anderson	Avenson	Bina	Brandt
Brunow	Clark, B.J.	Connors	Crawford
Cusack	Davitt	Dyrland	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Jesse	Jochum	Krewson	Lipsky

Loneragan	Middleswart	Monroe	Norland
Patchett	Pavich	Rinas	Scheelhaase
Shimanek	Small	Spear	Spencer
Svoboda	Thompson	Tofte	Walter
Wells	Mr. Speaker		

Absent or not voting, 9:

Byerly	Doyle	Egenes	Hansen
Krause	Newhard	Nielsen	O'Halloran
Schroeder			

Amendment H—3391D lost.

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

The House resumed session, Speaker Cochran in the chair.

(House File 354 pending.)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Den Herder of Sioux for the evening session on request of Harbor of Mills; Tofte of Winneshiek for the evening session on request of Harvey of Scott; Lipsky of Linn for the evening session on request of Welden of Hardin; Smalley of Polk for the evening session on request of Chiodo of Polk; Nielsen of Polk on request of Byerly of Polk.

MOTION TO RECONSIDER PREVAILED

(Senate File 214)

Horn of Linn called up for consideration the motion to reconsider Senate File 214, filed on March 23, 1977, and moved to reconsider the vote by which Senate File 214, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, failed to pass the House on March 23, 1977.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 56, nays 35.

The motion prevailed.

Horn of Linn moved to reconsider the vote by which Senate File 214 was placed on its last reading, which motion prevailed.

Fitzgerald of Webster moved the previous question on Senate File 214 and all amendments and motions filed thereto.

A non-record roll call was requested.

The ayes were 54, nays 32.

The motion prevailed.

Miller of Buchanan offered the following amendment H-3407 filed by Miller of Buchanan, Small, Menke, Dyrland, and Wyckoff from the floor and moved its adoption:

H-3407

- 1 Amend Senate File 214, as passed by the Senate,
- 2 as follows:
- 3 1. Page 10, by inserting after line 2 the
- 4 following:
- 5 "Sec. ___ The college of medicine of the
- 6 state university of Iowa shall, in its' student
- 7 admissions decisions, take into consideration and
- 8 give weight to the potential of the applicant to
- 9 practice medicine in areas of the state where the
- 10 doctor-patient ratio indicates there is a shortage
- 11 of adequate medical care as compared to the state as
- 12 a whole."

Roll call was requested by Stromer of Hancock and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall amendment H-3407 be adopted?"

The ayes were, 68:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Conlon	Connors
Cusack	Daggett	Davitt	Dieleman
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hansen	Harbor	Hargrave	Harper
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lageschulte
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Small	Spear
Spencer	Svoboda	Varley	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 20:

Brunow	Clark, B.J.	Clark, J.H.	Crawford
Danker	Gentleman	Halvorson	Harvey
Hoffmann	Junker	Krewson	Lindeen
Lonergan	Millen	Shimanek	Stephens
Stromer	Tauke	Thompson	Wulff

Absent or not voting, 12:

Brockett	Crabb	Den Herder	Doyle
Evans	Lipsky	Nielsen	Schroeder
Smalley	Tofte	Welden	West

Amendment H-3407 was adopted.

Junker of Woodbury asked and received unanimous consent to withdraw the following amendment H-3399 filed by him from the floor:

H-3399

- 1 Amend Senate File 214, as passed by the Senate,
- 2 as follows:
- 3 1. Page 11, by inserting after line 1 the
- 4 following:

5 "Sec. — The appropriations of this Act are
 6 hereby subject to the following conditions:
 7 1. All of the individual appropriations in
 8 this Act are hereby reduced by one (1) percent.
 9 2. The veto of subsection one (1) of this
 10 section strikes all of the provisions of this Act."

Baker of Buena Vista moved that the rules be suspended to consider amendment H-3365.

A non-record roll call was requested.

The ayes were 68, nays 16.

The motion prevailed and the House considered amendment H-3365, found on page 1006 of the House Journal.

Baker of Buena Vista moved the adoption of amendment H-3365.

Roll call was requested by Branstad of Winnebago and Gilson of Guthrie.

Rule 69 was invoked.

On the question "Shall amendment H-3365 be adopted?"

The ayes were, 62:

Anderson	Baker	Bennett	Binneboese
Branstad	Brunow	Byerly	Chiodo
Clark, J.H.	Conlon	Crawford	Cusack
Daggett	Danker	Dieleman	Dunton
Garrison	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harper
Harvey	Hines	Hoffmann	Horn
Howell	Husak	Jesse	Junker
Koogler	Krause	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Newhard	Oxley	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Shimanek	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Varley	Wells	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 22:

Bina	Brandt	Clark, B.J.	Connors
Davitt	Dyrland	Fitzgerald	Gentleman
Griffee	Higgins	Hullinger	Jochum
Krewson	Lonergan	Monroe	O'Halloran
Patchett	Pavich	Rinas	Small
Spear	Walter		

Absent or not voting, 16:

Avenson	Brockett	Crabb	Den Herder
Doyle	Egenes	Evans	Hinkhouse
Lipsky	Nielsen	Norland	Schroeder
Smalley	Tofte	Welden	West

Amendment H-3365 was adopted.

Bennett of Ida moved that the rules be suspended to consider amendment H-3356, found on pages 995 and 996 of the House Journal.

A non-record roll call was requested.

The ayes were 31, nays 53.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dyrland of Clayton for the remainder of the day on request of Jochum of Dubuque.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 214)

The ayes were, 54:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Dunton	Fitzgerald
Garrison	Gilloon	Gilson	Griffie
Hargrave	Higgins	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Miller, O.L.	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

The nays were, 33:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Crawford	Daggett	Danker	Egenes
Gentleman	Halvorson	Hansen	Harbor
Harper	Harvey	Hines	Hoffmann
Junker	Krewson	Lageschulte	Lindeen
Menke	Millen	Monroe	Pellett
Pelton	Schnekloth	Shimanek	Stephens
Stromer	Tauke	Thompson	Varley
Wulff			

Absent or not voting, 13:

Brockett	Crabb	Den Herder	Doyle
Dyrland	Evans	Lipsky	Nielsen
Schroeder	Smalley	Tofte	Welden
West			

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

MOTION TO RECONSIDER LOST

(Senate File 214)

Horn of Linn asked for unanimous consent that Senate File 214 be immediately messaged to the Senate.

Objection was raised.

Horn of Linn moved to reconsider the vote by which Senate File 214 passed the House.

A non-record roll call was requested.

The ayes were 24, nays 56.

The motion lost.

On motion by Fitzgerald of Webster, the House was recessed until the fall of the gavel.

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILL

HOUSE FILE 464, by committee on budget, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE CONCURRENT RESOLUTION 21

By Committee on Agriculture

1 *Whereas*, the United States environmental protection agency,
2 hereinafter referred to as EPA, through its office of air
3 and waste management, by publication in the federal register
4 of Thursday, January 13, 1977, Volume 42, No. 9, has proposed,
5 under authority of section 111 of the U.S. Clean Air Act,
6 to impose new standards of performance for new stationary
7 sources of alleged air pollution for farm elevators, country
8 elevators, terminals and dryers which have a cumulative grain
9 "leg" capacity of ten thousand bushels per hour or more if
10 such installations are modified, reconstructed or built new;
11 and

12 *Whereas*, adoption of such regulations would impose

13 restrictions and regulations of such nature which may result
14 in financial hardship for many farm and country elevators;
15 and

16 *Whereas*, the EPA has woefully underestimated the number
17 of farm and country elevators that would ultimately be affected
18 and has grossly underestimated the size of average country
19 elevators within major grain producing states; and

20 *Whereas*, Iowa is one of the leading grain producing,
21 handling and exporting states; and

22 *Whereas*, the EPA by its admission has not studied nor
23 issued an economic impact statement and has not projected
24 inflationary trends into cost estimates; and

25 *Whereas*, the Iowa department of environmental quality has,
26 under existing regulations, performed an outstanding job of
27 enforcement of common sense pollution standards now existing
28 which has resulted in excellent control of farm and country
29 elevator particulate matter emissions; *Now Therefore*,

30 *Be It Resolved by the House of Representatives, the Senate*

Page 2

1 *Concurring*, That the EPA be informed of the overwhelming
2 concern of the general assembly of the state of Iowa for
3 farmers, consumers and country elevators; and

4 *Be It Further Resolved*, That the EPA is requested to notify,
5 before rules governing grain production or handling are
6 proposed, the Iowa department of environmental quality,
7 department of agriculture and similar departments in other
8 major grain producing or handling states for their review
9 of the proposed rules; and

10 *Be It Further Resolved*, That the EPA is requested to exempt
11 by specific language farm elevators and that such language
12 further specifically include exemption for country elevators
13 who by definition receive the majority of their grain volume
14 direct from the farm producer as the first purchaser in the
15 grain distribution system; and

16 *Be It Further Resolved*, That this Concurrent Resolution
17 being of immediate urgency be dispatched immediately to Mr.
18 John Quarles, acting administrator, EPA, Washington, D.C.,
19 and to the Iowa congressional delegation and that a copy of
20 this Concurrent Resolution be served upon the house and senate
21 agriculture committees of the Congress of the United States.

Laid over under Rule 25.

HOUSE RESOLUTION 15

By Tauke of Dubuque
Jochum of Dubuque

1 *Whereas*, the players, coaches, cheerleaders, student bodies
2 and fans of Dubuque Senior High School and Dubuque Wahlert High
3 School were jointly awarded the Sportsmanship Trophy at the
4 Iowa Boys Class 3—A Basketball Tournament; and
5 *Whereas*, Dubuque Senior High School won the championship
6 runner—up trophy and Dubuque Wahlert High School won the Con—
7 solation Championship Trophy of the state Class 3—A tourney; and
8 *Whereas*, the citizens of Dubuque demonstrated tremendous
9 spirit and strong support for the Dubuque schools and teams
10 participating in the tournament; *Now Therefore*,
11 *Be It Resolved by the House of Representatives*,
12 That the Sixty—seventh General Assembly, 1977 Session, extend
13 its heartiest congratulations to Dubuque Senior High School and
14 Dubuque Wahlert High School, their coaches, cheerleaders, faculty
15 and administration, families and loyal fans who encouraged and
16 supported Dubuque Senior High School and Dubuque Wahlert High
17 School through the regular season and during the tournament; and
18 *Be It Further Resolved*, That the members of the Sixty—seventh
19 General Assembly commend Dubuque Senior High School and Dubuque
20 Wahlert High School for their splendid example of sportsmanship,
21 fair play and athletic prowess; and
22 *Be It Further Resolved*, That a copy of this resolution be
23 sent to Coach Merrill Hyde of Dubuque Senior High School and
24 Coach Ed Colbert of Dubuque Wahlert High School and the Dubuque
25 Senior High School boys basketball team and the Dubuque Wahlert
26 High School boys basketball team.

Laid over under Rule 25.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 23, 1977. Had I been present, I would have voted as follows on Senate File 214: “nay” on motion to suspend the rules to consider amendment H—3365, “aye” on amendment H—3352A, “aye” on amendment H—3352B, “aye” on motion to reconsider amendment H—3374, “aye” on amendment H—3374 and “aye” on Senate File 214.

DIELEMAN of Marion

I was necessarily absent from the House chamber on March 23, 1977 when the vote was taken on the motion to reconsider amendment H-3374 to amendment H-3351H, amendment H-3374 to Senate File 214 and Senate File 214. Had I been present I would have voted "nay" on all of these.

TOFTE of Winneshiek

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 221 State Government

Repealing the registration of aliens chapter of the Code.

S.B. 222 Labor and Industrial Relations

Resolving differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

S.B. 223 Ways and Means

Relating to the exemption of a certain portion of United States civil service retirement and disability annuity income from state individual income taxes.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 23, 1977

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Excused: Garrison.

Discussion of Home Health Care.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., March 23, 1977

Convened: 9:07 a.m.

Adjourned: 10:13 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Gilloon, Halvorson, Hines, Lageschulte, Pavich, Poney, Small, Smalley, Thompson and Wells.

Absent: Chiodo (arrived 9:16 a.m.) and Horn (arrived 9:19 a.m.).

Discussion of Study Bill 32, an Act amending the Public Employment Relations Act.

Made subcommittee assignments.

COMMITTEE ON ENERGY

Scheduled: 9:00 a.m., March 23, 1977

Convened: 9:10 a.m.

Adjourned: 10:10 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Norland, Pellett, Perkins and Svoboda.

Absent: Pelton and Varley.

Excused: Doyle.

Study Bill 92, a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency.

Recommended DO PASS.

Aye: O'Halloran, Howell, Binneboese, Daggett, Danker, Evans, Griffie, Middleswart, Norland, Perkins and Svoboda.

Nay: Hullinger.

Absent or Not Voting: Welden, Doyle, Hinkhouse, Lindeen, Pellett, Pelton and Varley.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:30 p.m., March 23, 1977

Convened: 9:30 p.m.

Adjourned: 10:00 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hargrave, Hines and Miller of Calhoun.

Absent: None.

Excused: Doyle, Lindeen and Newhard.

Voted Social Services bill draft out to full budget committee.

COMMITTEE ON BUDGET

Scheduled: 7:45 a.m., March 24, 1977

Convened: 7:45 a.m. (Recessed at 10:00 a.m. until 8:00 p.m.)

Reconvened: 8:00 p.m.

Adjourned: 8:40 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley and Wells.

Excused: Den Herder, Welden and Wulff at evening meeting. (All were present at morning meeting.)

Committee Bill, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley and Wells.

Nay: None.

Absent or Not Voting: Den Herder, Welden and Wulff.

SUBCOMMITTEE ASSIGNMENTS

House File 256
State Government
West, chair
Monroe
Walter

House File 358
Commerce
Den Herder, chair
Brockett
Dieleman

House File 362
State Government
Monroe, chair
Brandt
West

House File 365
Commerce
Lonergan, chair
Anderson
Den Herder
Jochum
Welden

House File 369
Commerce
Jochum, chair
Anderson
Den Herder
Lonergan
Welden

House File 382
County Government
Miller of
Calhoun, chair
Oxley
Hoffmann

House File 383
County Government
Hinkhouse, chair
Gilson
Clark of Lee

House File 386
Commerce
Welden, chair
Den Herder
Lonergan

House File 394
Commerce
Lonergan, chair
Anderson
Den Herder
Jochum
Welden

House File 401
Judiciary and
Law Enforcement
Dyrland, chair
Connors
Clark of Cerro Gordo

House File 402
Judiciary and
Law Enforcement
Scheelhaase, chair
Spencer
Branstad

House File 406
State Government
Hansen, chair
Griffee
West

House File 407
Judiciary and
Law Enforcement
Patchett, chair
Pelton
Shimanek

House File 419
Labor and Industrial
Relations
Chiodo, chair
Poncy
Crabb

House File 424
State Government
Tauke, chair
West
Jesse
Higgins
Woods

House File 430
State Government
Monroe, chair
Patchett
Walter
Crawford
Tauke

House File 432
Labor and Industrial
Relations
Chiodo, chair
Poncy
Crabb

House File 436
Labor and Industrial
Relations
Jochum, chair
Hines
Brockett

House File 441
State Government
Middleswart, chair
Dieleman
Stromer

Senate File 5
Judiciary and Law
Enforcement
Connors, chair
Scheelhaase
Branstad

Senate File 7
County Government
Gilloon, chair
Oxley
Junker

Senate File 28
State Government
Harvey, chair
Patchett
Griffee

Senate File 41
State Government
Middleswart, chair
Griffee
Hansen

Senate File 71
State Government
Monroe, chair
Avenson
Griffee
Harvey
Crawford

Senate File 94
State Government
Griffee, chair
Stromer
Middleswart

Senate File 119
Commerce
Chiodo, chair
Brunow
Evans
Walter
West

Senate File 149
Human Resources
Walter, chair
Anderson
Hansen

Senate File 158
County Government
Byerly, chair
Baker
Hoffmann

Senate File 170
Commerce
Dieleman, chair
Koogler
Tauke

Senate File 192
State Government
Hansen, chair
Griffee
Avenson

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 179

State Government
Harvey, chair
Walter
Monroe

S.B. 197

Natural Resources
Bennett, chair
Wyckoff
Garrison

S.B. 207

Natural Resources
Varley, chair
Stephens
Miller of
Buchanan

S.B. 184

Judiciary and Law
Enforcement
Connors, chair
Nielsen
Clark of Cerro Gordo

S.B. 199

Energy
Howell, chair
Doyle
Perkins
Pellett
Daggett

S.B. 208

Ways and Means
Norland, chair
West
Davitt
Schnekloth
Daggett
Rinas
Husak
Anderson
Wulff
Miller of
Buchanan
Brandt

S.B. 186

Judiciary and Law
Enforcement
Dyrland, chair
Garrison
Smalley

S.B. 201

Education
Dyrland, chair
Baker
Koogler
Small
Brockett
Krewson

S.B. 187

State Government
Crawford, chair
Middleswart
Patchett

S.B. 202

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

S.B. 209

Judiciary and Law
Enforcement
Patchett, chair
Pelton
Shimanek

S.B. 191

County Government
Gilson, chair
Spear
Stromer

S.B. 210

Judiciary and Law
Enforcement
Higgins, chair
Patchett
Conlon
Jesse
Lipsky

S.B. 193

State Government
Stromer, chair
Avenson
Middleswart

S.B. 205

State Government
Higgins, chair
Monroe
Harvey

S.B. 196

State Government
Shimanek, chair
Patchett
Crawford

S.B. 206

Natural Resources
Griffie, chair
O'Halloran
Welden

S.B. 211

Education
Dyrland, chair
Baker
Koogler
Small
Brockett
Krewson

S.B. 213

State Government
Tauke, chair
West
Higgins
Jesse
Woods

S.B. 221

State Government
Crawford, chair
Monroe
Avenson
Griffie
Harvey

S.B. 215

Judiciary and
Law Enforcement
Patchett, chair
Pelton
Shimanek

AMENDMENTS FILED

H-3395

H-3396

H-3397

H-3398

H-3400

H-3402

H-3403

H-3404

H-3405

H-3406

H.F. 354

H.F. 354

H.F. 354

H.F. 356

H.F. 354

H.F. 354

H.F. 354

H.F. 417

S.F. 167

H.F. 410

Hargrave of Johnson

Baker of Buena Vista

Hines of Story

Wyckoff of Benton

Hargrave of Johnson

Baker of Buena Vista

Evans of Grundy

Brockett of Marshall

West of Marshall

Halvorson of Clayton

Krause of Kossuth

Miller of Buchanan

Krause of Kossuth

On motion by Stromer of Hancock the House adjourned at
8:45 p.m. until 10:00 a.m., Monday, March 28, 1977.

JOURNAL OF THE HOUSE

Seventy—eighth Calendar Day -- Fifty—fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 28, 1977

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

Prayer was offered by the Honorable Horace Daggett, State Representative from Adams County.

The Journal of Thursday, March 24, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garner, Cherokee, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Loneragan of Boone for March 28 and 29 on request of Crabb of Crawford; Junker of Woodbury for the morning session on request of Scheelhaase of Woodbury; Horn of Linn on request of Baker of Buena Vista; Connors of Polk on request of Wells of Linn; Harper of Davis for the week of March 28, 1977 on request of Poncy of Wapello; Nielsen of Polk for the morning session on request of Byerly of Polk.

PRESENTATION OF VISITORS

Miller of Buchanan presented to the House the Honorable James D. Jordan, former member of the House during the Sixty—fifth and Sixty—sixth General Assemblies, representing Linn County.

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

Forty—seven seniors from Holstein High School, Holstein, Iowa, accompanied by Mr. Mentzer. By Bennett of Ida.

One hundred 4-H students from Keokuk and Washington counties, accompanied by Julia Gamon, Extension Leader; Mr. and Mrs. Robert Spenner, Mrs. Larry Shalla, Mrs. Curtis Mineart, Mrs. Ralph Unternohrer, Mrs. Kenneth Meyer, Mrs. Ed Hohn, Mr. Raymond Sieren and Mrs. Jim Bowen. By Dunton of Keokuk.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Adams from thirty-three citizens of Page and Fremont counties petitioning the Iowa Legislature to enact legislation which forbids the dissemination of obscene materials; twenty-two citizens from Fremont and Page counties opposing excessive sex-violence on television.

By Crawford of Story from five hundred thirty-eight constituents petitioning the Iowa Legislature to provide adequate funds to design and build a library addition on the Iowa State University campus.

By Small of Johnson from five thousand nine hundred fifty-six constituents opposing reductions in the Regents 1977-78 recommended budget, and implore the legislature to recommend an appropriation, at the minimum, comparable to that recommended by Governor Ray as contained in Senate File 214, relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 262, a bill for an act making an appropriation to the board of watchmaking examiners.

Also: That the Senate has on March 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 266, a bill for an act making an appropriation from the general fund of the state to the board of accountancy.

Also: That the Senate has on March 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 267, a bill for an act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board.

Also: That the Senate has on March 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 268, a bill for an act repealing the statutory standing appropriation funding the state employees' disability plan.

STEVEN C. CROSS, Secretary

BUSINESS PENDING

The House resumed consideration of House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations.

The House resumed consideration of amendment H-3393 filed by Hargrave of Johnson and Lipsky of Linn as follows:

H-3393

- 1 Amend House File 354 as follows:
- 2 1. Page 2, by inserting after line 2 the follow-
- 3 ing new subsection:
- 4 " "Council" means the state health facili-
- 5 ties council established by this Act."

6 2. Page 6, line 2, by inserting after the word
7 "ACT" the words "~~—HEALTH FACILITIES COUNCIL ESTAB-~~
8 ~~LISHED—APPOINTMENTS—POWERS AND DUTIES~~".

9 3. Page 6, by inserting after line 6 the follow-
10 ing:

11 "2. There is established a state health facili-
12 ties council consisting of seven persons appointed
13 by the governor. The council shall be within the
14 department, for administrative and budgetary pur-
15 poses, but shall not be under the commissioner's
16 authority.

17 a. **QUALIFICATIONS.** Each member of the council
18 shall be an eligible elector of the state and a con-
19 sumer who, at the time of appointment to the council,
20 is serving as a consumer member of a sub-area advisory
21 council within one of the health systems agencies
22 designated in the state of Iowa. No member of the
23 council shall hold any other appointive or elective
24 office. No more than four members of the council
25 shall be affiliated with the same political party.

26 b. **APPOINTMENTS.** Terms of council members shall
27 be six years, beginning July first of the year of
28 appointment. A member shall be appointed in each
29 odd-numbered year to succeed each member whose term
30 expires in that year. Vacancies shall be filled by
31 the governor for the balance of the unexpired term.
32 One member of the council shall be appointed from
33 each area of the state served by a health systems
34 agency whose jurisdiction covers less than ten counties
35 in this state. One of the remaining members shall
36 be appointed from each sub-area within the juris-
37 diction of a health systems agency serving more than
38 ten counties in this state. Lists of at least two
39 nominees for each required appointment to the council
40 may be submitted to the governor by the appropriate
41 health systems agency sub-area advisory council and,
42 if timely submitted, shall be considered by the gov-
43 ernor in selecting the appointee. Each appointment
44 to the council shall be subject to confirmation by
45 two-thirds of the members of the senate. A council
46 member is ineligible for appointment to a second
47 consecutive term, unless first appointed to an unex-
48 pired term of three years or less.

49 The governor shall designate one of the council
50 members as chairperson. That designation may be

Page 2

1 changed not later than July first of any odd-numbered
2 year, effective on the date of the organizational
3 meeting held in that year under paragraph c of this
4 subsection.

5 Notwithstanding the permanent provisions of para-
6 graph a, the initial appointments to the council shall
7 be made as soon as possible after the effective date
8 of this Act. In making those appointments, the
9 governor shall designate two members to serve terms
10 ending June 30, 1979, two members to serve terms
11 ending July 30, 1981, and three members to serve terms
12 ending June 30, 1983. The persons appointed to serve
13 terms ending in 1979 and 1981 may be reappointed to
14 one additional consecutive term.

15 c. MEETINGS. The council shall hold an organiza-
16 tional meeting in July of each odd-numbered year,
17 or as soon thereafter as the new appointees are
18 confirmed and have qualified. Other meetings shall
19 be held at least once each month, and may be held
20 more frequently if necessary to enable the council
21 to expeditiously discharge its duties. Meeting dates
22 shall be set upon adjournment or by call of the
23 chairperson upon five days' notice to the other
24 members. Each member of the council shall receive
25 forty dollars per diem and reimbursement for necessary
26 travel and expenses while engaged in his or her
27 official duties.

28 d. DUTIES. The council shall:

29 (1) Make the final decision, as required by section
30 nine (9) of this Act, with respect to each application
31 for a certificate of need accepted by the department.

32 (2) Determine and adopt such policies as are
33 authorized by law and are deemed necessary to the
34 efficient discharge of its duties under this Act.

35 (3) Advise and counsel with the commissioner con-
36 cerning the provisions of this Act, and the policies
37 and procedures adopted by the department pursuant
38 to this Act.

39 (4) Review and approve, prior to promulgation,
40 all rules adopted by the department under this Act."

41 4. Page 7, line 13, by inserting after the word
42 "department" the words "and council".

43 5. Page 9, line 3, by striking the word "depart-
44 ment" and inserting in lieu thereof the word "council".

- 45 6. Page 9, line 5, by inserting after the word
46 "writing" the words " , on the basis of data submitted
47 to it by the department, ".
48 7. Page 10, line 31, by striking the word
49 "determining" and inserting in lieu thereof the words
50 "furnishing to the council the information necessary

Page 3

- 1 to enable it to determine".
2 8. Page 12, line 7, by inserting after the word
3 "may" the words " , with approval of the council, ".
4 9. Page 12, line 27, by striking the word
5 "department" and inserting in lieu thereof the word
6 "council".
7 10. Page 13, line 5, by striking the word
8 "department" and inserting in lieu thereof the word
9 "council".
10 11. Page 13, line 13, by striking the word
11 "department's" and inserting in lieu thereof the word
12 "council's".
13 12. Page 13, line 16, by striking the word
14 "department's" and inserting in lieu thereof the word
15 "council's".
16 13. Page 13, line 19, by inserting after the word
17 "department" the words "and council".
18 14. Page 13, line 21, by striking the word
19 "department" and inserting in lieu thereof the word
20 "council".
21 15. Page 13, line 23, by striking the word
22 "department's" and inserting in lieu thereof the word
23 "council's".
24 16. Page 13, line 27, by striking the word
25 "department" and inserting in lieu thereof the word
26 "council".
27 17. Page 13, line 29, by striking the word
28 "department" and inserting in lieu thereof the word
29 "council".
30 18. Page 13, line 32, by striking the word
31 "department" and inserting in lieu thereof the word
32 "council".
33 19. Page 13, line 35, by striking the word "its"
34 and inserting in lieu thereof the words "the
35 council's".
36 20. Page 14, line 8, by striking the word "depart-
37 ment's" and inserting in lieu thereof the word
38 "council's".
39 21. Page 14, line 11, by striking the word "depart-

- 40 ment's" and inserting in lieu thereof the word
 41 "council's".
 42 22. Page 14, line 13, by inserting after the word
 43 "appealed" the words "to the district court".
 44 23. Page 14, line 15, by striking all after the
 45 period.
 46 24. Page 14, by striking line 16.
 47 25. Page 14, line 24, by striking the word "depart—
 48 ment" and inserting in lieu thereof the word "council".
 49 26. Page 14, line 29, by striking the word "depart—
 50 ment" and inserting in lieu thereof the word "council".

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- 1 27. Page 14, line 31, by striking the word
 2 "department" and inserting in lieu thereof the word
 3 "council".
 4 28. Page 15, line 2, by inserting after the word
 5 "adopt" the words ", with approval of the council,".
 6 29. Page 21, line 2, by striking the words "The
 7 department" and inserting in lieu thereof the words
 8 "The council".
 9 30. Page 21, line 4, by striking the words "shall
 10 notify the applicant" and inserting in lieu thereof
 11 the words "the applicant shall be notified".
 12 31. Page 21, line 5, by striking the word "its"
 13 and inserting in lieu thereof the words "the
 14 council's".
 15 32. Page 21, line 6, by striking the word
 16 "department's" and inserting in lieu thereof the word
 17 "council's".
 18 33. Title, line 4, by inserting after the word
 19 "state," the words "to establish a state health
 20 facilities council within the department of health,".

Baker of Buena Vista offered the following amendment H-3402, to amendment H-3393, filed by him and moved its adoption:

H-3402

- 1 Amend the Hargrave-Lipsky amendment H-3393 to House
 2 File 354 as follows:
 3 1. Page 1, by striking lines 11, 12 and 13 and
 4 inserting in lieu thereof the following:
 5 "2. There is established a state health facili—
 6 ties council consisting of three persons appointed
 7 by the governor, one member designated by and serv—
 8 ing at the pleasure of the commissioner of public
 9 health, and one member designated by and serving at

- 10 the pleasure of the commissioner of social services.
 11 The council shall be within the".
 12 2. Page 1, line 17, by inserting after the word
 13 "council" the words "appointed by the governor".
 14 3. Page 1, line 23, by inserting after the word
 15 "council" the words "appointed by the governor".
 16 4. Page 1, line 24, by striking the words "four
 17 members of the council" and inserting in lieu thereof
 18 the words "two members appointed by the governor".
 19 5. Page 1, line 29, by striking the word "each"
 20 and inserting in lieu thereof the word "the".
 21 6. Page 1, line 30, by inserting after the word
 22 "Vacancies" the words "in gubernatorial appointments".
 23 7. Page 1, line 32, by striking the word "One"
 24 and inserting in lieu thereof the word "Each".
 25 8. Page 1, line 32, by inserting after the word
 26 "from" the words "a different sub-area of a health
 27 systems agency serving this state. For the purpose
 28 of this Act,".
 29 9. Page 1, by striking lines 35, 36, 37 and 38
 30 and inserting in lieu thereof the words "in this state
 31 shall be deemed to be a sub-area of a health systems
 32 agency. Lists of at least two".
 33 10. Page 1, line 40, by striking the words "the
 34 appropriate" and inserting in lieu thereof the word
 35 "each".
 36 11. Page 1, line 50, by inserting after the word
 37 "members" the words "appointed by the governor".
 38 12. Page 2, line 9, by striking the words "two
 39 members to serve terms" and inserting in lieu thereof
 40 the words "one member to serve a term".
 41 13. Page 2, line 10, by striking the words "two
 42 members to serve terms" and inserting in lieu thereof
 43 the words "one member to serve a term".
 44 14. Page 2, line 11, by striking the words "three
 45 members to serve terms" and inserting in lieu thereof
 46 the words "one member to serve a term".
 47 15. Page 2, line 17, by striking the words "appoin-
 48 tees are" and inserting in lieu thereof the words
 49 "appointee is".
 50 16. Page 2, line 24, by inserting after the word

Page 2

- 1 "Council" the words "appointed by the governor".

Roll call was requested by Poncy of Wapello and Baker of Buena Vista.

On the question "Shall amendment H-3402, to amendment H-3393, be adopted?"

The ayes were, 35:

Baker	Bennett	Binneboese	Branstad
Byerly	Chiodo	Conlon	Crabb
Daggett	Danker	Dieleman	Dunton
Evans	Garrison	Gilson	Halvorson
Harvey	Husak	Koogler	Miller, K.D.
Miller, O.L.	Newhard	Oxley	Pellett
Perkins	Poncy	Scheelhaase	Spear
Stephens	Stromer	Tofte	West
Woods	Wulff	Wyckoff	

The nays were, 48:

Anderson	Avenson	Bina	Brandt
Brockett	Brunow	Clark, B.J.	Crawford
Cusack	Davitt	Den Herder	Doyle
Dyrland	Gentleman	Gilloon	Hansen
Harbor	Hargrave	Higgins	Hinkhouse
Hoffmann	Howell	Hullinger	Jochum
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
O'Halloran	Patchett	Pavich	Pelton
Schneklath	Schroeder	Shimanek	Small
Spencer	Svoboda	Tauke	Thompson
Varley	Walter	Wells	Mr. Speaker

Absent or not voting, 17:

Clark, J.H.	Connors	Egenes	Fitzgerald
Griffee	Harper	Hines	Horn
Jesse	Junker	Loneragan	Moñroe
Nielsen	Norland	Rinas	Smalley
Welden			

Admendment H-3402 lost.

Hargrave of Johnson offered the following amendment H-3400, to amendment H-3393, filed by him:

H-3400

- 1 Amend H-3393 to House File 354 as follows:
- 2 1. Page 1, by striking lines 14, 15, and 16 and

- 3 inserting in lieu thereof the words "department for
- 4 administrative and budgetary purposes."
- 5 2. Page 3, by striking lines 42-45.

By unanimous consent the following amendment H-3412, to amendment H-3400, filed by Hargrave of Johnson from the floor was adopted:

H-3412

- 1 Amend amendment H-3400, to amendment H-3393
- 2 to page 6 of House File 354, as follows:
- 3 1. Page 1, line 5, by striking the figure
- 4 "45" and inserting in lieu thereof the figure "46".

Hargrave of Johnson moved the adoption of amendment H-3400, as amended, to amendment H-3393.

Amendment H-3400, as amended, was adopted.

Hargrave of Johnson offered the following amendment H-3397, to amendment H-3393, filed by Hines of Story and moved its adoption:

H-3397

- 1 Amend H-3393 to House File 354 as follows:
- 2 1. Page 2, by striking lines 45-47.

Amendment H-3397 lost.

Hargrave of Johnson moved the adoption of amendment H-3393, as amended.

Amendment H-3393, as amended, was adopted.

Lipsky of Linn offered amendment H-3384 filed by her and requested division as follows:

H-3384

- 1 Amend House File 354 as follows:

H-3384A

- 2 1. Page 6, line 17, by inserting after the
- 3 word "project" the words "or two thousand (2,000)
- 4 dollars, whichever is less".

H-3384B

- 5 2. Page 9, line 35, by striking the word
- 6 "summary" and inserting in lieu thereof the word
- 7 "preliminary".

Lipsky of Linn moved the adoption of amendment H-3384A.

A non-record roll call was requested.

The ayes were 32, nays 44.

Amendment H-3384A lost.

Lipsky of Linn moved the adoption of amendment H-3384B.

Amendment H-3384B was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H-3403 filed by Evans, et al., on March 24, 1977.

Evans of Grundy offered the following amendment H-3408 filed by Evans, Halvorson, Brockett and West from the floor and moved its adoption:

H-3408

- 1 Amend House File 354 as follows:
- 2 1. Page 7, by inserting after line 27, the
- 3 following:
- 4 " — The charges proposed by the applicant
- 5 for the proposed health services and the willingness
- 6 and ability of the applicant to provide services of
- 7 good and acceptable quality at less than customary
- 8 rates."

Amendment H-3408 was adopted.

Thompson of Polk offered the following amendment H-3390 filed by her and Connors of Polk and moved its adoption:

H-3390

- 1 Amend House File 354, page 8, line 3, by inserting
- 2 after the period the words "Where both allopathic
- 3 and osteopathic institutional health services exist,
- 4 each application shall be considered in light of the
- 5 availability and utilization of both allopathic and
- 6 osteopathic facilities and services in order to protect
- 7 the freedom of choice of consumers and health care
- 8 providers."

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 45, nays 39.

Amendment H-3390 was adopted.

Baker of Buena Vista offered the following amendment H-3396 filed by him and moved its adoption:

H-3396

- 1 Amend House File 354 as follows:
- 2 1. Page 14, by inserting after line 35 the
- 3 following:
- 4 "Upon expiration of certificate of need, and
- 5 prior to extension thereof, a public hearing may be
- 6 requested by an affected person to determine if
- 7 sufficient progress is being made."

Amendment H-3396 was adopted.

Hargrave of Johnson offered the following amendment H-3395 filed by him and moved its adoption:

H-3395

- 1 Amend House File 354, page 15, lines 27 and 28,
- 2 by striking the words "offering or developing any

- 3 new institutional health service or changed
- 4 institutional health service" and inserting in lieu
- 5 thereof the words "constructing a new institutional
- 6 health facility or a major addition to or renovation
- 7 of an existing institutional health facility".

Amendment H-3395 was adopted.

Hargrave of Johnson offered the following amendment H-3392 filed by him and moved its adoption:

H-3392

- 1 Amend House File 354 as follows:
- 2 1. Page 16, line 13, by inserting after the word
- 3 "reporting," the words "including such allocation
- 4 methods as may be prescribed,".
- 5 2. Page 16, line 16, by inserting after the word
- 6 "service" the words ", according to functional activity
- 7 center".
- 8 3. Page 16, line 22, by inserting after the period
- 9 the words "Each hospital and each health care facility
- 10 shall adopt the appropriate system for its fiscal
- 11 year, effective upon such date as the department shall
- 12 direct."
- 13 4. Page 19, line 28, by inserting after the word
- 14 "financial" the words "and utilization".

Amendment H-3392 was adopted.

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H-3409 filed by him from the floor.

Hargrave of Johnson offered amendment H-3410 filed by him and Baker of Buena Vista from the floor.

(House File 354 and amendment H-3410 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffiee of Chickasaw on request of Monroe of Des Moines.

PRESENTATION OF VISITORS

Ten members of the Urbandale Bluebirds, Urbandale, Iowa, accompanied by Mary Tibbits. By Krewson of Polk.

INTRODUCTION OF BILLS

HOUSE FILE 465, by Patchett, a bill for an act relating to the packaging of meat, poultry, eggs, and milk and providing a penalty.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 466, by Connors, O'Halloran, Byerly, Tauke, Clark of Lee, Doyle, Higgins, West, Hargrave, Davitt, Conlon, Oxley and Pelton, a bill for an act to require that city police and fire retirement systems and the peace officers' retirement system funds be audited.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 467, by Newhard, a bill for an act relating to bank lending limits.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 468, by Small, Wells, Pavich and Walter, a bill for an act relating to the establishment of a depository library center within the Iowa library department.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 469, by Svoboda, a bill for an act relating to the conveyances of agricultural land, providing that all conveyances be in writing, acknowledged and recorded, that all fiduciaries identify their principals or beneficiaries, and providing a penalty.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 470, by Horn and Koogler, a bill for an act relating to mandatory school attendance.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 471, by Patchett, a bill for an act relating to the unit pricing of food for sale to consumers and providing penalties.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 472, by Bennett, a bill for an act to grant a partial exemption from property taxation to certain agricultural land.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 473, by Tauke, a bill for an act relating to reimbursement or the payment for health care services and providing that it is a discrimination practice to deny reimbursement or payment to certain persons.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 474, by Millen, Halvorson, Harbor, Wyckoff, Tofte and Clark of Lee, a bill for an act to exempt interest and dividends received from the securities of a state and its political subdivisions from the state personal and corporate income taxes, and the state franchise tax.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 475, by Evans, a bill for an act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty.

Read first time and referred to committee on ENERGY.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 244, a bill for an act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

SENATE FILE 244, a bill for an act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 262, a bill for an act making an appropriation to the board of watchmaking examiners.

Read first time and referred to committee on BUDGET.

SENATE FILE 266, a bill for an act making an appropriation from the general fund of the state to the board of accountancy.

Read first time and referred to committee on BUDGET.

SENATE FILE 267, a bill for an act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board.

Read first time and referred to committee on BUDGET.

SENATE FILE 268, a bill for an act repealing the statutory standing appropriation funding the state employees' disability plan.

Read first time and referred to committee on BUDGET.

BUSINESS PENDING

The House resumed consideration of House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, and the following amendment H-3410 filed by Hargrave of Johnson and Baker of Buena Vista from the floor:

H-3410

- 1 Amend House File 354 as follows:
- 2 1. Page 2, by inserting after line 2 the following
- 3 new subsection:
- 4 " "Consumer price index" means either:
- 5 a. The nationwide consumer price index maintained
- 6 by the United States department of labor; or
- 7 b. A comparable index based solely upon
- 8 circumstances existing in the state of Iowa which
- 9 is adopted by the department for use in lieu of the
- 10 nationwide consumer price index, on the basis of a
- 11 finding that such comparable index more accurately
- 12 reflects current prices of goods and services in Iowa
- 13 than does the nationwide consumer price index."
- 14 2. Page 5, by inserting after line 30 the following

15 new subsection:

16 "— "Sub—area" means either:

17 a. A sub—area of a health systems agency whose
18 jurisdiction includes more than ten counties in this
19 state; or

20 b. Any contiguous group of not more than ten
21 counties in this state which is within the jurisdiction
22 of a health systems agency a portion of whose
23 jurisdiction also includes more than one county in
24 another state."

25 3. Page 20, by inserting after line 6 the following
26 new section:

27 "Sec. . NEW SECTION. RATE REGULATION UNDER
28 CERTAIN CONDITIONS.

29 1. In the course of its studies and analyses,
30 the department shall compare the rate of increase
31 in the services component of the consumer price index,
32 exclusive of medical services, with the rate of
33 increase in the average cost per hospital stay in
34 Iowa. Costs per hospital stay shall include daily
35 room rate and ancillary services, shall be based upon
36 a period of time established by departmental rule
37 as representing the average length of a hospital stay
38 in Iowa, and shall be aggregated for each sub—area.
39 If the increase in the average cost per hospital stay
40 in any sub—area exceeds the increase in the services
41 component of the consumer price index, exclusive of
42 medical services, by fifty percent or more, the
43 department shall implement rate regulation for all
44 hospitals in that sub—area.

45 2. In the course of its studies and analyses,
46 the department shall compare the rate of increase
47 in the services component of the consumer price index
48 with the rate of increase in the average monthly cost
49 of care in the respective licensing categories of
50 health care facilities in Iowa. Monthly cost of care

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1 of a health care facility shall include both the basic
2 charge for room, board, and the other services
3 routinely provided to residents of that health care
4 facility, and charges fixed for other services offered
5 for those residents who require such services, and
6 shall be aggregated for each sub—area. If the increase
7 in the average weekly cost of care in the respective
8 licensing categories of health care facilities in

9 any sub—area exceeds the increase in the services
10 component of the consumer price index by fifty percent
11 or more, the department shall implement rate regulation
12 for all health care facilities in that sub—area.

13 3. The department shall establish by departmental
14 rule the method of rate regulation to be employed
15 if so required by subsections one (1) or two (2) of
16 this section. Such methods may include:

17 a. Approval of the proposed total budget of each
18 hospital or each health care facility, as the case
19 may be.

20 b. Approval of charges for routine and ancillary
21 services.

22 c. Limitation of the total revenues which may
23 be received from all payment sources, by each hospital
24 or each health care facility, as the case may be."

25 4. By renumbering succeeding sections in accordance
26 with the foregoing amendment.

27 5. Title, page A, line 9, by inserting after the
28 word "submitted," the words "requiring that the
29 department initiate regulation of the rates of
30 hospitals or health care facilities, or both, under
31 certain conditions,".

Harbor of Mills rose on a point of order that amendment H-3410 was not germane.

The Speaker ruled the point not well taken and amendment H-3410 germane.

Schroeder of Pottawattamie offered the following amendment H-3415, to amendment H-3410, filed by him from the floor and moved its adoption:

H-3415

1 Amend the Hargrave and Baker amendment, H-3410, to

2 House File 354 as follows:

3 1. Page 1, lines 31 and 32, by striking the words
4 "exclusive of medical services,".

5 2. Page 1, lines 41 and 42, by striking the words
6 "exclusive of medical services,".

Amendment H-3415 was adopted.

Hargrave of Johnson moved the adoption of amendment H-3410, as amended.

Roll call was requested by Junker of Woodbury and Garrison of Black Hawk.

Rule 70 was invoked.

On the question "Shall amendment H-3410, as amended, be adopted?"

The ayes were, 45:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Byerly	Chiodo
Cusack	Daggett	Davitt	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gilloon	Hargrave	Higgins
Hines	Hinkhouse	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krewson	Miller, K.D.	Monroe	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Rinas	Scheelhaase	Schnekloth	Small
Svoboda	Walter	Wells	Woods
			Mr. Speaker

The nays were, 48:

Bennett	Branstad	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Danker	Den Herder	Dieleman
Egenes	Evans	Gilson	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Junker	Krause	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, O.L.	Norland	Pellet	Pelton
Perkins	Poncy	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wulff	Wyckoff

Absent or not voting, 7:

Connors	Griffie	Harper	Horn
Lonergan	Newhard	Schroeder	

Amendment H-3410, as amended, lost.

Varley of Adair offered the following amendment H-3411 filed by him from the floor and moved its adoption:

H-3411

- 1 Amend House File 354 as follows:
- 2 1. Page 7, by adding after line 22 the follow—
- 3 ing new subsection:
- 4 d. The distance, convenience, cost of transpor—
- 5 tation, and accessibility to health services for
- 6 persons who live outside metropolitan areas.
- 7 2. By renumbering subsequent subsections.

Amendment H-3411 was adopted.

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

The House resumed session, Speaker Cochran in the chair.

Fitzgerald of Webster asked and received unanimous consent that action on House File 354 be deferred.

BUSINESS PENDING AT ADJOURNMENT

Budget Calendar

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

(House File 464 pending at adjournment.)

MOTION TO RECONSIDER (Amendment H-3410 to House File 354)

I move to reconsider the vote by which amendment H-3410 to House File 354 failed to be adopted by the House on March 28, 1977.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 21, 1977 and is on file in the office of the Chief Clerk:

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
L O C A L

Dear Mr. Wray:

There are transmitted herewith claims against the State of Iowa, to be filed with the Claims Committee of the House of Representatives.

These include fifty-three (53) claims of a general nature. This supplements our filing on January 11, 1977.

Index is attached showing number of claim, name and address of claimant, amount of claim and amount approved.

Very truly yours,

Maurice E. Baringer
Chairman
State Appeal Board

Receipt of the above is hereby acknowledged.

David L. Wray, Chief Clerk

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
478-65-25	Iowa Better Trucking Bureau Sioux City, Iowa Registration fee refund	20.00	Disapproved
964-65-25	Booth Associates, Inc. Sioux City, Iowa Reciprocity refund	192.69	Disapproved
982-65-25	Harold J. Rafteseth Elgin, North Dakota License fee refund	51.02	Disapproved
2126-65-25	Bruce Motor Freight, Inc. Des Moines, Iowa Prorate license fee refund	1739.98	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
247-66-25	Sorensen Brothers, Inc. Albert Lea, Minnesota Prorate refund	1223.50	Disapproved
493-66-25	Engineered Transportation, Inc. Sac City, Iowa Registration fee refund	Undetermined	Disapproved
503-66-25	Engineered Transportation, Inc. Sac City, Iowa Registration fee refund	Undetermined	Disapproved
741-66-25	Hirschbach & Son, Inc. Sioux City, Iowa Reciprocity refund	731.16	Disapproved
1003-66-25	Orrin Hilgenberg Coon Rapids, Iowa Reciprocity refund	147.60	Disapproved
1868-66-25	H. & M. Trucks, Inc. Lake View, Iowa Prorate refund	418.41	Disapproved
1899-66-25	Wenger Truck Line, Inc. Beaver, Iowa License fee refund	Undetermined	Disapproved
1977-66-25	Cannon III Dubuque, Iowa Outdated invoice	1445.28	Disapproved
2078-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	3301.32	Disapproved
2087-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	2388.76	Disapproved
2088-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	2415.60	Disapproved
2112-66-25	Hertz Corporation Evansville, Indiana Fine refund	10.00	Disapproved
2166-66-25	Meadows Minnesota Terminal Kansas City, Missouri County license plate refund	30.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2215-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	161.04	Disapproved
2243-66-25	Edwin G. Greiman Garner, Iowa Unused license fee refund	247.00	Disapproved
2255-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	75.67	Disapproved
2302-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	832.04	Disapproved
2652-67-25	Employers Insurance of Wausau Kansas City, Missouri Adjusted insurance premium	3546.00	Disapproved
2825-67-25	Cannon III Dubuque, Iowa Outdated invoice	928.20	Disapproved
3031-67-25	Ryan Truck Leasing Co. Melrose Park, Illinois Prorate refund	2359.32	Disapproved
3060-67-25	Vernon W. Mackie Conrad, Iowa Prorate refund	Undetermined	Disapproved
3077-67-25	Ames Construction Co. Burnsville, Minnesota Excess Prorate fees	Undetermined	Disapproved
3088-67-25	Walker & Orme, Inc. Minden, Iowa License plate refund	180.47	Disapproved
3155-67-25	Norlan McClure Keosauqua, Iowa Prorate refund	290.00	Disapproved
3233-67-25	Margarette R. Lyon Wayland, Iowa Property damage	33.55	Disapproved
3245-67-25	C. Sargent Manitowoc, Wisconsin Outdated claim	50.50	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3265-67-25	Kenneth W. Scott Millersport, Ohio Refund trip permits	11.10	Disapproved
3273-67-25	Duaine Folkerts Trucking, Inc. Jetmore, Kansas Prorate refund	33.58	Disapproved
3278-67-25	Farm House Foods Corporation Milwaukee, Wisconsin Prorate refund	1663.09	Disapproved
3281-67-25	Connie M. Ballentine Perry, Iowa Property damage	25.00	Disapproved
3284-67-25	Amos A. Leonard, Jr. Washta, Iowa Travel & related expenses	2456.60	Disapproved
3303-67-25	Simonsen Manufacturing Co. Quimby, Iowa Prorate refund	50.00	Disapproved
3306-67-25	Darold Powers Des Moines, Iowa Breach of contract	5964.48+	Disapproved
3308-67-25	Louis Wall Sioux Falls, South Dakota License refund	Undetermined	Disapproved
3332-67-25	Donald Tsai, M.D. Urbandale, Iowa Property loss	775.00	Disapproved
3336-67-25	Roland McCreery Elevator Co. Inc. Packwood, Iowa Prorate fees refund	Undetermined	Disapproved
3339-67-25	Carol J. Baker Hedrick, Iowa Property damage/loss	70.00	Disapproved
3345-67-25	Antonio S. Lim, Jr. M.D. Woodward, Iowa Property damage	135.00	Disapproved
3348-67-25	Iowa Methodist Medical Center Des Moines, Iowa Outdated invoice	600.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3384-67-25	James N. Hoel St. Paul, Minnesota Prorate refund	8.07	Disapproved
3397-67-25	The Laura Baker School Northfield, Minnesota Outdated invoice	900.00	Disapproved
3437-67-25	Mills County Department of Social Services Glenwood, Iowa Outdated invoice	1723.25	Disapproved
3453-67-25	J.M.J. Projects, Inc. Kansas City, Kansas Prorate refund	483.74	Disapproved
3489-67-25	Merchants Transfer & Storage Co. Davenport, Iowa Prorate refund	253.60	Disapproved
3502-67-25	Danube Carpet Mills, Inc. Fort Oglethorpe, Georgia Permit refund	2.00	Disapproved
3509-67-25	Rick Gralapp Des Moines, Iowa Stolen property	55.00	Disapproved
3510-67-25	DeWayne E. Clarke Des Moines, Iowa Stolen property	36.50	Disapproved
3527-67-25	Admiral Merchants Motor Freight, Inc. Minneapolis, Minnesota	1336.95	Disapproved
3571-67-25	Alfred H. Schmidt Charles City, Iowa Auto license refund	62.00	Disapproved

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 224 Budget

Appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

UNANIMOUS CONSENT CALENDAR

(House Resolution 15)

We hereby respectfully request that House Resolution 15, filed on March 24, 1977 and found on page 1039 of the House Journal, be placed on the unanimous consent calendar.

TAUKE of Dubuque
JOCHUM of Dubuque
WALTER of Pottawattamie

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, March 24, 1977. Had I been present I would have voted "aye" on amendment H-3365; "nay" on amendment H-3407 and Senate File 214.

TOFTE of Winneshiek

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 7:30 a.m., March 24, 1977

Convened: 7:45 a.m.

Adjourned: 9:00 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

Made appropriations of \$1,396,473 for the merged agencies on Alcoholism and Drug Abuse, and \$439,871 for the Commission on the Aging.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 7:30 a.m., March 24, 1977

Convened: 7:45 a.m.

Adjourned: 9:45 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth and Spencer.

Absent: Clark of Lee and Schroeder.

Members of Board of Regents, Department of Transportation, and Iowa State University discussed problems of aircraft pool.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., March 24, 1977

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Crawford, Dieleman, Griffiee, Higgins, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke and West.

Absent: Walter.

Excused: Avenson, Hansen, Jesse and Stromer.

Discussion of House File 191 and 301.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., March 24, 1977

Convened: 9:14 a.m.

Adjourned: 9:27 a.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Connors, Gentleman, Hargrave, Hoffmann, Krewson, Pavich, Perkins, Schnekloth, Smalley, Spear, Stephens and Tofte.

Absent: None.

Excused: Dunton, Koogler, Newhard, Nielsen, Rinas and Wulff.

Study Bill 141, No. 2, a bill for an act authorizing counties to impose a local option sales and service tax, providing for state administration, property tax relief and penalties.

Recommended AMEND AND DO PASS.

Aye: Bina, Hines, Clark of Lee, Connors, Gentleman, Hargrave, Hoffmann, Koogler, Krewson, Pavich, Perkins, Rinas, Spear, Stephens, Tofte and Wulff.

Nay: Dunton, Newhard, Nielsen, Schnekloth and Smalley.

Absent or Not Voting: None.

COMMITTEE ON ENERGY

Scheduled: 1:00 p.m., March 24, 1977

Convened: 1:13 p.m.

Adjourned: 2:11 p.m.

Present: O'Halloran, chair; Welden, ranking member; Daggett, Danker, Evans, Griffee, Lindeen, Middleswart, Pelton, Perkins, Svoboda and Varley.

Absent: Howell (arrived 1:20 p.m.), Binneboese (arrived 1:55 p.m.), Hinkhouse (arrived 1:25 p.m.), Hullinger (arrived 1:20 p.m.), Norland (arrived 1:20 p.m.) and Pellett (arrived 1:25 p.m.).

Excused: Doyle.

Discussion of House File 187 — relating to the sale and use of certain beverage containers.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 1:00 p.m., March 24, 1977

Convened: 1:15 p.m.

Adjourned: 2:00 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan and Tofte.

Absent: Newhard.

Excused: Schroeder.

House File 381, a bill for an act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lonergan, Miller of Buchanan and Tofte.

Nay: None.

Absent or Not Voting: Lipsky, Newhard and Schroeder.

House File 392, a bill for an act to require disclosure of certain information by trustees, directors, and officers of nonprofit hospitals and nonprofit health care facilities.

Recommended AMEND AND DO PASS.

H-3416

- 1 Amend House File 392 as follows:
- 2 1. Page 1, line 6, by striking the word
- 3 "nonprofit".
- 4 2. Page 1, line 7, by striking the word
- 5 "nonprofit".
- 6 3. Amend the title page, line 2, by striking
- 7 the word "nonprofit".
- 8 4. Amend the title page, line 3, by striking
- 9 the word "nonprofit".

Aye: Higgins, Walter, Crawford, Anderson, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hargrave, Krewson, Lonergan, Miller of Buchanan and Tofte.

Nay: Baker and Hansen.

Absent or Not Voting: Lipsky, Newhard and Schroeder.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:00 p.m., March 24, 1977

Convened: 1:05 p.m.

Adjourned: 2:06 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Smalley and Thompson.

Absent: Crabb (arrived 1:31 p.m.), Small (arrived 1:08 p.m.) and Wells (arrived 1:09 p.m.).

Study Bill 32, a bill for an act relating to public employment relations, amending the public employment relations act, and providing penalties for violations.

Recommended AMEND AND DO PASS.

Aye: Connors, Jochum, Chiodo, Gilloon, Hines, Horn, Pavich, Poncy, Small and Wells.

Nay: Egenes, Branstad, Brockett, Crabb, Halvorson, Lageschulte, Smalley and Thompson. (See following report of minority members.)

Absent or Not Voting: None.

Assigned subcommittee.

REPORT OF MINORITY MEMBERS

Mr. Speaker:

We, a minority of the members of your committee on Labor and Industrial Relations, which considered House Study Bill 32, a bill relating to public employment relations, amending the Public Employment Relations Act, and providing penalties for violations, begs leave to report that we differ from the report of the majority of the committee and recommend that Study Bill 32 as reported to the House for consideration by the majority be amended and that as amended the bill do pass.

EGENES of Story
 BRANSTAD of Winnebago
 BROCKETT of Marshall
 CRABB of Crawford

HALVORSON of Clayton
 LAGESCHULTE of Bremer
 SMALLEY of Polk
 THOMPSON of Polk

AMENDMENTS FILED

H-3413	H.F. 464	Crawford of Story Gentleman of Polk
H-3414	H.F. 464	Hansen of O'Brien Miller of Calhoun Bennett of Ida Gilson of Guthrie
H-3417	H.F. 417	Clark of Lee Lipsky of Linn
H-3418	H.F. 439	Welden of Hardin
H-3419	H.F. 439	Welden of Hardin
H-3420	H.F. 449	Monroe of Des Moines
H-3421	H.F. 464	Baker of Buena Vista Higgins of Scott Lipsky of Linn Brunow of Appanoose Cusack of Scott

On motion by Fitzgerald of Webster the House adjourned
 at 5:43 p.m., until 10:00 a.m., Tuesday, March 29, 1977.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day -- Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 29, 1977

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

Prayer was offered by the Reverend James Fyfe, pastor of the Montrose Presbyterian Church, Montrose, Iowa.

The Journal of Monday, March 28, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rogers, Eldora, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Wells of Linn.

PRESENTATION OF VISITORS

Forty-six students from Twin Rivers High School, Bode, Iowa, accompanied by Nancy Warren and Paul Aslesan. By Krause of Kossuth.

The government class from Harlan Community High School, Harlan, Iowa, accompanied by Mr. Williams. By Danker of Pottawattamie.

Ninety seniors from Nevada High School, Nevada, Iowa, accompanied by W. D. Miller. By Hines of Story.

Thirty fifth grade students from Centerville Community School, Centerville, Iowa, accompanied by Linda Phillips. By Brunow of Appanoose.

Fifty—two fifth grade students from West Marshall Community School, State Center, Iowa, accompanied by Mrs. Quick and Mrs. McIntosh. By West of Marshall.

PETITIONS FILED

The following petitions were received and placed on file:

By Garrison of Black Hawk from ninety—eight constituents, Middleswart of Warren from eight constituents, and Pelton of Clinton from fifty constituents favoring adequate funding for human resources programs.

By Lipsky of Linn from fifty—five constituents, Tofte of Winneshiek from fifteen constituents and Wyckoff of Benton from fourteen constituents, favoring the equal rights amendment.

By Husak of Tama from thirty—one ecology students, Nashua, Iowa, favoring returnable bottle and can bill and opposing the litter bill.

By Varley of Adair from nineteen Iowa citizens supporting legislation to ban non—returnable containers in Iowa.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

Hansen of O'Brien offered the following amendment H—3414 filed by Hansen, et al. , and moved its adoption:

H—3414

- 1 Amend House File 464 as follows:
- 2 1. Page 1, by inserting after line 34 the
- 3 following subsection:
- 4 "4. For reimbursement to counties for main—
- 5 taining necessary office space and office supplies

- 6 and equipment pursuant to section two hundred
 7 seventeen point thirty-two (217.32) of the
 8 Code.....\$2,819,250”.

Roll call was requested by Hansen of O'Brien and Avenson of Fayette.

Rule 70 was invoked.

On the question “Shall amendment H-3414 be adopted?”

The ayes were, 41:

Bennett	Branstad	Brockett	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Egenes	Garrison
Gilson	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Miller, O.L.	Pellett	Pelton
Schnekloth	Schroeder	ShimaneK	Smalley
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	West
Wulff			

The nays were, 51:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, B.J.	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Gentleman	Gilloon
Griffee	Hargrave	Higgins	Hinkhouse
Horn	Howell	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Middleswart	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Poncy	Scheelhaase	Small	Spear
Svoboda	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 8:

Connors	Harper	Hines	Hullinger
Loneragan	Nielsen	Perkins	Rinas

Amendment H-3414 lost.

Lipsky of Linn offered amendment H-3428 filed by her from the floor and requested division as follows:

H-3428

- 1 Amend House File 464 as follows:

H-3428A

- 2 1. Page 1, line 11, by striking the figure
- 3 "\$10,250,000" and inserting in lieu thereof the
- 4 figure "\$10,650,000".
- 5 2. Page 1, line 27, by striking the figure
- 6 "\$4,400,000" and inserting in lieu thereof the
- 7 figure "\$4,000,000".

H-3428B

- 8 3. Page 3, line 14, by striking the figure
- 9 "\$6,025,000" and inserting in lieu thereof the
- 10 figure "\$5,900,000".
- 11 4. Page 3, line 15, by striking the figure
- 12 "\$4,975,000" and inserting in lieu thereof the
- 13 figure "\$4,775,000".
- 14 5. Page 3, line 17, by striking the figure
- 15 "\$6,100,000" and inserting in lieu thereof the
- 16 figure "\$5,950,000".
- 17 6. Page 3, line 19, by striking the figure
- 18 "\$4,850,000" and inserting in lieu thereof the
- 19 figure "\$4,750,000".

H-3428C

- 20 7. Page 4, line 30, by striking the figure
- 21 "\$74,000,000" and inserting in lieu thereof the
- 22 figure "\$75,551,000".

H-3428D

- 23 8. Page 4, line 34, by striking the figure
- 24 "\$360,000" and inserting in lieu thereof the
- 25 figure "\$420,000".

H-3428E

- 26 9. Page 5, line 12, by striking the figure
- 27 "\$750,000" and inserting in lieu thereof the
- 28 figure "\$1,000,000".

H-3428F

- 29 10. Page 5, line 18 by striking the words
 30 "nineteen dollars and fifty cents" and inserting
 31 in lieu thereof the words "twenty dollars".

H-3428G

- 32 11. Page 5, lines 20 and 21, by striking
 33 the word "fifty-five" and inserting in lieu
 34 thereof the word "forty".

H-3428H

- 35 12. Page 5, by striking lines 28 through 34.

Lipsky of Linn moved the adoption of amendment H-3428A.

Roll call was requested by Tauke of Dubuque and Schroeder of Pottawattamie.

On the question "Shall amendment H-3428A be adopted?"

The ayes were, 24:

Brockett	Clark, J.H.	Conlon	Egenes
Evans	Gentleman	Halvorson	Harvey
Jochum	Krewson	Lageschulte	Lipsky
Millen	Monroe	Pelton	Schroeder
Shimanek	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden

The nays were, 69:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffie
Hansen	Harbor	Higgins	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler
Krause	Lindeen	Menke	Middleswart

Miller, K.D.
Norland
Pavich
Scheelhaase
Spear
Wells

Miller, O.L.
O'Halloran
Pellett
Schnekloth
Spencer
West

Newhard
Oxley
Perkins
Small
Svoboda
Wulff

Nielsen
Patchett
Poncy
Smalley
Walter
Wyckoff
Mr. Speaker

Absent or not voting, 7:

Connors
Loneragan

Hargrave
Rinas

Harper
Woods

Hoffmann

Amendment H-3428A lost.

Lipsky of Linn moved the adoption of amendment H-3428B.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 19, nays 60.

Amendment H-3428B lost.

Fitzgerald of Webster moved the previous question on House File 464, with respect to the filing of amendments only.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 53, nays 39.

The motion prevailed.

Lipsky of Linn moved the adoption of amendment H-3428C.

Roll call was requested by Lipsky of Linn and Schroeder of Pottawattamie.

Rule 69 was invoked.

On the question "Shall amendment H-3428C be adopted?"

The ayes were, 15:

Bennett	Byerly	Crawford	Egenes
Harvey	Krewson	Lipsky	Pellett
Schroeder	Shimanek	Stephens	Stromer
Tauke	Thompson	Varley	

The nays were, 72:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Cusack	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Higgins	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Jochum	Junker
Krause	Lageschulte	Lindeen	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Scheelhaase	Schnekloth	Small	Smalley
Spear	Spencer	Svoboda	Tofte
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

Absent or not voting, 13:

Connors	Crabb	Daggett	Harper
Hines	Horn	Jesse	Koogler
Loneragan	Millen	Nielsen	Pelton
Rinas			

Amendment H-3428C lost.

The Speaker ruled that having considered amendment H-3428C, amendment H-3431 filed by Harvey, Schnekloth and Stromer from the floor was out of order.

Lipsky of Linn moved the adoption of amendment H-3428D.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 31, nays 56.

Amendment H-3428D lost.

Lipsky of Linn moved the adoption of amendment H-3428E.

Roll call was requested by Lipsky of Linn and Brunow of Appanoose.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3428E be adopted?"

The ayes were, 34:

Brandt	Brockett	Byerly	Clark, J.H.
Conlon	Crawford	Daggett	Dyrland
Egenes	Evans	Garrison	Hansen
Harbor	Harvey	Higgins	Hoffmann
Jochum	Junker	Lindean	Lipsky
Menke	Millen	O'Halloran	Patchett
Pelton	Schroeder	Shimanek	Spencer
Stephens	Tauke	Thompson	Tofte
Varley	Wulff		

The nays were, 55:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Clark, B.J.	Cusack	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Fitzgerald	Gentleman	Gilloon	Gilson
Griffie	Hargrave	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Krause	Krewson	Lageschulte	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	Oxley	Pavich
Pellett	Perkins	Poncy	Scheelhaase
Schnekloth	Smalley	Spear	Svoboda
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 11:

Chiodo	Connors	Crabb	Halvorson
Harper	Hines	Koogler	Lonergan
Rinas	Small	Stromer	

Amendment H-3428E lost.

(House File 464 and amendments H-3428F, H-3428G and H-3428H pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

HOUSE FILE 476, by committee on cities, a bill for an act authorizing counties to impose a local option sales and service tax, providing for state administration, property tax relief and penalties.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 477, by committee on agriculture, a bill for an act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 478, by Krewson, a bill for an act relating to the qualifications for certified public accountants.

Read first time and referred to committee on STATE GOVERNMENT.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 331, a bill for an act relating to meetings of the board of parole and the grant or denial of parole.

Also: That the Senate has on March 25, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 414, a bill for an act making appropriations to the Iowa civil rights commission and the state department of health.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 331

H-3435

- 1 Amend House File 331 as passed by the House
- 2 as follows:
- 3 1. Page 1, by striking lines 1 through 8.

SENATE AMENDMENT TO
HOUSE FILE 414

H-3436

- 1 Amend House File 414, as amended and passed by
- 2 the House as follows:
- 3 1. Page 2, by striking line 35 through page 3,
- 4 line 15.

COMMUNICATION FROM THE SECRETARY OF STATE

David L. Wray
Chief Clerk of the House.
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 128, was published in the Iowa City Press-Citizen, Iowa City, Iowa on March 18, 1977, and in The Bancroft Register, Bancroft, Iowa on March 16, 1977.

I further certify that Senate File 61, was published in The Winterset Madisonian, Winterset, Iowa on March 16, 1977 and in The Decorah Journal, Decorah, Iowa on March 17, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

COMMUNICATION FROM VIRGINIA GENERAL ASSEMBLY

There is on file in the office of the Chief Clerk a copy of House Joint Resolution 168, applying to Congress to call a convention for the purpose of amending the Constitution of the United States to provide the President with the power to veto any particular item or items of any appropriation bill.

**COMMUNICATION FROM
IOWA NATURAL RESOURCES COUNCIL**

There is on file in the office of the Chief Clerk a copy of the Biennial report of the Iowa Natural Resources Council, submitted pursuant to the provisions of Section 13, Chapter 455A, of the Iowa Code, including a summary of activities, special programs, financial statements, and suggested legislation.

**COMMUNICATION FROM
NEW JERSEY GENERAL ASSEMBLY**

There is on file in the office of the Chief Clerk a copy of Senate 1271, an act to provide for the application by the State of New Jersey to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States, relating to the right to life guaranteed in the United States.

BUSINESS PENDING

The House resumed consideration of House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, and amendments H-3428F, H-3428G and H-3428H.

QUORUM CALL

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

Lipsky of Linn asked and received unanimous consent to withdraw amendment H-3428F.

Lipsky of Linn asked and received unanimous consent to withdraw amendment H-3428G.

Lipsky of Linn moved the adoption of amendment H-3428H.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 35, nays 46.

Amendment H-3428H lost.

Hargrave of Johnson offered the following amendment H-3429 filed by him from the floor and moved its adoption:

H-3429

- 1 Amend House File 464 as follows:
- 2 1. Page 1, line 27, by striking the figure
- 3 "4,400,000" and inserting in lieu thereof the figure
- 4 "4,389,000".
- 5 2. Page 1, line 30, by inserting after the word
- 6 "unit," the words "The position of medical consultant
- 7 to the commissioner is not funded in this appropriation
- 8 for state administration."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 42, nays 31.

Amendment H-3429 was adopted.

Harbor of Mills offered the following amendment H-3432 filed by him and Miller of Buchanan from the floor and moved its adoption:

H-3432

- 1 Amend House File 464 as follows:
- 2 1. Page 1, by inserting after line 34 the following
- 3 subsection:
- 4 "4. The department of social services shall not
- 5 expend any funds for the employment of new persons
- 6 or to fill new positions until such time as the number
- 7 of employees in the department are reduced in number
- 8 by death, resignation, retirement, or discharge for
- 9 cause and equal not more than ninety percent of the
- 10 table of organization of the department as approved
- 11 by the budget committee. This subsection shall not
- 12 apply to the chief executive officer or head of any
- 13 department."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 51, nays 31.

Amendment H-3432 was adopted.

Baker of Buena Vista offered the following amendment H-3421 filed by Baker, et al., and moved its adoption:

H-3421

- 1 Amend House File 464 as follows:
- 2 1. Page 2, by inserting after line 23 the follow-
- 3 ing:
- 4 "It is the intent of the general assembly that
- 5 a mental health institute shall not accept physical
- 6 custody of children alleged to be children in need
- 7 of assistance on the grounds stated in section two
- 8 hundred thirty-two point two (232.2), subsection
- 9 thirteen (13), paragraphs i and j, of the Code, on
- 10 guest status or otherwise, for more than ten days."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 74, nays 7.

Amendment H-3421 was adopted.

Crawford of Story offered the following amendment H-3413 filed by him and Gentleman of Polk and moved its adoption:

H-3413

- 1 Amend House File 464 as follows:
- 2 1. Page 5, line 9, by striking the figure
- 3 "\$250,000" and inserting in lieu thereof the figure
- 4 "\$500,000".

Roll call was requested by Crawford of Story and Tauke of Dubuque.

Rule 69 was invoked.

On the question "Shall amendment H-3413 be adopted?"

The ayes were, 29:

Brandt	Byerly	Clark, B.J.	Crawford
Doyle	Dyrland	Garrison	Gentleman
Harbor	Harvey	Hines	Hoffmann
Jochum	Junker	Koogler	Krewson
Lipsky	Millen	Newhard	O'Halloran
Patchett	Pellett	Schroeder	Shimanek
Stromer	Tauke	Thompson	Varley
Wulff			

The nays were, 58:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Chiodo	Conlon	Crabb
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Evans
Fitzgerald	Gilson	Griffee	Halvorson
Hansen	Hargrave	Higgins	Hinkhouse
Horn	Howell	Husak	Krause
Lageschulte	Lindeen	Menke	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Norland
Pavich	Poney	Rinas	Scheelhaase
Schneklloth	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 13:

Clark, J.H.	Connors	Egenes	Gilloon
Harper	Hullinger	Jesse	Loneragan
Nielsen	Oxley	Pelton	Perkins
Tofte			

Amendment H-3413 lost.

Schroeder of Pottawattamie offered the following amendment H-3434 filed by him from the floor:

H-3434

- 1 Amend House File 464 as follows:
- 2 1. Page 5, by striking lines 15 through 21 and
- 3 inserting in lieu thereof the following:
- 4 "17. It is the intent of this Act that the depart-
- 5 ment of social services shall:
- 6 a. Increase the maximum daily reimbursement for
- 7 intermediate care facility services under the medical
- 8 assistance program from nineteen dollars to no less
- 9 than nineteen dollars and fifty cents per day, and
- 10 further than such reimbursement shall be increased
- 11 to a maximum of twenty-one dollars per day or as
- 12 nearly that amount as possible within the available
- 13 appropriations. For this purpose, the department
- 14 may use, in addition to the amount appropriated by
- 15 subsection four (4) of this section, any funds
- 16 appropriated by House File one hundred twenty-eight
- 17 (128), Acts of the Sixty-seventh General Assembly,
- 18 1977 Session, which would otherwise revert to the
- 19 general fund of the state pursuant to that Act, and
- 20 may also use any other funds lawfully available for
- 21 this purpose.
- 22 b. Increase the fee paid to pharmacists under
- 23 the medical assistance program from two dollars to
- 24 two dollars and fifty cents per prescription."

By unanimous consent the following amendment H-3439, to amendment H-3434, filed by Schroeder of Pottawattamie from the floor was adopted:

H-3439

- 1 Amend the amendment H-3434 to House File 464 as
- 2 follows:

- 3 1. Page 1, line 10, by striking the word "than"
 4 and inserting in lieu thereof the word "that".
 5 2. Page 1, line 23, by inserting after the word
 6 "dollars" the words "and fifteen cents".
 7 3. Page 1, line 24, by striking the word "fifty"
 8 and inserting in lieu thereof the words "fifty-five".

Anderson of Jasper in the chair at 4:12 p.m.

Schroeder of Pottawattamie moved the adoption of amendment H-3434, as amended.

Roll call was requested by Schroeder of Pottawattamie and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3434, as amended, be adopted?"

The ayes were, 36:

Bennett	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Danker	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Lageschulte	Lindeen
Lipsky	Millen	Pellett	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wulff

The nays were, 55:

Avenson	Baker	Bina	Binneboese
Brandt	Brunow	Chiodo	Cochran
Cusack	Daggett	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Griffee	Hargrave	Higgins	Hines
Hinkhouse	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Patchett	Pavich	Perkins

Poncy	Rinas	Scheelhaase	Small
Spears	Spencer	Svoboda	Walter
Wells	Wyckoff	Mr. Speaker (Anderson)	

Absent or not voting, 9:

Connors	Egenes	Harper	Hullinger
Lonergan	Nielsen	Oxley	Pelton
Woods			

Amendment H-3434, as amended, lost.

Brunow of Appanoose offered the following amendment H-3424 filed by him from the floor and moved its adoption:

H-3424

- 1 Amend House File 464 as follows:
- 2 1. Page 5, by striking lines 13 and 14.
- 3 2. Page 5, by inserting after line 34 the
- 4 following:
- 5 "20. It is the intent of this bill, in consid-
- 6 eration of the Iowa state university of science and
- 7 technology aid to families with dependent children
- 8 study, that payments for persons on the aid to families
- 9 with dependent children program shall be set as
- 10 follows:
- 11 a. 2 person family \$257 per month
- 12 b. 3 person family \$318 per month
- 13 c. 4 person family \$369 per month
- 14 d. All other cash grants are continued at their
- 15 present levels.
- 16 The special needs program will continue."

Amendment H-3424 was adopted.

Harvey of Scott asked and received unanimous consent to defer action on amendment H-3430.

Schroeder of Pottawattamie offered the following amendment H-3426 filed by him from the floor and moved its adoption:

H-3426

- 1 Amend House File 464 as follows:

- 2 1. Page 5, line 18, by striking the words "nine—
3 teen dollars and fifty cents" and inserting in lieu
4 thereof the words "twenty—one dollars".

Roll call was requested by Schroeder of Pottawattamie and Thompson of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—3426 be adopted?"

The ayes were, 34:

Bennett	Brandt	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Danker	Egenes	Halvorson
Harbor	Harvey	Hoffmann	Horn
Junker	Lageschulte	Lipsky	Millen
Pellett	Pelton	Schneklath	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
West	Wulff		

The nays were, 57:

Avenson	Baker	Bina	Binneboese
Brunow	Byerly	Chiodo	Cusack
Daggett	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Hansen	Hargrave
Hines	Hinkhouse	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krewson	Lindeen	Menke	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase,	Small	Spear	Spencer
Walter	Welden	Woods	Wyckoff
			Mr. Speaker (Anderson)

Absent or not voting, 9:

Cochran	Connors	Harper	Higgins
Krause	Lonergan	Nielsen	Svoboda
Wells			

Amendment H-3426 lost.

Harvey of Scott asked and received unanimous consent to withdraw amendment H-3430 filed by Harvey, Schnekloth and Stromer from the floor.

Welden of Hardin offered the following amendment H-3425 filed by him and Brunow of Appanoose from the floor and moved its adoption:

H-3425

- 1 Amend House File 464 as follows:
- 2 1. Page 5, by inserting after line 21 the
- 3 following:
- 4 " — It is the intent of the general assembly
- 5 that the department of social services, by July 1,
- 6 1977, shall repeal every state staffing requirement
- 7 contained in the conditions of participation for
- 8 intermediate care facilities participating in the
- 9 medicaid program that exceeds federal government
- 10 requirements and that these conditions of partici-
- 11 pation be submitted to the Administrative Rules
- 12 Review Committee.
- 13 — The department of health shall delay
- 14 implementation of the December 6, 1976 licensure
- 15 rules. The department, upon consultation with the
- 16 Health Facilities Advisory Committee, shall review
- 17 all rules for the purpose of eliminating those
- 18 rules which exceed the federal Title XIX guidelines
- 19 for intermediate care facilities. All such modified
- 20 rules shall be resubmitted to the Administrative
- 21 Rules Review Committee."

Amendment H-3425 was adopted.

Schroeder of Pottawattamie offered amendment H-3427 filed by him from the floor. Division was requested as follows:

H-3427

- 1 Amend House File 464 as follows:

H-3427A

- 2 1. Page 5, by striking lines 28 through 34.

H-3427B

- 3 2. Page 6, by striking lines 27 through 35.
- 4 3. Page 7, by striking lines 1 through 8.

Brunow of Appanoose rose on a point of order that amendment H-3427A was not in order inasmuch as the subject matter had previously been considered.

The Speaker ruled the point well taken and amendment H-3427A out of order.

Speaker Cochran in the chair at 5:14 p.m.

Schroeder of Pottawattamie moved the adoption of amendment H-3427B.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 31, nays 46.

Amendment H-3427B lost.

Evans of Grundy offered the following amendment H-3423 filed by Evans, West, Varley and Welden from the floor and moved its adoption:

H-3423

- 1 Amend House File 464, page 5, by inserting after
- 2 line 34, the following:
- 3 " — It is the intent of the general assembly
- 4 that the department of social services shall budget
- 5 the total appropriation for medical assistance con-
- 6 tained in this Act by quarters of the fiscal year in
- 7 a manner calculated to finance the program for the
- 8 entire year, varying the amounts proposed to be
- 9 spent in any quarter to accommodate seasonal and
- 10 inflationary trends anticipated by the department.
- 11 The sum of the four quarterly budgets shall not exceed

- 12 the annual appropriation for medical assistance.
 13 In any quarter the expenditure from this appropriation
 14 shall not exceed the budget established by the depart-
 15 ment for that quarter, except that it may additionally
 16 include any unexpended funds from budgets for earlier
 17 quarters. The restraints imposed by this paragraph
 18 may be lifted by the executive council if the council
 19 deems an emergency to exist."

Roll call was requested by Branstad of Winnebago and Stromer of Hancock.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3423 be adopted?"

The ayes were, 46:

Baker	Bennett	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Dunton	Egenes	Evans	Garrison
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Pellett	Pelton
Perkins	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wyckoff		

The nays were, 48:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cusack	Davitt	Dieleman	Doyle
Dyrland	Fitzgerald	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Middleswart
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaese
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 6:

Connors
Lonergan

Griffie
Wulff

Harper

Koogler

Amendment H-3423 lost.

(House File 464 pending at adjournment.)

MOTIONS TO RECONSIDER

(Amendment H-3428C to House File 464)

I move to reconsider the vote by which amendment H-3428C to House File 464 failed to be adopted by the House on March 29, 1977.

GENTLEMAN of Polk

(Amendment H-3428H to House File 464)

I move to reconsider the vote by which amendment H-3428H to House File 464 failed to be adopted by the House on March 29, 1977.

SCHROEDER of Pottawattamie

(Amendment H-3432 to House File 464)

I move to reconsider the vote by which amendment H-3432 to House File 464 was adopted by the House on March 29, 1977.

NIELSEN of Polk

RINAS of Linn

(Amendment H-3425 to House File 464)

I move to reconsider the vote by which amendment H-3425 to House File 464 was adopted by the House on March 29, 1977.

SMALL of Johnson

(Amendment H-3434 to House File 464)

I move to reconsider the vote by which amendment H-3434 to House File 464 failed to be adopted by the House on March 29, 1977.

DAGGETT of Adams

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 225 Commerce

Relating to the management of loss and loss exposures of government.

S. B. 226 Cities

To change the title of the low-rent housing law chapter of the Code to the municipal housing law.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29 day of March, 1977: House Files 77 and 150.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 1:00 p.m., March 28, 1977

Convened: 1:19 p.m.

Adjourned: 2:50 p.m.

Present: Small, chair; Brockett, ranking member; Anderson, Bina, Brunow, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke, Walter, Welden and West.

Absent: None.

Excused: Lonergan, vice-chair.

House File 232, a bill for an act prohibiting the Iowa commerce commission from approving charges by telephone companies for telephone directory assistance.

Recommended DO PASS.

Aye: Small, Anderson, Bina, Brunow, Chiodo, Evans, Jochum, Koogler, Krause, Schroeder, Tauke and Walter.

Nay: Brockett, Den Herder, Halvorson, Welden and West.

Absent or not voting: Lonergan and Dieleman.

Study Bill 225, a bill for an act relating to the management of loss and loss exposures of government.

Recommended DO PASS.

Aye: Small, Brockett, Anderson, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke, Walter, Welden and West.

Nay: Brunow.

Absent or not voting: Lonergan and Bina.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 1:00 p.m., March 28, 1977

Convened: 1:07 p.m.

Adjourned: 2:21 p.m.

Present: Spear, vice-chair; Danker, ranking member; Baker, Byerly, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Oxley, Stephens and Wyckoff.

Absent: Hullinger (arrived 1:15 p.m.), Brandt (arrived 1:08 p.m.), Miller of Calhoun (arrived 1:10 p.m.), Pellett (arrived 1:10 p.m.) Stromer (arrived 1:31 p.m.) and Wells (arrived 1:08 p.m.)

Study Bill 37, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Byerly, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: Clark of Lee.

Absent or not voting: Oxley,

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:00 p.m., March 28, 1977

Convened: 1:15 p.m.

Adjourned: 2:59 p.m.

Present: Jesse, chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Doyle, Dyrlund, Garrison, Gentleman, Higgins, Patchett, Pelton, Scheelhaase, Shimane, Spencer and Woods.

Absent: Lipsky (arrived 2:04 p.m.) and Smalley (arrived 1:21 p.m.).

Excused: Newhard, vice-chair, Connors, and Nielsen (arrived 1:24 p.m.).

Senate File 52, a bill for an act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

Recommended DO PASS.

Aye: Jesse, Branstad, Clark of Cerro Gordo, Conlon, Doyle, Dyrlund,

Garrison, Gentleman, Lipsky, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Newhard, Connors, Higgins and Patchett.

Assigned subcommittee and continued discussion of the juvenile justice bill.

AMENDMENTS FILED

H-3422	H.F. 464	Lipsky of Linn
H-3433	H.F. 464	Miller of Buchanan
H-3437	H.F. 224	Krause of Kossuth
		Lageschulte of Bremer
		Miller of Buchanan
		Clark of Cerro Gordo
		Davitt of Warren
		Gilloon of Dubuque
H-3438	HCR-9	Husak of Tama
		Halvorson of Clayton
		Perkins of Greene
		Crabb of Crawford
		Scheelhaase of Woodbury
		Harbor of Mills
		Miller of Buchanan
		Wyckoff of Benton
H-3440	H.F. 224	Schroeder of Pottawattamie
H-3441	H.F. 415	Clark of Lee
		Norland of Worth
H-3442	H. F. 463	Hansen of O'Brien
		Byerly of Polk
		Patchett of Johnson
H-3443	S. F. 156	Monroe of Des Moines
		Walter of Pottawattamie
		Woods of Polk
		Halvorson of Clayton

Varley of Adair
Tauke of Dubuque
Krause of Kossuth
Cusack of Scott
Small of Johnson
Hargrave of Johnson

On motion by Fitzgerald of Webster the House adjourned at 5:43 p.m. until 10:00 a.m., Wednesday, March 30, 1977.

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 30, 1977

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

Prayer was offered by the Reverend Glen Fink, pastor of the Community Chapel, Lakota, Iowa.

The Journal of Tuesday, March 29, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dale Grunewald, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren for the morning session on request of Doyle of Woodbury; Connors of Polk on request of Wells of Linn.

PRESENTATION OF VISITORS

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

Fifty Y-Teen members from Villisca Community High School, Villisca, Iowa, accompanied by Mrs. Merlin Carlson. By Daggett of Adams.

Twenty-five fifth grade students from Cedar Rapids Community School, Cedar Rapids, Iowa, accompanied by Mrs. Glaza. By Lipsky of Linn.

Forty junior and senior students from Newell-Providence

Junior—Senior High School, Newell, Iowa, accompanied by William Jones. By Baker of Buena Vista.

Forty—seven fifth and seventh grade students from Rodman Middle School, Rodman, Iowa, accompanied by Dave Myers and Kathy Book. By Krause of Kossuth.

Fifty fifth grade students from Adair Community School, Adair, Iowa, accompanied by Bill Wells. By Gilson of Guthrie and Pellett of Cass.

Thirty senior students from the University of Iowa College of Nursing, Iowa City, Iowa, representing the Associated Nursing Students, including the Associated Nursing Students president, Sally Vanderleest. By Hargrave of Johnson and Small of Johnson.

Seven North Mahaska High School seniors elected to be placed in various positions of state government for the day, including Sherry Templeton who was elected Speaker of the House, accompanied by Mrs. Seitsinger. By Koogler of Mahaska.

PETITIONS FILED

The following petitions were received and placed on file:

By Harbor of Mills from fourteen dental assistants opposed to House File 368, relating to establishing a license for dental assistants.

By Branstad of Winnebago from twenty—seven students, Dieleman of Marion from thirty—two students and Jochum of Dubuque from thirty—two students of the ecology classes of Nashua High School, supporting House File 187, relating to deposits on beverage containers, and opposed to House File 379, relating to a litter tax on beverage containers.

By Dieleman of Marion from thirty—two constituents

supporting the food concession by the Iowa Commission for the Blind in the State House.

By Garrison of Black Hawk from thirteen constituents and Junker of Woodbury from seven residents of Woodbury County favoring adequate funding for the human resources programs.

ADOPTION OF SENATE CONCURRENT RESOLUTION 7

Nielsen of Polk called up for consideration Senate Concurrent Resolution 7, providing for recess in excess of three days, received from the Senate on February 2, 1977 and found on page 281 of the House Journal.

Nielsen of Polk offered the following amendment H-3319 filed by the committee on rules and moved its adoption:

H-3319

- 1 Amend Senate Concurrent Resolution 7 as amended
- 2 and passed by the Senate by striking lines 3 and 4
- 3 and inserting in lieu thereof the words "it be to
- 4 reconvene on Tuesday, April 12, 1977."

Amendment H-3319 was adopted.

With the adoption of amendment H-3319, amendment H-3249 filed by Gilloon of Dubuque and Junker of Woodbury on March 11, 1977 was out of order.

Nielsen of Polk moved the adoption of Senate Concurrent Resolution 7, as amended.

The motion prevailed and the resolution, as amended, was adopted.

Nielsen of Polk asked and received unanimous consent that Senate Concurrent Resolution 7 be immediately messaged to the Senate.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

Lipsky of Linn offered the following amendment H-3422 filed by her:

H-3422

- 1 Amend House File 464 as follows:
- 2 1. Page 6, line 28, by striking the word
- 3 "eleven" and inserting in lieu thereof the word
- 4 "two".
- 5 2. Page 6, line 32, by striking the word
- 6 "surgical".
- 7 3. Page 7, line 3, by inserting after the word
- 8 "shall" the words "maintain statistical information
- 9 on this program in community service districts ten
- 10 and two and on similar groups in community service
- 11 districts eight and eleven in order to".
- 12 4. Page 7, line 8, by inserting after the word
- 13 "of" the words "evaluation costs,".

By unanimous consent the following amendment H-3445, to amendment H-3422, filed by Lipsky of Linn from the floor was adopted:

H-3445

- 1 Amend the amendment H-3422 to House File 464 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the figure "32"
- 4 and inserting in lieu thereof the figure "31".

Lipsky of Linn moved the adoption of amendment H-3422, as amended.

Amendment H-3422, as amended, was adopted.

Miller of Buchanan offered the following amendment H-3433 filed by him and moved its adoption:

H-3433

- 1 Amend House File 464, as follows:
 2 1. Page 7, by inserting after line 13 the
 3 following section:
 4 "Sec. ____ Any federal funds allocated to the
 5 state of Iowa on a per capita basis shall be
 6 expended on a per capita basis in all program areas.
 7 Funds which are distributed and cannot be expended
 8 because of the nonexistence of a program, shall
 9 revert to the general fund and be redistributed
 10 from the general fund on a per capita basis to
 11 qualifying program areas."

Roll call was requested by Miller of Buchanan and Wyckoff of Benton.

On the question "Shall amendment H-3433 be adopted?"

The ayes were, 34:

Avenson	Baker	Branstad	Brockett
Chiodo	Clark, J.H.	Crabb	Danker
Dieleman	Dunton	Egenes	Evans
Garrison	Halvorson	Harbor	Horn
Howell	Husak	Junker	Menke
Millen	Miller, K.D.	Miller, O.L.	Monroe
Oxley	Perkins	Smalley	Spear
Stephens	Tofte	Welden	West
Woods	Wyckoff		

The nays were, 52:

Anderson	Bennett	Bina	Binneboese
Brandt	Brunow	Byerly	Clark, B.J.
Conlon	Crawford	Cusack	Daggett
Davitt	Den Herder	Doyle	Dyrland
Gentleman	Gilloon	Gilson	Griffee
Hansen	Harvey	Higgins	Hines
Hoffmann	Hullinger	Jesse	Jochum
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Newhard	Nielsen
Norland	Patchett	Pavich	Pellet
Poncy	Rinas	Schroeder	Shimanek
Spencer	Stromer	Svoboda	Tauke
Thompson	Walter	Wulff	Mr. Speaker

Absent or not voting, 14:

Connors	Fitzgerald	Hargrave	Harper
Hinkhouse	Koogler	Middleswart	O'Halloran
Pelton	Scheelhaase	Schnekloth	Small
Varley	Wells		

Amendment H-3433 lost.

Rinas of Linn called up for consideration the motion to reconsider amendment H-3432 and moved to reconsider the vote by which amendment H-3432, found on page 1091 of the House Journal, was adopted by the House on March 29, 1977.

A non-record roll call was requested.

The ayes were 55, nays 31.

The motion prevailed and the House reconsidered amendment H-3432.

Harbor of Mills asked for unanimous consent to suspend the rules to offer an amendment to amendment H-3432.

Objection was raised.

Harbor of Mills moved that the rules be suspended to offer an amendment to amendment H-3432.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 47, nays 47.

The motion lost.

(House File 464 and amendment H-3432 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

HOUSE RESOLUTION 16

By Krause

- 1 *Whereas*, the Iowa House of Representatives
- 2 has no seal to affix to important House documents
- 3 and resolutions; and
- 4 *Whereas*, such a seal is considered by many
- 5 to be a customary sign and symbol to prove the
- 6 authenticity of documents; *Now Therefore*,
- 7 *Be It Resolved by the House of Representatives*,
- 8 That the House Administration Committee is urged
- 9 to initiate action to create an appropriate seal
- 10 to be used in authenticating documents and
- 11 resolutions.

Referred to administration committee.

BUSINESS PENDING

The House resumed consideration of **House File 464**, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, and amendment H-3432 found on page 1091 of the House Journal.

QUORUM CALL

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

Speaker pro tempore Nielsen of Polk in the chair at 2:33 p.m.

Harbor of Mills moved the adoption of amendment H—3432.

Roll call was requested by Harbor of Mills and Crabb of Crawford.

On the question "Shall amendment H—3432 be adopted?"

The ayes were, 39:

Bennett	Branstad	Brockett	Chiodo
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Den Herder	Dieleman	Dunton
Evans	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Junker	Lageschulte
Lindeen	Menke	Millen	Miller, K.D.
Pellet	Pelton	Scheelhaase	Schnekloth
Smalley	Spencer	Stephens	Stromer
Tofte	Varley	Welden	West
Woods	Wulff	Wyckoff	

The nays were, 58:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Clark, B.J.	Cochran	Crawford	Cusack
Davitt	Doyle	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Hargrave	Higgins
Hines	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lipsky
Lonergan	Middleswart	Miller, O.L.	Monroe
Newhard	Norland	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Schroeder	Shimanek	Small	Spear
Svoboda	Tauke	Thompson	Walter
Wells	Mr. Speaker (Nielsen)		

Absent or not voting, 3:

Connors	Harper	O'Halloran
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Amendment H—3432 lost.

Gentleman of Polk asked and received unanimous consent to withdraw the motion to reconsider amendment H-3428C filed by her on March 29, 1977.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H-3428H and moved to reconsider the vote by which amendment H-3428H failed to be adopted by the House on March 29, 1977.

A non-record roll call was requested.

The ayes were 36, nays 51.

The motion lost.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H-3429 was adopted by the House on March 29, 1977.

Roll call was requested by Schroeder of Pottawattamie and Clark of Lee.

On the question "Shall the vote by which amendment H-3429 was adopted be reconsidered?"

The ayes were, 30:

Bennett	Clark, J.H.	Crabb	Crawford
Daggett	Den Herder	Egenes	Gentleman
Halvorson	Hansen	Harvey	Hoffmann
Junker	Krewson	Lipsky	Menke
Pellett	Pelton	Schneklath	Schroeder
Shimanek	Small	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West		

The nays were, 63:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Cusack	Danker

Davitt	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gilloon
Gilson	Griffie	Harbor	Hargrave
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Lageschulte	Lindeen
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Smalley	Spear	Spencer
Svoboda	Walter	Wells	Woods
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

Absent or not voting, 7:

Connors	Doyle	Harper	Krause
Millen	Rinas	Scheelhaase	

The motion lost.

Daggett of Adams asked and received unanimous consent to defer action on the motion to reconsider amendment H-3434.

Small of Johnson called up for consideration the motion to reconsider amendment H-3425 and moved to reconsider the vote by which amendment H-3425 was adopted by the House on March 29, 1977.

Roll call was requested by Higgins of Scott and Small of Johnson.

Rule 69 was invoked.

On the question "Shall the vote by which amendment H-3425 was adopted be reconsidered?"

The ayes were, 30:

Avenson	Brandt	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Crawford	Dyrland
Fitzgerald	Garrison	Gilloon	Hargrave
Higgins	Hines	Howell	Jochum
Krause	Krewson	Monroe	Newhard

Norland	O'Halloran	Patchett	Pavich
Shimaneck	Small	Svoboda	Tauke
Thompson	Walter		

The nays were, 62:

Anderson	Baker	Bennett	Bina
Binneboese	Branstad	Brockett	Brunow
Cochran	Conlon	Crabb	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Egenes
Evans	Gentleman	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Hullinger	Husak	Jesse
Junker	Koogler	Lageschulte	Lindeen
Lipsky	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Oxley	Pellett	Pelton
Perkins	Scheelhaase	Schneklath	Schroeder
Smalley	Spear	Spencer	Stephens
Stromer	Tofte	Varley	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Nielsen)		

Absent or not voting, 8:

Connors	Harper	Hinkhouse	Horn
Menke	Millen	Poncy	Rinas

The motion lost.

Daggett of Adams asked and received unanimous consent to withdraw the motion to reconsider amendment H-3434 filed by him on March 29, 1977.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 464)

The ayes were, 81:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Den Herder
Dieleman	Doyle	Dunton	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Hansen	Hargrave
Higgins	Hines	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellet
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Shimanek	Small
Spear	Spencer	Svoboda	Thompson
Tofte	Varley	Walter	Welden
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Nielsen)

The nays were, 15:

Bennett	Danker	Dyrland	Evans
Halvorson	Harbor	Harvey	Menke
Millen	Schroeder	Smalley	Stéphens
Stromer	Tauke	West	

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

(House File 464)

Brunow of Appanoose asked and received unanimous consent that House File 464 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Wyckoff of Benton called up for consideration House File 367, a bill for an act making appropriations to various state departments, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3401

- 1 Amend House File 367, as amended and passed by
- 2 the House as follows:
- 3 1. Page 3, line 3, by striking the figure "685,000"
- 4 and inserting in lieu thereof the figure "716,000".
- 5 2. Page 3, by striking lines 20 through 28.
- 6 3. Page 5, line 4, by striking the figure
- 7 "2,134,731" and inserting in lieu thereof the figure
- 8 "2,144,731".
- 9 4. Page 7, by striking lines 18 through 35.
- 10 5. Page 8, by striking lines 1 and 2.
- 11 6. Renumbering sections as required by this
- 12 amendment.

The motion prevailed and the House concurred in the Senate amendment H-3401.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 367)

The ayes were, 94:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave

Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 1:

Gilloon

Absent or not voting, 5:

Brandt
Horn

Brockett

Connors

Harper

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

MOTION TO RECONSIDER LOST

(Senate File 156)

Monroe of Des Moines called up for consideration the motion to reconsider Senate File 156, filed on March 14, 1977, and moved to reconsider the vote by which Senate File 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, passed the House on March 14, 1977.

A non-record roll call was requested.

The ayes were 35, nays 52.

The motion lost.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 21

Scheelhaase of Woodbury called up for consideration House Concurrent Resolution 21, relating to the United States environmental protection agency, filed on March 24, 1977 and found on pages 1037 and 1038 of the House Journal.

Byerly of Polk moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 8

Dunton of Keokuk offered the following House Memorial Resolution 8 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 8

Whereas, The Honorable Richard M. Radl of Linn County, who was a member of the Sixty-first, Sixty-second, Sixty-third, and Sixty-fourth sessions of the General Assembly, passed away on February 24, 1977; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Oxley of Linn, Dunton of Keokuk and Hullinger of Decatur.

INTRODUCTION OF BILLS

HOUSE FILE 479, by committee on budget, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the division of substance abuse of the state department of health.

Read first time and PLACED ON THE BUDGET CALENDAR.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate, on March 30, 1977, insists on its amendment to the House amendment to Senate File 162, a bill for an Act making an appropriation to the judicial department, and that the members of the conference committee on the part of the Senate are: The Senator from Polk, Mr. Willits, Chair; the Senator from Sioux, Mr. DeKoster; the Senator from Johnson, Ms. Doderer; the Senator from Black Hawk, Mr. Nolting; and the Senator from Hardin, Mr. Taylor.

STEVEN C. CROSS, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 30, 1977. Had I been present, I would have voted "aye" on H-3433 to House File 464.

KOOGLER of Mahaska

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 227 Education

Relating to the procedures prescribed for school reorganization.

S.B. 228 Transportation

To authorize the issuance of a certificate of public convenience and necessity to provide temporary service by a liquid transport carrier where an immediate and urgent need exists.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., March 29, 1977

Convened: 9:45 a.m.

Adjourned: 9:57 a.m.

Present: Bina, chair; Clark of Lee, ranking member; Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Krewson, Perkins, Schnekloth, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Hines, Newhard, Nielsen and Rinas.

Excused: Connors and Pavich.

Discussed clarification of charter city wording to be added to Study Bill 141 No. 2 and voted to include that language, prior to the bill being filed.

Assigned bills to subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., March 29, 1977

Convened: 9:15 a.m.

Adjourned: 10:00 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Hansen, Higgins, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke and West.

Absent: Griffiee, Patchett and Walter.

Study Bill 187, a bill for an act requiring professional and occupational licensees to participate in continuing education as a condition of license renewal or inactive licensee reentry, delegating rule-making authority, and eliminating mandatory annual renewal of licenses.

Recommended AMEND AND DO PASS.

Aye: Monroe, Woods, Avenson, Brandt, Crawford, Dieleman, Higgins, Jesse, Middleswart, Poncy, Shimanek, Stromer and West.

Nay: Harvey, Hansen, Junker and Tauke.

Absent or Not Voting: Griffee, Patchett and Walter.

Discussed and deferred Study Bill 213.

COMMITTEE ON BUDGET

Scheduled: 7:30 a.m., March 30, 1977

Convened: 7:40 a.m.

Adjourned: 8:45 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Koogler, Norland, O'Halloran, Stromer, Welden, Wells and Wulff.

Absent: Jesse and Varley.

Senate File 233, a bill for an act making appropriations to various state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking people's commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, Norland, O'Halloran, Stromer, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Jesse and Varley.

Senate File 266, a bill for an act making an appropriation from the general fund of the state to the board of accountancy.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, Norland, O'Halloran, Stromer, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Jesse and Varley.

Senate File 262, a bill for an act making an appropriation to the board of watchmaking examiners.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Koogler, Norland, O'Halloran, Stromer, Welden, Wells and Wulff.

Nay: Avenson.

Absent or Not Voting: Jesse and Varley.

Senate File 234, a bill for an act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

Recommended AMEND AND DO PASS.

H-3444

- 1 Amend Senate File 234, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "28,055" and inserting in lieu thereof the figure
- 5 "29,183".
- 6 2. Page 1, line 15, by striking the figure
- 7 "13,719" and inserting in lieu thereof the figure
- 8 "17,700".

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, Norland, O'Halloran, Stromer, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Jesse and Varley.

Study Bill 224, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, Norland, Stromer, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Jesse, O'Halloran and Varley.

AMENDMENT FILED

H-3446

H.F. 477 Krause of Kossuth

On motion by Fitzgerald of Webster, the House adjourned at 5:25 p.m. until 10:00 a.m., Thursday, March 31, 1977.

JOURNAL OF THE HOUSE

Eighty—first Calendar Day -- Fifty—seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 31, 1977

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

Prayer was offered by Sally Smith, Campus Ministry, affiliated with United Ministry of Higher Education, Iowa City, Iowa.

The Journal of Wednesday, March 30, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the morning session on request of Wyckoff of Benton;
Connors of Polk on request of Wells of Linn.

PRESENTATION OF VISITORS

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

Thirty—two fourth grade students from Ar—We—Va Community School, Westside, Iowa, accompanied by Mr. Ron MacLagan, Principal; Mrs. Ruth Noelck and Mr. Lodean Kastner.

One hundred forty eighth grade students from Winterset Junior High School, Winterset, Iowa, accompanied by Larry Wingate. By Davitt of Warren.

Four students from Hamburg Community School, Hamburg, Iowa, accompanied by Dr. Ashler. By Harbor of Mills.

Forty eighth grade students from Maquoketa Community School, Maquoketa, Iowa. By Newhard of Jones.

Nineteen Special Education students from Leon, Iowa. By Hullinger of Decatur.

Twenty-five seniors from Carson High School, Carson, Iowa, accompanied by Rosemary Witt. By Schroeder of Pottawattamie.

PETITION FILED

The following petition was received and placed on file:

By Hullinger of Decatur from forty-three Iowa citizens supporting legislation to ban non-returnable containers.

INTRODUCTION OF BILLS

HOUSE FILE 480, by Spear, a bill for an act extending liability and errors or omissions insurance to members of the county conservation board.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE FILE 481, by Patchett and Brandt, a bill for an act relating to sex discrimination in retirement programs.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 482, by Stromer, a bill for an act relating to the registration of snowmobiles.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 483, by Byerly, a bill for an act to establish an Iowa research foundation, to prescribe its duties, and to make an appropriation.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 484, by Garrison, Miller of Buchanan, Dyrland, Anderson, Dunton, Lonergan, Hargrave, Doyle, Monroe, Husak, Baker, Patchett, Cornors, Avenson, Wulff, Tofte, Gilloon, Gentleman, Oxley, Krewson and Jochum, a bill for an act relating to the Iowa Civil Rights Act of 1965.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 485, by Jochum, Hines, O'Halloran, Byerly, Avenson, Miller of Calhoun, Svoboda, Gentleman, Hargrave, Egenes, Krewson, Clark of Cerro Gordo, Daggett, Dyrland, Higgins, Fitzgerald, Cusack, Tauke, Patchett and Rinas, a bill for an act creating a corporate residential utility consumer action group, and providing penalties.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 486, by Evans, West and Pelton, a bill for an act relating to reversion of title to railroad rights-of-way.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 487, by Junker and Cusack, a bill for an act relating to the effective dates of codes of ethics adopted by the houses of the general assembly.

Read first time and referred to committee on RULES.

HOUSE FILE 488, by committee on labor and industrial relations, a bill for an act relating to public employment relations,

amending the public employment relations Act, and providing penalties for violations.

Read first time and PLACED ON THE CALENDAR.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 31, a bill for an act to create an alcoholism rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

Also: That the Senate has on March 29, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 279, a bill for an act relating to the appointment and duties of a county weed commissioner.

Also: That the Senate has on March 29, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 288, a bill for an act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

STEVEN C. CROSS, Secretary

PAGES OF THE HOUSE

The following named persons were elected as Pages of the House:

Mary C. Agnew, North English, Iowa
Lori Lynn Buhr, Des Moines, Iowa
Darlene Collins, Sioux City, Iowa
Dawn M. Connet, Cedar Rapids, Iowa
John A. George, Jr., St. Charles, Iowa
Jeffrey S. Gilbert, Sioux City, Iowa
Betty Jean Gossell, Alburnett, Iowa

Dan Hayes, Knoxville, Iowa
 Tim Hickman, Sheldon, Iowa
 Tom Hiles, Lamoni, Iowa
 Kristine A. Kuennen, Maynard, Iowa
 Margaret Lyon, Toledo, Iowa
 Beth Ann Molis, Davenport, Iowa
 Vicki R. Rush, Jefferson, Iowa
 Cindy L. Sagers, Maquoketa, Iowa
 Jeffrey A. Terp, West Des Moines, Iowa
 Carla Trees, Winfield, Iowa
 Terri Jane Trumpp, Iowa City, Iowa
 Linda A. Wibholm, Colo, Iowa
 Debra Lynn Winters, Marble Rock, Iowa

SENATE AMENDMENT CONSIDERED

Husak of Tama called up for consideration House File 414, a bill for an act making appropriations to the Iowa civil rights commission and the state department of health, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3436

- 1 Amend House File 414, as amended and passed by
- 2 the House as follows:
- 3 1. Page 2, by striking line 35 through page 3,
- 4 line 15.

The motion prevailed and the House concurred in the Senate amendment H-3436.

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

On the question "Shall the bill pass?" (H.F. 414)

The ayes were, 89:

Anderson
 Bina
 Brockett

Avenson
 Binneboese
 Brunow

Baker
 Brandt
 Chiodo

Bennett
 Branstad
 Clark, B.J.

Clark, J.H.	Conlon	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Byerly	Connors	Crabb	Egenes
Griffie	Harper	Hines	Monroe
Newhard	Perkins	Walter	

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

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 411, a bill for an act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 411)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Clark, B.J.	Clark, J.H.	Conlon
Crawford	Cusack	Daggett	Dávitt
Den Herder	Dieleman	Doyle	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 6:

Binneboese	Danker	Dunton	Gilson
Horn	Poncy		

Absent or not voting, 10:

Byerly	Chiodo	Connors	Crabb
Egenes	Harper	Hines	Krause
Millen	Rinas		

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

BUDGET CALENDAR

SENATE FILE 233 SUBSTITUTED FOR HOUSE FILE 440

Husak of Tama asked and received unanimous consent to substitute Senate File 233 for House File 440.

Senate File 233, a bill for an act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards, was taken up for consideration.

Husak of Tama offered the following amendment H-3385 filed by him and Bennett of Ida and moved its adoption:

H-3385

1 Amend Senate File 233 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 5 the follow-
4 ing:

5 "Sec. 2. Section one hundred forty-seven point
6 eighty (147.80), unnumbered paragraph one (1), Code
7 1977, is amended to read as follows:

8 An examining board shall set the fees for the
9 examination of applicants, which fees shall be based
10 upon the annual cost of administering the examinations.
11 An examining board may issue multi-year licenses for
12 a term not exceeding three years. An examining board
13 shall set the annual fees required for any of the
14 following based upon the cost of sustaining the board
15 and the actual costs of licensing:

16 Sec. 3. It is the intent of the general assembly
17 that the board of medical examiners begin to issue
18 multi-year licenses in the fiscal year beginning July
19 1, 1977."

20 2. By renumbering the remaining section.

Amendment H-3385 was adopted.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 233)

The ayes were, 90:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 1:

Branstad

Absent or not voting, 9:

Connors	Crabb	Fitzgerald	Harper
Hines	Jesse	Millen	Rinas
Small			

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

HOUSE FILE 440 WITHDRAWN

Husak of Tama asked and received unanimous consent to withdraw House File 440 from further consideration by the House.

WAYS AND MEANS CALENDAR

House File 412, a bill for an act relating to the reporting of stock transfers for inheritance tax purposes, was taken up for consideration.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 412)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 1:

Horn

Absent or not voting, 10:

Connors	Crabb	Fitzgerald	Harper
Hines	Jesse	Krause	Millen
Rinas	Svoboda		

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

House File 415, a bill for an act relating to the deduction of debts and property taxes for inheritance tax purposes, was taken up for consideration.

Clark of Lee offered the following amendment H-3441 filed by him and Norland of Worth and moved its adoption:

H-3441

- 1 Amend House File 415 as follows:
- 2 1. Page 2, by striking line 29.

Amendment H-3441 was adopted.

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

On the question "Shall the bill pass?" (H.F. 415)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Hargrave
Harvey	Higgins	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lipsky	Lonergan	Menke

Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

The nays were, 1:

Horn

Absent or not voting, 11:

Connors	Crabb	Harbor	Harper
Hines	Jesse	Lindeen	Millen
Rinas	Small	Woods	

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

REGULAR CALENDAR

House File 380, a bill for an act relating to the authority of the department of environmental quality to issue permits for public water supply systems, was taken up for consideration.

Miller of Buchanan offered the following amendment H-3250 filed by him and moved its adoption:

H-3250

- 1 Amend House File 380 as follows:
- 2 1. Page 1, line 15, by inserting after
- 3 "455B.45" the following: "or sewer extensions and
- 4 water supply distribution system extensions serving
- 5 twenty-five (25) people or under that are now
- 6 inspected by the state department of health".

Amendment H-3250 was adopted.

Speaker pro tempore Nielsen of Polk in the chair at 11:47 a.m.

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

On the question "Shall the bill pass?" (H.F. 380)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Daggett

Absent or not voting, 12:

Connors	Crabb	Garrison	Harbor
Harper	Hines	Jesse	Millen
Nielsen	Norland	Rinas	Small

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

IMMEDIATE MESSAGE
(House File 380)

Middleswart of Warren asked and received unanimous consent that House File 380 be immediately messaged to the Senate.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

Spencer of Clay presented to the House the Honorable Kenneth H. Nurse, former member of the Senate during the Sixty-first and Sixty-second General Assemblies, representing O'Brien, Osceola and Dickinson Counties.

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

Three members of the Secondary Special Education Class from the North Fayette Community High School, West Union, Iowa, accompanied by Mrs. Bonnie Schmalle. By Tofte of Winneshiek.

Eighty-six students from Prairie Junior High, Gowrie, Iowa, accompanied by Rich Meyer, Merle Gengler, Mrs. A. Hagen and Richard E. Phillips. By Fitzgerald of Webster.

One hundred students from Mount Pleasant Community High School, Mount Pleasant, Iowa, accompanied by Ron Statter and Dave Moses. By Lindeen of Henry.

INTRODUCTION OF BILLS

HOUSE JOINT RESOLUTION 9, by committee on county government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county—municipal corporation governments.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 31, a bill for an act to create an alcoholism rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

Read first time and referred to committee on WAYS AND MEANS.

SENATE FILE 279, a bill for an act relating to the appointment and the duties of a county weed commissioner.

Read first time and referred to committee on COUNTY GOVERNMENT.

SENATE FILE 288, a bill for an act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

REGULAR CALENDAR

The House resumed consideration of House File 224, a bill for an act relating to mobile home tiedowns and providing a penalty, and amendment H-3123 found on pages 855 and 856 of the House Journal.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H-3123 filed by him, placing amendment H-3312, to amendment H-3123, filed by Monroe of Des Moines on March 17, 1977, out of order.

Krause of Kossuth offered the following amendment H-3437 filed by Krause, et al.:

H-3437

1 Amend House File 224 by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:

4 "Section 1. Section one hundred three A point
5 three (103A.3), subsection twelve (12), Code 1977,
6 is amended to read as follows:

7 12. "Factory-built structure" means any structure
8 which is, wholly or in substantial part, made,
9 fabricated, formed, or assembled in manufacturing
10 facilities for installation or assembly and
11 installation, on a building site. "Factory-built
12 structure" includes the term "mobile home" as defined
13 in section one hundred thirty-five D point one (135D.1)
14 of the Code.

15 Sec. 2. Section one hundred three A point three
16 (103A.3), Code 1977, is amended by adding the following
17 new subsections:

18 NEW SUBSECTION. "Ground support system" means
19 any device or combination of devices placed beneath
20 a mobile home and used to provide support.

21 NEW SUBSECTION. "Ground anchoring system" means
22 any device or combination of devices used to securely
23 anchor a mobile home to the ground.

24 NEW SUBSECTION. "Tiedown system" means a ground
25 support system and a ground anchoring system used
26 in concert to provide anchoring and support for a
27 mobile home.

28 NEW SUBSECTION. "Permanent site" means any lot
29 or parcel of land on which a mobile home used as a
30 dwelling or place of business, is located for ninety
31 consecutive days except a construction site when the
32 mobile home is used by a commercial contractor as
33 a construction office or storage room.

34 Sec. 3. Chapter one hundred three A (103A), Code
35 1977, is amended by adding the following new sections:

36 **NEW SECTION. APPROVED TIEDOWN SYSTEM PROVIDED**
37 **IN SALES OF NEW OR USED MOBILE HOMES.** Any person
38 who sells a new or used mobile home shall provide
39 an approved tiedown system. The cost of purchase
40 of the system shall be included in the purchase price
41 of every new or used mobile home sold in this state.
42 The purchaser shall provide for installation of this
43 system within one hundred twenty days of locating
44 the mobile home on a permanent site.
45 **NEW SECTION. INSTALLER COMPLIANCE AND**
46 **CERTIFICATION.** Any person who installs a tiedown
47 system shall comply with the minimum standards for
48 such systems, and shall provide the owner of the
49 mobile home on which installation is made and the
50 commissioner with a certification of approved system

Page 2

1 installation. Such certification shall be in proper
2 form as established by the commissioner.
3 **NEW SECTION. COMPLIANCE.** When a person is found
4 in violation of this Act the commissioner shall
5 prescribe a period of time not to exceed one hundred
6 twenty days within which compliance must be achieved
7 and the commissioner shall so notify the person.
8 **NEW SECTION. LISTING AND FORM OF CERTIFICATION**
9 **OF APPROVED SYSTEMS PROVIDED.** The commissioner shall
10 provide upon request a list of approved tiedown systems
11 and instructions for the completion of proper
12 certification of approved system installation.
13 Sec. 4. This Act, except section three (3), is
14 effective January 1, 1978.

Schroeder of Pottawattamie offered the following amendment
H-3440, to amendment H-3437, filed by him and moved its
adoption:

H-3440

1 Amend the Krause and Lageschulte amendment, H-3437,
2 to House File 224 as follows:
3 1. Page 1, line 33, by inserting after the period
4 the words "However, any lot or parcel of land upon
5 which a mobile home is situated so as to be more than
6 one hundred fifty feet from any real property owned
7 by a person other than the occupant of that mobile
8 home shall not be considered a permanent site."

Amendment H-3440 lost.

Woods of Polk offered the following amendment H-3447, to amendment H-3437, filed by him from the floor and moved its adoption:

H-3447

- 1 Amend the Krause and Lageschulte amendment,
- 2 H-3437 to House File 224 as follows:
- 3 1. Page 1, line 48 by striking the comma and
- 4 inserting in lieu thereof a period.
- 5 2. Page 1, line 48 by striking the words "and shall
- 6 provide the owner of the".
- 7 3. Page 1 by striking all of lines 49 and 50.
- 8 4. Page 2 by striking all of lines 1 and 2.

A non-record roll call was requested.

The ayes were 44, nays 32.

Amendment H-3447 was adopted.

Lipsky of Linn moved to reconsider the vote by which amendment H-3447 was adopted by the House.

Speaker pro tempore Nielsen of Polk in the chair at 2:55 p.m.

On the motion to reconsider, roll call was requested by Byerly of Polk and Chiodo of Polk.

Rule 70 was invoked.

Under the provisions of Rule 71, Miller of Buchanan refrained from voting.

On the question "Shall the vote by which amendment H-3447 was adopted be reconsidered?"

The ayes were, 52:

Avenson	Bina	Brandt	Clark, B. J.
Clark, J.H.	Crawford	Cusack	Danker
Davitt	Den Herder	Dyrland	Egenes
Garrison	Gentleman	Gilloon	Griffee
Hansen	Harbor	Hargrave	Higgins
Hines	Hoffmann	Howell	Jochum
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Monroe	Norland	O'Halloran	Patchett
Pavich	Pellett	Pelton	Rinas
Schneklath	ShimaneK	Small	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Walter

The nays were, 36:

Baker	Bennett	Binneboese	Branstad
Brockett	Byerly	Chiodo	Conlon
Crabb	Daggett	Dieleman	Doyle
Dunton	Gilson	Halvorson	Harvey
Hinkhouse	Horn	Husak	Junker
Koogler	Millen	Miller, O.L.	Oxley
Perkins	Poncy	Schroeder	Smalley
Stromer	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

Absent or not voting, 12:

Anderson	Brunow	Cochran	Connors
Evans	Fitzgerald	Harper	Hullinger
Jesse	Miller, K.D.	Newhard	Scheelhaase

The motion prevailed and amendment H-3447 was reconsidered.

Woods of Polk moved the adoption of amendment H-3447, to amendment H-3437.

Roll call was requested by Chiodo of Polk and Junker of Woodbury.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Miller of Buchanan refrained from voting.

On the question "Shall amendment H-3447, to amendment H-3437, be adopted?"

The ayes were, 44:

Avenson	Baker	Bennett	Binneboese
Branstad	Brockett	Byerly	Chiodo
Conlon	Crabb	Daggett	Danker
Dieleman	Doyle	Evans	Gilson
Halvorson	Harbor	Hargrave	Harvey
Hinkhouse	Horn	Hullinger	Husak
Junker	Koogler	Middleswart	Millen
Monroe	Oxley	Perkins	Poncy
Rinas	Schroeder	Smalley	Spear
Stromer	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 49:

Bina	Brandt	Brunow	Clark, B.J.
Clark, J.H.	Crawford	Cusack	Davitt
Den Herder	Dunton	Dyrland	Egenes
Garrison	Gentleman	Gilloon	Griffee
Hansen	Higgins	Hines	Hoffmann
Howell	Jochum	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Miller, O.L.	Newhard	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Scheelhaase	Schnekloth	Shimanek
Small	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter			

Absent or not voting, 7:

Anderson	Cochran	Connors	Fitzgerald
Harper	Jesse	Miller, K.D.	

Amendment H-3447 lost.

Lageschulte of Bremer moved the adoption of amendment H-3437.

Amendment H-3437 was adopted.

With the adoption of amendment H-3437, the following amendments are out of order:

H-3124 filed by Schroeder of Pottawattamie on March 2, 1977.

H-3161 filed by Miller of Buchanan on March 7, 1977.

H-3284 filed by Junker of Woodbury on March 16, 1977.

H-3296 filed by Brockett of Marshall on March 16, 1977.

H-3301 filed by Hargrave of Johnson on March 16, 1977.

H-3310, to amendment H-3301, filed by Hargrave of Johnson on March 17, 1977.

H-3313 filed by Krause, et al., on March 17, 1977.

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

Under the provisions of Rule 71, Miller of Buchanan refrained from voting.

On the question "Shall the bill pass?" (H.F. 224)

The ayes were, 77:

Anderson
Binneboese
Clark, B.J.
Cusack
Den Herder

Avenson
Brandt
Clark, J.H.
Daggett
Dieleman

Bennett
Branstad
Cochran
Danker
Dunton

Bina
Brockett
Crawford
Davitt
Dyrland

Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, O.L.
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schnekloth
Shimanek	Small	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Wells
Wulff			

The nays were, 18:

Baker	Byerly	Chiodo	Conlon
Crabb	Doyle	Horn	Junker
Millen	Monroe	Scheelhaase	Schroeder
Smalley	Welden	West	Woods
Wyckoff	Mr. Speaker (Nielsen)		

Absent or not voting, 5:

Brunow	Connors	Harper	Miller, K.D.
Svoboda			

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

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 445, a bill for an act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

Schroeder of Pottawattamie offered the following amendment H-3449 filed by him from the floor and moved its adoption:

H-3449

- 1 Amend House File 445 as follows:
- 2 1. Page 1, by striking all of lines 28, and 29

- 3 and inserting in lieu thereof the following:
 4 "occurs. To qualify under the."

Amendment H-3449 lost.

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

Rulé 69 was invoked.

On the question "Shall the bill pass?" (H.F. 445)

The ayes were, 90:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Newhard	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 3:

Davitt	Monroe	Patchett
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Absent or not voting, 7:

Connors	Harper	Higgins	Jesse
Norland	O'Halloran	Svoboda	

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

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration House File 331, a bill for an act relating to meetings of the board of parole and the grant or denial of parole, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3435

- 1 Amend House File 331 as passed by the House
- 2 as follows:
- 3 1. Page 1, by striking lines 1 through 8.

The motion prevailed and the House concurred in the Senate amendment H-3435.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 331)

The ayes were, 90:

Anderson.	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald

Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 2:

Byerly Tofte

Absent or not voting, 8:

Connors	Danker	Harbor	Harper
Higgins	Jesse	O'Halloran	Svoboda

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

Speaker Cochran in the chair at 3:58 p.m.

CONFERENCE COMMITTEE APPOINTED

(Senate File 162)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 162: Wyckoff of Benton, chair; Jesse of Polk, Koogler of Mahaska, Welden of Hardin and Wulff of Black Hawk.

MOTION TO RECONSIDER WITHDRAWN

(House File 39)

Schroeder of Pottawattamie asked and received unanimous

consent to withdraw the motion to reconsider House File 39 filed by him on March 3, 1977.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 229 Education

Relating to the election of the board of directors of a reorganized school district.

S.B. 230 Education

Changing the name of the higher education facility commission to postsecondary education assistance commission.

S.B. 231 Budget

To appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 30, 1977

Convened: 7:45 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Lindeen and Miller of Calhoun.

Absent: Hargrave, Hines and Newhard.

Advisory Commission on Corrections presentation by Phil Riley and Jan Johnson.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 30, 1977

Convened: 8:15 a.m.

Adjourned: 9:00 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: None.

The committee approved LSB 1513 on Home Health Care.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., March 30, 1977

Convened: 9:15 a.m.

Adjourned: 10:00 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Danker, Dieleman, Harbor, Lageschulte and Woods.

Absent: Byerly, Patchett and Walter.

Excused: Smalley.

Discussed Senate File 267.

COMMITTEE ON TRANSPORTATION

Scheduled: 12:30 p.m., March 30, 1977

Convened: 12:35 p.m.

Adjourned: 1:50 p.m.

Present: Krause, chair; Brunow, Clark of Cerro Gordo, Dunton, Hoffmann, Lageschulte, Oxley and Rinas.

Absent: Schroeder (arrived 12:43 p.m.), Binneboese (arrived 12:37 p.m.), Davitt (arrived 12:37 p.m.), Egenes (arrived 12:50 p.m.), Harbor (arrived 12:46 p.m.), Hullinger (arrived 1:05 p.m.), Lipsky (arrived 12:50 p.m.), Monroe (arrived 12:51 p.m.), Schneklath (arrived 12:37 p.m.) and Woods (arrived 12:37 p.m.).

Excused: Doyle and Harper.

Study Bill 200—C, a bill for an act relating to transportation funding and responsibility by revising and activating functional classification of highways providing for an increase in the tax on gasoline and special fuels, and providing for the allocation of revenues thereof.

Recommended DO PASS.

Aye: Krause, Schroeder, Binneboese, Brunow, Clark of Cerro Gordo, Egenes, Harbor, Hoffmann, Lageschulte, Lipsky, Monroe, Rinas and Schneklath.

Nay: Davitt, Hullinger, Oxley and Woods.

Absent or Not Voting: Harper, Doyle and Dunton.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:00 p.m., March 30, 1977

Convened: 1:10 p.m.

Adjourned: 2:10 p.m.

Present: Middleswart, chair; Spencer, vice—chair; Halvorson, ranking member; Avenson, Bennett, Chiodo, Evans, Garrison, Miller of Buchanan, O'Halloran, Perkins, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Pelton (arrived 1:52 p.m.), Shimanek (arrived 1:57 p.m.), Griffee, Jesse and Scheelhaase.

Study Bill 52, a bill for an act relating to the designation of depositaries for the sale of hunting, fishing and trapping licenses.

Recommended DO PASS.

Aye: Middleswart, Halvorson, Avenson, Chiodo, Evans, Garrison, O'Halloran, Perkins, Stephens, Tofte, Welden and Wyckoff.

Nay: Miller of Buchanan and Stephens.

Absent or Not Voting: Spencer, Bennett, Griffee, Jesse, Pelton, Scheelhaase and Shimanek.

Study Bill 137, a bill for an act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty.

Recommended AMEND AND DO PASS.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, O'Halloran, Pelton, Perkins, Shimanek, Tofte, Varley, Welden and Wyckoff.

Nay: Miller of Buchanan and Stephens.

Absent or Not Voting: Griffee, Jesse and Scheelhaase.

COMMITTEE ON AGRICULTURE

Scheduled: 9:00 a.m., March 31, 1977

Convened: 9:05 a.m.

Adjourned: 9:50 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: Byerly.

Excused: Harper.

Senate File 231, a bill for an act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Byerly and Harper.

Study Bill 122A, a bill for an act relating to partition fences.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Byerly and Harper.

House Concurrent Resolution, a resolution providing for an incentive for farmers to store grain and by providing money for the construction of on farm storage buildings.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Byerly and Harper.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 31st day of March, 1977: House File 44.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

AMENDMENTS FILED

H-3450	H.F. 179	Chiodo of Polk
H-3451	H.F. 479	Spear of Lee
		Thompson of Polk
		Tofte of Winneshiek
		Crawford of Story
		Krewson of Polk
		Hansen of O'Brien
		Hoffmann of Muscatine
		Clark of Cerro Gordo
		Pelton of Clinton
		Shimanek of Jones
H-3452	H.F. 72	Svoboda of Iowa
H-3453	H.F. 354	Schroeder of Pottawattamie
H-3454	H.F. 356	Spencer of Clay
H-3455	S.F. 167	Dieleman of Marion
H-3456	H.F. 417	Wyckoff of Benton
		Crabb of Crawford
		Husak of Tama
		West of Marshall
		Danker of Pottawattamie
		Baker of Buena Vista
		Harbor of Mills
		Miller of Buchanan
H-3458	H.F. 179	Nielsen of Polk

On motion by Fitzgerald of Webster the House adjourned at 4:09 p.m., until 9:00 a.m., Friday, April 1, 1977.

JOURNAL OF THE HOUSE

Eighty—second Calendar Day -- Fifty—eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 1, 1977

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

Prayer was offered by the Reverend Byron Surface, pastor of the First United Methodist Church, Denison, Iowa.

The Journal of Thursday, March 31, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Jim Wilson, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bennett of Ida on request of Schneklath of Scott; Connors of Polk on request of Wells of Linn; Howell of Floyd on request of Griffie of Chickasaw.

PRESENTATION OF VISITORS

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

Seventeen science students from Clay Central Junior High School, Royal, Iowa, accompanied by Alice Schar. By Baker of Buena Vista.

Twenty Cub Scouts from Slater, Iowa, accompanied by Carol Hansen, Jackie O'Donnell and Robin Hastert. By Crawford of Story.

PETITIONS FILED

The following petitions were received and placed on file:

By Miller of Calhoun, thirty-two students of the Nashua High School ecology classes of Nashua, Iowa favoring House File 187, a bill relating to returnable bottles and cans, and opposing House File 220, a bill relating to littering.

By Branstad of Winnebago from thirty-one members of the Lake Mills Senior Citizens Club supporting giving credit at time of payment of property taxes rather than reimbursement; supporting the Area Agencies on Aging and the continued disbursement to Area Agencies on the basis of seniors who live in each area; supporting in-home services; and rural transportation for the elderly.

By Higgins of Scott from one hundred eighty-eight members of the 1977 annual meeting of the Mississippi Valley Central Credit Union supporting legislation to create a separate state agency to exercise regulatory control over Iowa's four hundred eight state-chartered credit unions.

By Brunow of Appanoose from seventeen constituents to rescind the equal rights amendment.

By Krause of Kossuth from sixty-five students of St. Peter and Paul School, West Bend, Iowa, to adequately fund human resources programs.

By Middleswart of Warren from one hundred and seventy-three constituents from Indianola supporting legislation to amend Section 490A, Code of Iowa, removing from exemption, rate regulation, over municipally owned utilities in the State of Iowa. It is the desire of these petitioners to be afforded the benefit of the Iowa State Commerce Commission together with the protection now afforded most energy consumers who receive energy from rate regulated utilities.

INTRODUCTION OF BILLS

HOUSE FILE 489, by committee on state government, a bill for an act relating to the giving and receiving of gifts by state and local government officials, providing for administration of regulations established by this Act, and providing penalties.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 490, by committee on natural resources, a bill for an act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 491, by committee on transportation, a bill for an act relating to transportation providing for an expression of the legislative intent concerning diagonal roads, lowering the freeway-expressway system total mileage, providing for functional reclassification of roads in the state, development of a quadrennial needs study, inclusion of the area school roads and bridges in the park and institution road maintenance allocation and providing for a quadrennial need study of park and institution roads and bridges, changing the allocation formula from the road use tax fund to provide forty-five percent to the primary road fund, twenty-eight percent to the secondary road fund, nine percent to the farm-to-market road fund, and eighteen percent to the cities, providing for definitional changes of certain roads, requiring certain annual reports by cities, raising the motor fuel and special fuel tax to ten cents per gallon and the diesel engine special fuel tax to eleven and one-half cents per gallon, eliminating the one-half of one cent of motor fuel and other special fuel tax to the primary road fund, providing appropriations, and repealing certain sections.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 492, by committee on state government, a bill for an act requiring professional and occupational licensees to participate in continuing education as a condition of license renewal or inactive licensee reentry, delegating rule-making authority, and eliminating mandatory annual renewal of licenses.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 493, by Newhard, a bill for an act relating to uniform child-custody jurisdiction.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 494, by Higgins and Small, a bill for an act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 495, by committee on agriculture, a bill for an act relating to partition fences.

Read first time and PLACED ON THE CALENDAR.

HOUSE CONCURRENT RESOLUTION 22

By Committee on Agriculture

- 1 *Whereas*, during the past few years Iowa farmers have
- 2 earned record incomes and have gained freedom in making
- 3 decisions; and
- 4 *Whereas*, Iowa farm income has doubled in the last
- 5 ten years, largely as a result of an expansion in the
- 6 export market, and the amount of farm income resulting
- 7 from government payments has decreased from twenty-two
- 8 percent to four percent in the same period; and
- 9 *Whereas*, most farmers do not desire tight federal
- 10 controls; and
- 11 *Whereas*, the creation of a food reserve by storing

12 grain in government owned, operated or controlled bins
13 will result in a tremendous cost to the taxpayer and
14 take the control of the grain out of the hands of the
15 farmer; *Now Therefore,*
16 *Be It Resolved by the House, the Senate Concurring,*
17 That we respectfully request the President of the United
18 States, the Congress of the United States and the United
19 States Secretary of Agriculture to encourage farmers to
20 establish a food reserve by reinstating the rereal pro-
21 gram to provide for an incentive for farmers to store
22 grain and by providing money for the construction of
23 on-farm storage buildings.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 23

By Byerly

1 *Whereas*, there exist different laws relating to the
2 employment of veterans who qualify for positions in
3 state, city or county employment; and
4 *Whereas*, these differences cause confusion and
5 inequities in the employment of veterans and nonvet-
6 erans by the state, cities and counties; and
7 *Whereas*, it appears that a uniform veterans prefer-
8 ence law should be enacted for all public employment;
9 *Now Therefore,*
10 *Be It Resolved by the House of Representatives, the*
11 *Senate Concurring,* That the Legislative Council is
12 directed to authorize the appropriate standing commit-
13 tees in the house of representatives and the senate to
14 conduct a comprehensive review of the current veterans
15 preference laws and a study of the advisability of
16 enacting a uniform veterans preference law; and
17 *Be It Further Resolved,* That the committee shall
18 prepare and submit a report to the legislative council
19 and the general assembly at the conclusion of the
20 interim, which shall be accompanied by legislative
21 bill drafts to carry out the recommendations of the
22 committee.

Laid over under Rule 25.

CONSIDERATION OF BILLS

Regular Calendar

House File 444, a bill for an act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 444)

The ayes were, 87:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting: 13

Bennett	Connors	Doyle	Gilloon
Harper	Hines	Howell	Jesse
Krause	Monroe	Newhard	Schroeder
Woods			

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

IMMEDIATE MESSAGE
(House File 444)

Scheelhaase of Woodbury asked and received unanimous consent that House File 444 be immediately messaged to the Senate.

House File 439, a bill for an act relating to the establishment of sanitary disposal projects and authorizing the use of injunctions for certain violations, was taken up for consideration.

Griffie of Chickasaw asked and received unanimous consent to suspend Rule 20 and that J. Edward Brown, Director of the Compliance Monitoring Division of the Department of Environmental Quality, be permitted in the House chamber during consideration of House File 439.

Griffie of Chickasaw asked and received unanimous consent that action on amendments H-3418 and H-3419 be temporarily deferred.

Hinkhouse of Cedar offered the following amendment H-3459 filed by Hinkhouse, Hansen, Shimanek, Binneboese, Lageschulte, Scheelhaase and Pelton from the floor and moved its adoption:

H-3459

- 1 Amend House File 439 as follows:
- 2 1. Page 9, by inserting after line 10 the following
- 3 section:
- 4 "Sec. Chapter four hundred fifty-five B (455B),
- 5 Code 1977, is amended by adding the following new

6 section :

7 **NEW SECTION. PILOT RESOURCE RECOVERY PROGRAM.**

8 The department shall develop at least one resource
9 recovery pilot program at an area community college
10 to be designated by the executive director. The
11 objectives of the program shall be:

12 1. To convert certain waste materials normally
13 deposited in city and county sanitary disposal projects
14 into refuse derived fuel to be used as a fuel source.

15 2. To recycle metals and other recyclable materials
16 when such recycling is technologically possible and
17 economically advantageous.

18 3. To convert refuse other than burnable and
19 recyclable materials into road construction materials,
20 building blocks and railroad ties and other useful
21 products. The department shall delineate the geographic
22 area to be served by the program which shall be drawn
23 to provide a sufficient amount of refuse materials
24 to make the program feasible. Political subdivisions
25 located in the designated service area may participate
26 in the program. The department shall apply for any
27 federal funds for which the program may be eligible.
28 Political subdivisions in the designated service area
29 may conclude agreements pursuant to the provisions
30 of chapter twenty-eight E (28E) of the Code to assist
31 in the implementation of the program. For purposes
32 of this section, "sanitary disposal project" and
33 "resource recovery" have the meanings ascribed to
34 them in section four hundred fifty-five B point
35 seventy-five (455B.75) of the Code.

36 2. Amend the title, line 2, by inserting after
37 the word "projects" the following: ", establishment
38 of a resource recovery program at an area community
39 college,".

Amendment H-3459 lost.

Welden of Hardin offered amendment H-3419 filed by him and
requested division as follows:

H-3419

1 Amend House File 439 as follows:

H-3419A

2 1. Page 1, line 12 by adding after the word

- 3 "brick" the following:
- 4 "inorganic solid waste".

H-3419B

- 5 2. Page 5, line 25 by striking the words "if
- 6 such disposal" and all of lines 26 through 28 and
- 7 inserting in lieu thereof the following"
- 8 "unless required by a statute of the United
- 9 States or this state."
- 10 3. Page 6, lines 13 and 14 by striking the
- 11 words "is or may be exposed to the environment and".

Welden of Hardin offered amendment H-3462, to amendment H-3419, filed by him from the floor and moved its adoption:

H-3462

- 1 Amend Amendment H-3419 to House File 439 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "state" the following:
- 5 " , or rules promulgated under such statutes"

Amendment H-3462 was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H-3419A.

On motion by Welden of Hardin amendment H-3419B, as amended, was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H-3418 filed by him on March 28, 1977.

Welden of Hardin offered the following amendment H-3461 filed by him from the floor and moved its adoption:

H-3461

- 1 Amend House File 439 as follows:
- 2 1. Page 2 by adding after line 2 the following"
- 3 "Sanitary disposal project requirements shall

- 4 consider the costs of operation, the minimization
 5 of energy consumption and the best use of land to
 6 the maximum extent feasible."

Amendment H-3461 was adopted.

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

On the question "Shall the bill pass?" (H.F. 439)

The ayes were, 88:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Bennett	Connors	Gilloon	Harper
Hines	Howell	Jesse	Krause
Newhard	Rinas	Schroeder	Woods

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

IMMEDIATE MESSAGE
(House File 439)

Griffie of Chickasaw asked and received unanimous consent that House File 439 be immediately messaged to the Senate.

The House resumed consideration of House File 75, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, and amendment H-3114, as amended, filed by the committee on energy and found on pages 568 through 570 of the House Journal.

West of Marshall offered the following amendment H-3323, to amendment H-3114, filed by him and moved its adoption:

H-3323

- 1 Amend H-3114 to House File 75, as follows:
- 2 1. Page 1, line 22, by striking the words
- 3 "and lighting".
- 4 2. Page 2, by striking lines 8 through 12.

A non-record roll call was requested.

The ayes were 17, nays 44.

Amendment H-3323 lost.

Evans of Grundy offered the following amendment H-3316, to amendment H-3114, filed by him and moved its adoption:

H-3316

- 1 Amend amendment H-3114 to House File 75 as follows:
- 2 1. Page 1, line 36, by inserting after the word
- 3 "building" the words "or class of buildings".

Amendment H-3316 was adopted.

Hullinger of Decatur offered amendment H-3314, to amendment H-3114, filed by Howell of Floyd and requested division as follows:

H-3314

- 1 Amend amendment H-3114 to House File 75 as
- 2 follows:

H-3314A

- 3 1. Page 1, line 36, by inserting after the word
- 4 "building," the words "Lighting efficiency standards
- 5 shall recognize variations in lighting intensities
- 6 required for the various tasks performed within the
- 7 building."

H-3314B

- 8 2. Page 2, line 12, by inserting after the word
- 9 "state" the words "and to all new construction, in
- 10 the state, of buildings which are open to the general
- 11 public during normal business hours."

Hullinger of Decatur moved the adoption of amendment H-3314A, to amendment H-3114.

Amendment H-3314A was adopted.

Hullinger of Decatur moved the adoption of amendment H-3314B, to amendment H-3114.

A non-record roll call was requested.

The ayes were 59, nays 14.

Amendment H-3314B was adopted.

Welden of Hardin offered the following amendment H-3279, to amendment H-3114, filed by him:

H-3279

- 1 Amend amendment H-3114 to House File 75 as
- 2 follows:
- 3 1. Page 2, line 3 by striking the words "local

- 4 building regulations" and inserting in lieu thereof
- 5 the words "a local building code".

Varley of Adair asked and received unanimous consent to temporarily defer action on amendment H-3279.

Evans of Grundy offered amendment H-3322, to amendment H-3114, filed by him and requested division as follows:

H-3322

- 1 Amend amendment H-3114 to House File 75 as
- 2 follows:

H-3322A

- 3 1. Page 2, line 5, by striking the word "fifty"
- 4 and inserting in lieu thereof the words "one hundred".

H-3322B

- 5 2. Page 2, line 18, by striking the word "fifty"
- 6 and inserting in lieu thereof the words "one hundred".

Evans of Grundy asked and received unanimous consent to withdraw amendment H-3322B.

Evans of Grundy asked and received unanimous consent to temporarily defer action on amendment H-3322A.

Lipsky of Linn offered the following amendment H-3317, to amendment H-3114, filed by her and Jesse of Polk and moved its adoption:

H-3317

- 1 Amend H-3114 to House File 75 as follows:
- 2 Page 2, by striking lines 6 and 7.

Roll call was requested by Varley of Adair and Husak of Tama.

Rule 70 was invoked.

On the question "Shall amendment H-3317, to amendment H-3114, be adopted?"

The ayes were, 40:

Anderson	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Crawford	Cusack	Evans	Garrison
Gentleman	Gilloon	Hargrave	Harvey
Hines	Horn	Hullinger	Jesse
Jochum	Koogler	Krewson	Lipsky
Miller, O.L.	Monroe	Nielsen	O'Halloran
Patchett	Pavich	Poncy	Rinas
Smalley	Tauke	Thompson	Tofte
Walter	Welden	Wells	Wulff

The nays were, 50:

Avenson	Baker	Binneboese	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Gilson
Griffee	Halvorson	Hansen	Harbor
Hinkhouse	Hoffmann	Husak	Junker
Krause	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Newhard	Norland	Oxley	Pellett
Pelton	Perkins	Scheelhaese	Schnekloth
Shimanek	Spear	Spencer	Stephens
Stromer	Svoboda	Varley	West
Wyckoff	Mr. Speaker		

Absent or not voting, 10:

Bennett	Branstad	Connors	Fitzgerald
Harper	Higgins	Howell	Schroeder
Small	Woods		

Amendment H-3317 lost.

The House resumed consideration of amendment H-3279, to amendment H-3114.

Welden of Hardin asked and received unanimous consent to withdraw amendment H-3279.

Welden of Hardin offered the following amendment H-3465, to amendment H-3114, filed by Welden, O'Halloran and Varley from the floor and moved its adoption:

H-3465

- 1 Amend amendment H-3114 to House File 75 by
- 2 striking on page 2, line 3, the words "local build-
- 3 ing regulations" and inserting in lieu thereof the
- 4 words "a local building code or compilation of
- 5 requirements for building construction".

Amendment H-3465 was adopted.

Junker of Woodbury offered the following amendment H-3460, to amendment H-3114, filed by him and Evans of Grundy from the floor and moved its adoption:

H-3460

- 1 Amend amendment H-3114 to House File 75 as
- 2 follows:
- 3 1. Page 2, by inserting after line 12 the
- 4 following:
- 5 "Sec. 5. Section one hundred three A point
- 6 nineteen (103A.19), Code 1977, is amended by
- 7 adding the following new unnumbered paragraph:
- 8 **NEW UNNUMBERED PARAGRAPH.** The specifications
- 9 for all buildings to be constructed after the
- 10 effective date of this Act and which exceed a total
- 11 volume of 100,000 cubic feet shall be reviewed by
- 12 a registered architect or registered engineer for
- 13 compliance with applicable energy efficiency
- 14 standards. A statement that a review has been
- 15 accomplished and that the design is in compliance
- 16 with the energy efficiency standards shall be
- 17 signed and sealed by the responsible registered
- 18 architect or registered engineer. This statement
- 19 shall be filed with the commissioner prior to
- 20 construction. Buildings which are to be used
- 21 primarily for agricultural purposes shall be exempt
- 22 from the requirement of this section. If the
- 23 specifications relating to energy efficiency for a
- 24 specific structure have been approved, additional
- 25 buildings may be constructed from those same
- 26 plans and specifications without need of
- 27 further approval if construction begins within
- 28 five (5) years of the date of approval. Alterations

29 of a structure which has been previously approved
30 shall not require a review because of these changes,
31 provided the basic structure remains unchanged."

Amendment H-3460 was adopted.

Evans of Grundy asked and received unanimous consent to withdraw the motion to reconsider amendment H-3288B, to amendment H-3114, filed by him on March 17, 1977.

The House resumed consideration of amendment H-3322A, to amendment H-3114.

On motion by Evans of Grundy, amendment H-3322A was adopted.

With the adoption of amendment H-3322A, the following amendments to H-3114 are out of order:

H-3292, filed by Harvey, et al., on March 16, 1977.

H-3386, filed by Evans of Grundy on March 23, 1977.

H-3387, filed by Evans of Grundy on March 23, 1977.

Hullinger of Decatur moved the adoption of the committee amendment H-3114, as amended.

Amendment H-3114, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koogler of Mahaska for the remainder of the day on request of Baker of Buena Vista.

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

On the question "Shall the bill pass?" (H.F. 75)

The ayes were, 76:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Crabb	Crawford
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Menke	Middleswart	Miller, K.D.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wulff	Wyckoff	Mr. Speaker

The nays were, 15:

Branstad	Byerly	Chiodo	Conlon
Daggett	Jesse	Lipsky	Loneragan
Millen	Miller, O.L.	Nielsen	Rinas
Stephens	Welden	West	

Absent or not voting, 9:

Bennett	Connors	Harbor	Harper
Howell	Koogler	Schroeder	Wells
Woods			

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

Senate File 71, a bill for an act to abolish the state board of eugenics, with report of committee recommending passage was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 71)

The ayes were, 89:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jesse
Jochum	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellet
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Bennett	Chiodo	Connors	Harbor
Harper	Howell	Junker	Koogler
Norland	Schroeder	Woods	

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

Senate File 36, a bill for an act correcting an erroneous correlating amendment contained in chapter twelve hundred forty-one (1241) of the Acts of the Sixty-sixth General Assembly, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 36)

The ayes were, 87:

Anderson	Avenson	Baker	Bina
Binneboese	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Husak	Jesse	Jochum	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Bennett	Brandt	Connors	Griffee
Harbor	Harper	Howell	Hullinger
Junker	Koogler	Pellett	Schroeder
Woods			

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

SUBCOMMITTEE ASSIGNMENTS

House File 378

Cities
Rinas, chair
Gentleman
Hines

House File 395

Energy
Griffee, chair
Danker
Howell
Svoboda
Varley

House File 396

Cities
Connors, chair
Newhard
Stephens
Koogler
Krewson

House File 413

Agriculture
Menke, chair
Danker
Gilson

House File 420

Agriculture
Danker, chair
Bennett
Husak

House File 422

Natural Resources
Scheelhaase, chair
Perkins
Stephens

House File 423

Natural Resources
Tofte, chair
Chiodo
Evans

House File 426

Natural Resources
Welden, chair
O'Halloran
Miller of Buchanan

House File 429

County Government
Gilson, chair
Miller of Calhoun
Pellett

House File 434

Natural Resources
Spencer, chair
Halvorson
Garrison

House File 435

County Government
Wyckoff, chair
Hinkhouse
Danker

House File 442

Human Resources
Krewson, chair
Miller of Buchanan
Baker

House File 452

Labor and
Industrial Relations
Connors, chair

Pavich

Poncy
Thompson
Halvorson

House File 454

Judiciary and
Law Enforcement
Nielsen, chair
Connors
Shimaneck

House File 455

County Government
Hinkhouse, chair
Miller of Calhoun
Harvey

House File 457

Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

House File 465

Agriculture
Husak, chair
Crabb
Gilson

House File 469

Agriculture
Svoboda, chair
Howell
Lindeen

House File 475

Energy
Binneboese, chair
Hullinger
Lindeen
Pellett
Svoboda

House Resolution 13

Labor and
Industrial Relations
Jochum, chair
Connors
Branstad

Senate File 167
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

Senate File 174
Natural Resources
Wyckoff, chair
Tofte
Scheelhaase

Senate File 243
Human Resources
Clark of
Cerro Gordo, chair
Hansen
Lonergan

Senate File 182
Energy
Binneboese, chair
Hullinger
Lindeen
Pellett
Svoboda

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 216
Natural Resources
Halvorson, chair
Miller of Buchanan
Perkins

S.B. 218
Natural Resources
Garrison, chair
Bennett
Scheelhaase

S.B. 227
Education
Patchett, chair
Baker
Dyrland
Horn
Norland
Poncy
Crawford
Daggett
Stromer
Wulff

S.B. 217
Budget
Cusack, chair
Jesse
Koogler
Varley
Welden

S.B. 220
Natural Resources
Avenson and
Halvorson, co-chair
Tofte
Pelton
Griffie

S.B. 226
Cities
Hoffmann, chair
Perkins
Spear

S.B. 228
Transportation
Brunow, chair
Lageschulte
Doyle
Davitt
Schroeder

ADOPTION OF HOUSE RESOLUTION 12

Pursuant to House Rule 26, the Speaker announced that House Resolution 12 filed on March 21, 1977, and found on pages 923 and 924 of the House Journal was adopted by unanimous consent.

PRESENTATION OF VISITORS

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

Sixteen sixth, seventh and eighth grade students from Lang Middle School, Algona, Iowa, accompanied by Walter Reemstra. By Krause of Kossuth.

Thirty-five eighth grade students from Mar-Mac Middle School, McGregor, Iowa. By Halvorson of Clayton.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 7:30 a.m., March 31, 1977

Convened: 7:45 a.m.

Adjourned: 9:00 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Hinkhouse, Hoffmann, Middleswart, Schneklath, Schroeder, Spencer and Clark of Lee.

Absent: Pavich.

Further discussion of aircraft pool with members of Board of Regents and Iowa State University.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., March 31, 1977

Convened: 8:00 a.m.

Adjourned: 8:30 a.m.

Present: Cusack, chair; Dunton, Vice—chair; Den Herder, ranking member; Avenson, Koogler, Norland, Stromer, Varley, Welden, Wells and Wulff.

Absent: Jesse and O'Halloran.

Senate File 235, a bill for an act appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and the Iowa comprehensive conference.

Recommended DO PASS.

Aye: Cusack, Den Herder, Avenson, Koogler, Norland, Stromer, Varley, Welden, Wells and Wulff.

Nay: Dunton.

Absent or not voting: Jesse and O'Halloran.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., March 31, 1977

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Gilloon, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Garrison and Krewson.

Reported the mental health resolution out to full committee. Reported Study Bill 231 out to full committee.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 8:00 a.m., March 31, 1977

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines (arrived at 8:45 a.m.), and Newhard.

Continued presentation by Phil Riley and Jan Johnson of Advisory Commission on Corrections.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 8:00 a.m., March 31, 1977

Convened: 8:10 a.m.

Adjourned: 8:45 a.m.

Present: Wyckoff, chair; Bina, Danker, Dieleman, Harbor, Lageschulte, Smalley, Walter and Woods.

Absent: Junker, Patchett and Byerly.

Discussed Senate File 244. Adopted committee amendment and recommended to propose amendment to this bill that is in State Government Committee. Brought Senate File 268 out of subcommittee to full Budget Committee. Discussed Senate File 267 with subcommittee recommendation Amend and Do Pass to full Budget Committee.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., March 31, 1977

Convened: 9:07 a.m.

Adjourned: 9:32 a.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Dunton, Gentleman, Hoffmann, Koogler, Krewson, Pavich, Rinas, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Perkins (arrived 9:14 a.m.), Schnekloth (arrived 9:14 a.m.), Hargrave, Newhard and Nielsen.

Excused: Connors.

House File 378 was discussed and failed to receive sufficient votes for a Do Pass recommendation. Assigned study bill to subcommittee. Committee adjourned and broke into subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., March 31, 1977

Convened: 9:05 a.m.

Adjourned: 10:00 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: None.

Study Bill 213, a bill for an act relating to the giving and receiving of gifts by state and local government officials, providing for administration of regulations established by this Act, and providing penalties.

Recommended AMEND AND DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Nay: None.

Absent or not voting: None.

COMMITTEE ON ENERGY

Scheduled: 1:00 p.m., March 31, 1977

Convened: 1:15 p.m.

Adjourned: 1:27 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Pellett, Pelton, Perkins and Varley.

Absent: Griffee, Middleswart, Norland and Svoboda.

Assigned bills to subcommittee and discussed progress of committee bills.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 1:00 p.m., March 31, 1977

Convened: 1:10 p.m.

Adjourned: 2:00 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Absent: Baker, Cusack and Newhard.

House File 387, a bill for an act to prohibit any requirement that persons taking merit examinations for social worker positions with the department of social services be graduates of university or college programs accredited by certain professional bodies.

Recommended AMEND AND DO PASS.

H-3448

- 1 Amend House File 387 as follows:
- 2 1. Page 1, line 8, by striking the words "are
- 3 graduates of such programs" and inserting in lieu
- 4 thereof the words "hold degrees in social work".
- 5 2. Page 1, line 13, by striking the words "in
- 6 social work".
- 7 3. Page 1, by striking line 16.

Aye: Higgins, Walter, Crawford, Anderson, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Miller of Buchanan, Schroeder and Tofte.

Nay: None.

Absent or not voting: Baker, Cusack, Lipsky, Lonergan and Newhard.

Discussion of Senate File 112.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:00 p.m., March 31, 1977

Convened: 1:08 p.m.

Adjourned: 1:12 p.m.

Present: Jochum, chair; Branstad, Gilloon, Horn, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Halvorson (arrived 1:11 p.m.), Brockett, Crabb, Hines and Small.

Excused: Connors, Egenes and Chiodo.

Made subcommittee assignments.

AMENDMENTS FILED

H-3463

S.F. 167

Miller of Buchanan
Anderson of Jasper
Menke of O'Brien
Bennett of Ida
Tofte of Winneshiek
Perkins of Greene
Wulff of Black Hawk
Millen of Van Buren
Crabb of Crawford
Byerly of Polk
Pavich of Pottawattamie
Baker of Buena Vista
Woods of Polk
Lageschulte of Bremer
Rinas of Linn
Dyrland of Clayton
Evans of Grundy
Garrison of Black Hawk
Dunton of Keokuk
Davitt of Warren
Wyckoff of Benton
Harbor of Mills
Wells of Linn
Poncy of Wapello
Cusack of Scott
Koogler of Mahaska
Daggett of Adams
Stephens of Plymouth
Husak of Tama

		Avenson of Fayette
		Scheelhaase of Woodbury
		Hinkhouse of Cedar
		Spear of Lee
		Clark of Cerro Gordo
		Binneboese of Plymouth
		Junker of Woodbury
		Patchett of Johnson
		Hines of Story
		Howell of Floyd
		Higgins of Scott
		Chiodo of Polk
		Walter of Pottawattamie
		Stromer of Hancock
		Brandt of Black Hawk
		Oxley of Linn
		Lonergan of Boone
		Gentleman of Polk
		Gilloon of Dubuque
		Schnekloth of Scott
		Gilson of Guthrie
		Horn of Linn
		Bina of Scott
		Brunow of Appanoose
		Pellett of Cass
		Hansen of O'Brien
		Miller of Calhoun
H-3464	H.F. 179	Krewson of Polk
H-3466	H.F. 488	Egenes of Story
		Branstad of Winnebago
		Brockett of Marshall
		Crabb of Crawford
		Halvorson of Clayton
		Lageschulte of Bremer
		Smalley of Polk
		Thompson of Polk
H-3467	H.F. 303	Brandt of Black Hawk
H-3468	H.F. 187	Spencer of Clay

On motion by Fitzgerald of Webster the House adjourned at 12:08 p.m., until 10:00 a.m., Monday, April 4, 1977.

JOURNAL OF THE HOUSE

Eighty—fifth Calendar Day -- Fifty—ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 4, 1977

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

Prayer was offered by the Reverend Charles Mehaffey, pastor of the Asbury United Methodist Church, Cedar Rapids, Iowa.

The Journal of Friday, April 1, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gene Michel, Cherokee, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis for the week of April 4, 1977 on request of Speaker Cochran of Webster; Middleswart of Warren on request of Hullinger of Decatur; Harbor of Mills for the morning session on request of Millen of Van Buren; Harvey of Scott on request of Tofte of Winneshiek; Hoffmann of Muscatine on request of Conlon of Muscatine; Garrison of Black Hawk on request of Dunton of Keokuk.

PRESENTATION OF VISITORS

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

Twenty students from Central Clinton High School, DeWitt, Iowa, accompanied by Mr. Kastler. By Pelton of Clinton.

Fifty fourth grade students from Roosevelt Elementary School, Perry, Iowa, accompanied by Mrs. Clarice Mains. By Varley of Adair.

PETITIONS FILED

The following petitions were received and placed on file:*

By Danker of Pottawattamie from twenty constituents supporting all Senior Citizens' projects.

By Halvorson of Clayton from ninety residents of Allamakee, Winneshiek and Clayton counties opposing House File 187, requiring a deposit on throw away cans and bottles.

By Tofte of Winneshiek from two hundred sixty-four constituents of the sixteenth district opposing House File 187, an act relating to the sale and use of certain beverage containers, and supporting House File 220, an act relating to the control of litter.

By Crawford of Story from twenty-seven constituents to adequately fund human resources program.

By Cusack of Scott from sixteen constituents supporting adequate funding for human resources programs and supporting progressive tax revisions such as modifying the present 100% deductibility of the federal income tax on Iowa personal income tax returns.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 231, a bill for an act relating to the authority of the director of revenue to sell cigarette stamps through banks.

Also: That the Senate has on April 1, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 156, a bill for an act providing an appropriation to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

Also: That the Senate has on March 31, 1977, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 7, providing for reorganization of certain positions within the Chief Clerk's office.

Also: That the Senate has on March 31, 1977, amended and adopted as amended the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 11, relating to temperature control in all state buildings.

Also: That the Senate has on March 31, 1977, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 13, providing for a joint session on Thursday, April 14, 1977, at 1:30 p.m. to observe Pioneer Lawmakers program.

Also: That the Senate has on March 31, 1977, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 17, providing for a joint memorial session of the General Assembly to be held on April 27, 1977, at 7:30 p.m.

Also: That the Senate has on March 31, 1977, concurred in the House amendment to, and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 7, providing for adjournment of the General Assembly on Thursday, April 7, 1977 and reconvening the following week on Tuesday, April 12, 1977.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE CONCURRENT RESOLUTION 11

H-3469

- 1 Amend House Concurrent Resolution 11 as amended
- 2 and passed by the House as follows:
- 3 1. Page 1, line 28, by striking the words "to
- 4 maintain a temperature of" and inserting in lieu
- 5 thereof the words "at a maximum temperature of approxi-
- 6 mately".
- 7 2. Page 1, line 34, by inserting after the word

- 8 "outside" the words "or inside".
9 3. Page 1, lines 34 and 35, by striking the words
10 "twenty—seven degrees Celsius" and inserting in lieu
11 thereof the words "eighty degrees Fahrenheit or unless
12 the lack of circulation of air in the area impairs
13 the health or effectiveness of employees".

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 1, 1977, he approved and transmitted to the Secretary of State the following bills:

House File 77, an act relating to the time when an action is deemed to have been commenced for purposes of Section Six Hundred Seventeen Point Three (617.3) of the Code.

House File 150, an act to repeal provisions relating to the compensation of deputy county officers in certain counties.

CONSIDERATION OF BILLS

Budget Calendar

Senate File 234, a bill for an act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, with report of committee recommending amendment and passage was taken up for consideration.

Cusack of Scott offered the following amendment H-3444 filed by the committee on budget:

H-3444

- 1 Amend Senate File 234, as passed by the Senate,
2 as follows:
3 1. Page 1, line 11, by striking the figure
4 "28,055" and inserting in lieu thereof the figure
5 "29,183".
6 2. Page 1, line 15, by striking the figure
7 "13,719" and inserting in lieu thereof the figure
8 "17,700".

Cusack of Scott offered the following amendment H-3470, to amendment H-3444 filed by him from the floor and moved its adoption:

H-3470

- 1 Amend the Committee on Budget amendment H-3444
- 2 to Senate File 234, as passed by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 8 the
- 5 following:
- 6 "3. Page 1, by striking lines 16 through 23."

Amendment H-3470 was adopted.

Cusack of Scott moved the adoption of the committee amendment H-3444, as amended.

Amendment H-3444, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 234)

The ayes were, 72:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Hargrave	Higgins
Hinkhouse	Horn	Howell	Husak
Jochum	Koogler	Krause	Lageschulte
Lindeen	Menke	Millen	Miller, K.D.
Monroe	Newhard	Nielsen	Patchett
Pavich	Pellett	Perkins	Poncy
Scheelhaase	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Spvoboda	Tauke	Tofte
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 6:

Conlon	Krewson	Miller, O.L.	Oxley
Schnekloth	Thompson		

Absent or not voting, 22:

Byerly	Clark, J.H.	Connors	Egenes
Garrison	Griffie	Harbor	Harper
Harvey	Hines	Hoffmann	Hullinger
Jesse	Junker	Lipsky	Lonergan
Middleswart	Norland	O'Halloran	Pelton
Rinas	Varley		

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

Senate File 266, a bill for an act making an appropriation from the general fund of the state to the board of accountancy, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 266)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Hargrave	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Menke
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder

Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Binneboese	Clark, J.H.	Connors	Garrison
Griffee	Harbor	Harper	Harvey
Hoffmann	Junker	Lipsky	Lonergan
Middleswart	Norland	O'Halloran	Rinas
Varley			

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

REGULAR CALENDAR

House File 408, a bill for an act relating to the improvement and maintenance plans of county conservation boards, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 408)

The ayes were, 81:

Avenson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Hargrave	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Menke
Millen	Miller, K.D.	Miller, O.L.	Monroe

Newhard	Nielsen	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 1:

Smalley

Absent or not voting, 18:

Anderson	Clark, J.H.	Connors	Garrison
Griffie	Harbor	Harper	Harvey
Hoffmann	Junker	Lipsky	Lonergan
Middleswart	Norland	O'Halloran	Rinas
Varley	Welden		

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

Senate File 262, a bill for an act making an appropriation to the board of watchmaking examiners, with report of committee recommending passage was taken up for consideration.

Brunow of Appanoose offered the following amendment H-3473 filed by him from the floor:

H-3473

- 1 Amend Senate File 262, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 1 through 13
- 4 and inserting in lieu thereof the following:
- 5 "Section 1. Chapter one hundred twenty (120),
- 6 Code 1977, is repealed."

Wyckoff of Benton rose on a point of order that amendment H-3473 was not germane.

The Speaker ruled the point not well taken and amendment H-3473 germane.

Small of Johnson in the chair at 10:54 a.m.

Roll call was requested by Conlon of Muscatine and Tofte of Winneshiek.

Rule 69 was invoked.

On the question "Shall amendment H-3473 be adopted?"

The ayes were, 32:

Anderson	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Conlon
Davitt	Dieleman	Dyrland	Egenes
Evans	Gentleman	Gilloon	Gilson
Hargrave	Hullinger	Jochum	Junker
Krause	Krewson	Menke	Patchett
Pavich	Perkins	Shimanek	Smalley
Spencer	Tauke	Walter	Welden

The nays were, 48:

Avenson	Baker	Bennett	Byerly
Chioldo	Clark, B.J.	Crabb	Cusack
Daggett	Danker	Den Herder	Doyle
Dunton	Halvorson	Hansen	Hinkhouse
Horn	Howell	Husak	Jesse
Koogler	Lageschulte	Lindeen	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Pellett
Pelton	Poncy	Schneklath	Schroeder
Spear	Stephens	Stromer	Svoboda
Thompson	Tofte	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Small)

Absent or not voting, 20:

Clark, J.H.	Cochran	Connors	Crawford
Fitzgerald	Garrison	Griffee	Harbor
Harper	Harvey	Higgins	Hines
Hoffmann	Lipsky	Lonergan	Middleswart
Norland	Rinas	Scheelhaase	Varley

Amendment H-3473 lost.

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

On the question "Shall the bill pass?" (S.F. 262)

The ayes were, 61:

Anderson	Avenson	Baker	Bennett
Bina	Branstad	Brockett	Brunow
Byerly	Clark, B.J.	Cochran	Crabb
Cusack	Daggett	Danker	Davitt
Den Herder	Doyle	Dunton	Evans
Gentleman	Gilloon	Halvorson	Hansen
Hargrave	Hinkhouse	Horn	Howell
Husak	Jesse	Koogler	Krause
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, O.L.	Monroe	Newhard
Nielsen	Oxley	Pellett	Pelton
Poncy	Schneklath	Schroeder	Spear
Spencer	Stephens	Stromer	Svoboda
Thompson	Tofte	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Small)

The nays were, 19:

Binneboese	Brandt	Conlon	Dieleman
Dyrland	Egenes	Gilson	Hullinger
Jochum	Junker	Krewson	Patchett
Pavich	Perkins	Scheelhaase	Shimanek
Smalley	Tauke	Walter	

Absent or not voting, 20:

Chiodo	Clark, J.H.	Connors	Crawford
Fitzgerald	Garrison	Griffie	Harbor
Harper	Harvey	Higgins	Hines
Hoffmann	Lonergan	Middleswart	Miller, K.D.
Norland	O'Halloran	Rinas	Varley

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

REGULAR CALENDAR

House File 70, a bill for an act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years, with report of committee recommending passage was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 70)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Cochran
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Hargrave	Hines	Hinkhouse	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Scheelhaase	Schnecloth
Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	
		(Small)	

The nays were, none.

Absent or not voting, 17:

Binneboese	Chiodo	Clark, J.H.	Connors
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Garrison
Harvey
Jesse
Varley

Griffie
Higgins
Middleswart

Harbor
Hoffmann
Norland

Harper
Hullinger
Rinas

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

House File 417, a bill for an act relating to railroad laws providing for changes to railroad laws, funding, repeal of certain sections and penalties, was taken up for consideration.

(House File 417 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

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

INTRODUCTION OF BILLS

HOUSE FILE 496, by Danker, a bill for an act prohibiting the importation, distribution, and sale of flammable interior furnishings and providing penalties.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 497, by Pellett, a bill for an act relating to the place of bringing legal actions against sellers or exchangers of diseased livestock.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 498, by Junker, a bill for an act relating to a period of meditation for school pupils.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 499, by Egenes, Lonergan, Hoffmann, Krause and Byerly, a bill for an act relating to the use of media services of the area education agencies by the area schools.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 500, by Wells, Brockett, Hullinger, Pellett, Poncy, Evans, Gentleman, Monroe, Harper, Clark of Cerro Gordo, Garrison, Middleswart, Howell, Clark of Lee, Stephens and Dieleman, a bill for an act relating to the tax levied and budget approval dates for the operation of an area vocational school or area community college.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 501, by Wells, a bill for an act relating to the powers of state credit unions.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 502, by Poncy, a bill for an act designating July fourth as Iowa youth achievement day, providing for the recognition of outstanding contributions made by young men and women in designated fields and making an appropriation.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 503, by Patchett, a bill for an act relating to persons who collect, store and disseminate consumer credit information, and providing penalties.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 504, by Hansen, a bill for an act appropriating funds for elderly and handicapped persons programs.

Read first time and referred to committee on BUDGET.

HOUSE FILE 505, by committee on natural resources, a bill for an act relating to the designation of depositaries for the sale of hunting, fishing and trapping licenses.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 506, by Brandt, a bill for an act relating to the law providing additional property tax relief to persons sixty-five years of age or older, surviving spouses fifty-five years of age or older, and persons who are totally disabled.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 507, by Pellett, a bill for an act relating to the marketing of livestock, and providing penalties.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 508, by Miller of Buchanan, West, Halvorson, Harbor, Wyckoff and Tofte, a bill for an act relating to the administrative closing of complaints on file for more than twelve months with the Iowa civil rights commission.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 509, by Jochum, Higgins, Anderson, Fitzgerald, Cusack, Gilloon, Miller of Buchanan, Wells, Monroe, Patchett, Dyrland, Rinas, Lonergan and Byerly, a bill for an act relating to workers' compensation medical benefits.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

INTRODUCTION OF HOUSE JOINT RESOLUTION

HOUSE JOINT RESOLUTION 10, by Doyle and Scheelhaase, a joint resolution creating a special committee to confer with the legislature of the state of Nebraska, to make a study of the present boundary line between the state of Nebraska and the state of Iowa, and to report its findings to the general assembly, and providing for an appropriation.

Read first time and referred to committee on BUDGET.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 4, 1977, he approved and transmitted to the Secretary of State the following bill:

House File 44, an act relating to the certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall for the afternoon session on request of West of Marshall.

BUSINESS PENDING

The House resumed consideration of House File 417, a bill for an act relating to railroad laws providing for changes to railroad laws, funding, repeal of certain sections and penalties.

Welden of Hardin offered amendment H-3474 filed by him from the floor. Welden of Hardin asked and received unanimous consent that action on amendment H-3474 be temporarily deferred.

Byerly of Polk offered the following amendment H-3476 filed by Byerly, Nielsen and Monroe from the floor and moved its adoption:

H-3476

- 1 Amend House File 417 as follows:
 2 1. Page 9, by inserting after line 17 the follow-
 3 ing:
 4 "Any person, firm or corporation owning or opera-
 5 ting railroad cars in this state shall insure that
 6 each car is equipped with four reflectorized strips,
 7 not less than three inches wide and twelve inches
 8 long, which strips shall be installed on each side,
 9 one at or near the front and one at or near the rear
 10 located on a horizontal line not more than twelve
 11 inches from the bottom of the car."

Roll call was requested by Junker of Woodbury and Perkins of Greene.

On the question "Shall amendment H-3476 be adopted?"

The ayes were, 67:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Evans	Gentleman	Griffee
Halvorson	Hansen	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Lindeen	Lipsky	Lonergan
Menke	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Pavich	Pellett	Perkins	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	West
Woods	Wulff	Wyckoff	

The nays were, 17:

Brunow	Crabb	Cusack	Doyle
Egenes	Gilloon	Gilson	Harbor
Higgins	Krause	Oxley	Rinas
Scheelhaase	Small	Spencer	Welden
			Mr. Speaker

Absent or not voting, 16:

Brockett	Connors	Fitzgerald	Garrison
Harper	Harvey	Hoffmann	Krewson
Lageschulte	Middleswart	Millen	Patchett
Pelton	Poney	Stromer	Wells

Amendment H-3476 was adopted.

Wyckoff of Benton offered amendment H-3456 filed by Wyckoff, et al., and requested division as follows:

H-3456

1 Amend House File 417 as follows:

H-3456A

- 2 1. Page 10, by striking lines 23 through 31 and
 3 inserting in lieu thereof the following:
 4 "NEW SECTION. When a railroad company files a
 5 petition requesting abandonment of railroad right-
 6 of-way with the interstate commerce commission and
 7 the interstate commerce commission approves the
 8 petition, the right-of-way shall be disposed of
 9 according to the following priority:
 10 1. Outside the corporate limits of any city.
 11 a. Right-of-way owned in fee simple shall be
 12 offered for a period of one year to any person wishing
 13 to establish and maintain rail service upon that land.
 14 The first person who accepts such offer shall receive
 15 title to the land subject to a remainder interest
 16 in the state if that person fails to establish service
 17 within two years thereafter or subsequently abandons
 18 the right-of-way.
 19 If the offer is not accepted within one year
 20 thereafter, the land shall be offered to the owner
 21 of the adjoining property from which the right-of-
 22 way was originally taken. Such offer shall remain
 23 open for a period of sixty days.
 24 b. The possessory interest in any right-of-way
 25 in which the railroad has a possessory interest only
 26 shall pass to the owner of the fee. The owner shall
 27 thereupon follow the procedure in paragraph a of this
 28 subsection.
 29 2. Inside the corporate limits of any city.

30 a. Right-of-way owned in fee simple shall be
31 offered for a period of one year to any person who
32 wishes to establish and maintain rail service upon
33 the land. The first person who accepts such offer
34 shall receive title to the land subject to a remain-
35 der interest in the state if the person fails to
36 establish service within two years thereafter or
37 subsequently abandons the right-of-way.

38 If the offer is not accepted within one year
39 thereafter or if the state acquires title to the land
40 by failure of the person to establish service or by
41 subsequent abandonment, the right-of-way shall then
42 first be offered to the city for a period of ninety
43 days for the establishment of an artery for vehicular
44 traffic. If the city does not exercise such option
45 the right-of-way shall be offered for a period of
46 sixty days to the owner of the adjoining property
47 from which the right-of-way was originally taken.

48 b. The possessory interest in any right-of-way
49 in which the railroad has a possessory interest only
50 shall pass to the owner of the fee. The owner shall

Page 2

- 1 thereupon follow the procedure in paragraph a of this
- 2 subsection."

H-3456B

- 3 2. Page 13, line 27, by inserting after the figure
- 4 "(327G.27)," the words and figures "three hundred
- 5 twenty-seven G point seventy-six (327G.76), three
- 6 hundred twenty-seven G point seventy-seven (327G.77),".

Wyckoff of Benton moved the adoption of amendment
H-3456A.

Roll call was requested by Wyckoff of Benton and Crabb of
Crawford.

Rule 69 was invoked.

On the question "Shall amendment H-3456A be adopted?"

The ayes were, 39:

Baker	Bennett	Branstad	Byerly
Clark, J.H.	Crabb	Daggett	Danker
Davitt	Den Herder	Dunton	Evans
Gilson	Halvorson	Hansen	Harbor
Hinkhouse	Hullinger	Husak	Junker
Lindeen	Loneragan	Menke	Millen
Miller, K.D.	Miller, O.L.	Newhard	Oxley
Pellett	Perkins	Scheelhaase	Schneklath
Schroeder	Smalley	Spencer	Stephens
Svoboda	Wyckoff	Mr. Speaker	

The nays were, 46:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Clark, B.J.
Conlon	Crawford	Cusack	Dieleman
Doyle	Dyrland	Egenes	Gentleman
Gilloon	Griffie	Hargrave	Higgins
Horn	Howell	Jesse	Jochum
Koogler	Krause	Krewson	Lipsky
Monroe	O'Halloran	Patchett	Pavich
Poncy	Rinas	Shimaneck	Small
Spear	Tauke	Thompson	Tofte
Varley	Walter	Weiden	Wells
Woods	Wulff		

Absent or not voting, 15:

Brockett	Connors	Fitzgerald	Garrison
Harper	Harvey	Hines	Hoffmann
Lageschulte	Middleswart	Nielsen	Norland
Pelton	Stromer	West	

Amendment H--3456A lost.

Action on amendment H--3456B was deferred.

Perkins of Greene offered the following amendment H--3477 filed by him from the floor and moved its adoption:

H-3477

- 1 Amend House File 417 as follows:
- 2 1. Page 10, by striking lines 32 and 33 and
- 3 inserting in lieu thereof the following: "NEW

4 SECTION."

5 2. Page 10, by striking from line 34 the
6 following: "building ceases."

Amendment H-3477 was adopted.

Schroeder of Pottawattamie offered the following amendment H-3471 filed by him from the floor:

H-3471

1 Amend House File 417 as follows:

2 1. Page 12, by inserting after line 18 the
3 following:

4 "Sec. Section three hundred twenty-seven
5 G point thirty-two (327G.32), Code 1977, is amended
6 to read as follows:

7 327G.32 BLOCKING HIGHWAY CROSSING. A railroad
8 corporation or its employees shall not operate any
9 train in such a manner as to prevent vehicular use
10 of any highway, street or alley for a period of time
11 in excess of ten minutes except:

12 1. When necessary to comply with signals affecting
13 the safety of the movement of trains.

14 2. When necessary to avoid striking any object
15 or person on the track.

16 3. When the train is disabled.

17 ~~4. When the train is in motion except while engaged~~
18 ~~in switching operations.~~

19 ~~5. When there is no vehicular traffic waiting~~
20 ~~to use the crossing.~~

21 6. When necessary to comply with governmental
22 safety regulations.

23 Any officer or employee of a railroad corporation
24 violating any provision of this section shall, upon
25 conviction be subject to the penalty provided in
26 section 327G.14. An employee shall not be guilty
27 of such violation if his action was necessary to
28 comply with the direct order or instructions of a
29 railroad corporation or its supervisors. ~~Such guilt~~
30 ~~shall then be with the railroad corporation.~~

31 The provisions of this section notwithstanding,
32 a political subdivision may pass a resolution or
33 ordinance regulating the length of time a specific

34 ~~crossing may be blocked obstruction of a road or alley~~
35 ~~at a railroad grade crossing if the political~~
36 ~~subdivision demonstrates such a resolution or ordinance~~
37 ~~is necessary for public safety or convenience. If~~
38 ~~such a resolution or ordinance is passed the political~~
39 ~~subdivision shall immediately notify the board and~~
40 ~~the railroad corporation using the crossing affected~~
41 ~~by the resolution or ordinance. The resolution or~~
42 ~~ordinance shall become effective thirty days after~~
43 ~~such notification unless a person files an objection~~
44 ~~to the resolution or ordinance with the board. If~~
45 ~~an objection is filed the board shall hold a hearing~~
46 ~~according to the rules established by the board.~~
47 ~~The board may disapprove the resolution or ordinance~~
48 ~~if public safety or convenience does not require such~~
49 ~~a resolution or ordinance. The resolution approved~~
50 ~~by the board shall be prima facie evidence that the~~

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1 ~~resolution is adopted to preserve public safety,~~
2 ~~health and convenience. Public safety or convenience~~
3 ~~may include, but shall not be limited to, high traffic~~
4 ~~density at a specific crossing of a main artery or~~
5 ~~interference with the flow of authorized emergency~~
6 ~~vehicles.~~

7 Political subdivisions shall notify the board
8 within sixty days of the effective date of this Act,
9 of each existing resolution or ordinance which does
10 not conform with the provisions of this section.

11 Such ordinances or resolutions may remain in effect
12 until the board has acted upon each ordinance or
13 resolution under the procedures specified in this
14 section.

15 A person or corporation convicted of a violation
16 of this section shall be subject to a schedule one
17 penalty."

18 2. Renumber section and correct internal references
19 as necessary.

Krause of Kossuth offered the following amendment H-3479,
to amendment H-3471, filed by him from the floor:

H-3479

1 Amend Amendment H-3471 to House File 417 by
2 striking lines 2 through 50 on page 1 and all of
3 page 2 and inserting in lieu thereof the following:

- 4 1. Page 12, by inserting after line 18 the
5 following:
- 6 "Sec. Section three hundred twenty-seven
7 G point thirty-two (327G.32), Code 1977, is amended
8 to read as follows:
- 9 327G.32 BLOCKING HIGHWAY CROSSING. A railroad
10 corporation or its employees shall not operate any
11 train in such a manner as to prevent vehicular use
12 of any highway, street or alley for a period of time
13 in excess of ten minutes except:
- 14 1. When necessary to comply with signals affecting
15 the safety of the movement of trains.
- 16 2. When necessary to avoid striking any object
17 or person on the track.
- 18 3. When the train is disabled.
- 19 ~~4. When the train is in motion except while engaged~~
20 ~~in switching operations.~~
- 21 ~~5. When there is no vehicular traffic waiting~~
22 ~~to use the crossing.~~
- 23 6. When necessary to comply with governmental
24 safety regulations.
- 25 Any officer or employee of a railroad corporation
26 violating any provision of this section shall, upon
27 conviction be subject to the penalty provided in
28 section 327G.14. An employee shall not be guilty
29 of such violation if his action was necessary to
30 comply with the direct order or instructions of a
31 railroad corporation or its supervisors. Such guilt
32 shall then be with the railroad corporation.
- 33 The provisions of this section notwithstanding,
34 a political subdivision may pass a resolution or
35 ordinance regulating the length of time a specific
36 crossing may be blocked if the political subdivision
37 demonstrates such a resolution or ordinance is neces-
38 sary for public safety or convenience. If such a
39 resolution or ordinance is passed the political sub-
40 division shall immediately notify the board and
41 the railroad corporation using the crossing affected
42 by the resolution or ordinance. The resolution or
43 ordinance shall become effective thirty days after
44 such notification unless a person files an objection
45 to the resolution or ordinance with the board. If
46 an objection is filed the board shall hold a hearing
47 according to the rules established by the board.
- 48 The board may disapprove the resolution or ordinance
49 if public safety or convenience does not require such

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1 a resolution or ordinance. Public safety or conven-
2 ience may include, but shall not be limited to, high
3 traffic density at a specific crossing of a main
4 artery or interference with the flow of authorized
5 emergency vehicles.

6 Political subdivisions shall notify the board
7 within sixty days of the effective date of this Act,
8 of each existing resolution or ordinance which does
9 not conform with the provisions of this section.

10 Such ordinances or resolutions may remain in effect
11 until the board has acted upon each ordinance or
12 resolution under the procedures specified in this
13 section.

14 2. Renumber section and correct internal references
15 as necessary.

Junker of Woodbury asked for unanimous consent to amend amendment H-3479 by striking the word "affecting" in line 14 and inserting in lieu thereof the word "effecting".

Objection was raised.

Junker of Woodbury moved that the rules be suspended to amend amendment H-3479.

A non-record roll call was requested.

The ayes were 20, nays 41.

The motion lost.

Brunow of Appanoose in the chair at 3:03 p.m.

Krause of Kossuth moved the adoption of amendment H-3479, to amendment H-3471.

A non-record roll call was requested.

The ayes were 30, nays 40.

Amendment H-3479 lost.

Schroeder of Pottawattamie offered the following amendment H-3478, to amendment H-3471, filed by him from the floor and moved its adoption:

H-3478

- 1 Amend amendment H-3471 to House File 417 as
- 2 follows:
- 3 1. Page 1, by striking all of lines 49 and 50
- 4 and inserting in lieu thereof the following:
- 5 "a resolution or ordinance. The resolution or
- 6 ordinance approved by the political subdivision
- 7 shall be prima facie evidence that the".

Amendment H-3478 was adopted.

Action on amendment H-3471, as amended, was temporarily deferred.

Evans of Grundy offered the following amendment H-3472 filed by Evans, West, Pelton, Wyckoff, Harbor, Husak, Hullinger, Hinkhouse, Welden, Baker, Perkins, Varley, Pellett, Danker, Lageschulte, Daggett, Scheelhaase, Dunton, Halvorson and Oxley from the floor:

H-3472

- 1 Amend House File 417, page 13, by inserting after
- 2 line 6 the following new section:
- 3 "Sec. Section six hundred fourteen point
- 4 twenty-four (614.24), Code 1977, is amended to read
- 5 as follows:
- 6 614.24 REVERSION OR USE RESTRICTIONS ON LAND—
- 7 PRESERVATION. No action based upon any claim arising
- 8 or existing by reason of the provisions of any deed
- 9 or conveyance or contract or will reserving or
- 10 providing for any reversion, reverted interests or
- 11 use restrictions in and to the land therein described
- 12 shall be maintained either at law or in equity in
- 13 any court to recover real estate in this state or
- 14 to recover or establish any interest therein or claim
- 15 thereto, legal or equitable, against the holder of
- 16 the record title to such real estate in possession
- 17 after twenty-one years from the recording of such
- 18 deed of conveyance or contract or after twenty-one

19 years from the admission of said will to probate
20 unless the claimant shall, by himself or herself,
21 or by his the claimant's attorney or agent, or if
22 he the claimant is a minor or under legal disability,
23 by his the claimant's guardian, trustee, or either
24 parent or next friend, shall file a verified claim
25 with the recorder of the county wherein said real
26 estate is located within said twenty—one year period.
27 In the event said deed was recorded or will was
28 admitted to probate more than twenty years prior to
29 July 4, 1965, then said claim may be filed on or
30 before one year after July 4, 1965. Such claims shall
31 set forth the nature thereof, also the time and manner
32 in which such interest was acquired. For the purposes
33 of this section, the claimant shall be any person
34 or persons claiming any interest in and to said land
35 or in and to such reversion, reverter interest or
36 use restriction, whether the same is a present interest
37 or an interest which would come into existence if
38 the happening or contingency provided in said deed
39 or will were to happen at once. Said claimant further
40 shall include any member of a class of persons entitled
41 to or claiming such rights or interests. The
42 provisions of this section shall not invalidate,
43 impair, or affect in any way the provisions for
44 reversion of title contained in ancient deeds,
45 contracts, or other conveyances which conveyed to
46 a railroad company any interest in property to be
47 used for the construction of rail facilities which
48 property is contiguous to property classified for
49 tax purposes as agricultural property."

Krause of Kossuth rose on a point of order that amendment H-3472 was not germane.

The Speaker ruled the point well taken and amendment H-3472 not germane.

Evans of Grundy moved that the rules governing germaneness be suspended for the consideration of amendment H-3472.

A non-record roll call was requested.

The ayes were 36, nays 37.

The motion lost.

The House resumed consideration of amendment H-3456B.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H-3456B.

The House resumed consideration of amendment H-3471.

Junker of Woodbury offered the following amendment H-3480, to amendment H-3471, filed by him from the floor and moved its adoption:

H-3480

- 1 Amend amendment H-3471 to House File 417 as
- 2 follows:
- 3 1. Page 1, by striking lines 12 and 13 and
- 4 inserting in lieu thereof the following:
- 5 "1. When necessary to comply with signals
- 6 ~~affecting the safety of~~ governing the movement
- 7 of trains."

Amendment H-3480 was adopted.

By unanimous consent the following amendment H-3481, to amendment H-3471, filed by Krause of Kossuth from the floor was adopted:

H-3481

- 1 Amend amendment H-3471 to House File 417
- 2 as follows:
- 3 1. Page 2, by striking lines 15, 16 and 17.

Schroeder of Pottawattamie moved the adoption of amendment H-3471, as amended.

A non-record roll call was requested.

The ayes were 55, nays 17.

Amendment H-3471, as amended, was adopted.

Clark of Lee offered the following amendment H-3417 filed by him and Lipsky of Linn and moved its adoption:

H-3417

- 1 Amend House File 417 as follows:
- 2 1. Page 12, by striking lines 19 through 30.

A non-record roll call was requested.

The ayes were 44, nays 33.

Amendment H-3417 was adopted.

Krause of Kossuth asked for unanimous consent that action on House File 417 be deferred.

Objection was raised.

Krause of Kossuth moved that House File 417 be deferred and retain its place on the weekly debate calendar.

Speaker Cochran in the chair at 3:58 p.m.

(House File 417 and the motion to defer pending at adjournment.)

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 232 Ways and Means

Relating to the imposition and rates of the franchise tax, and making the Act retroactive.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 4, 1977, he approved and transmitted to the Secretary of State the following bill:

Senate File 160, an act relating to and making an appropriation to agencies whose responsibilities relate to energy policy and research.

UNANIMOUS CONSENT CALENDAR
(House Resolution 14)

We hereby respectfully request that House Resolution 14, filed on March 23, 1977 and found on pages 984-985 of the House Journal, be placed on the unanimous consent calendar.

EGENES of Story
NIELSEN of Polk
WEST of Marshall

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for part of the morning on Monday, April 4, 1977. Had I been present I would have voted "aye" on House File 408; Senate Files 234 and 266.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chambers on Friday, April 1, 1977. Had I been present, I would have voted "aye" on House File 75; Senate Files 36 and 71.

KOOGLER of Mahaska

I was necessarily absent from the House chamber on Monday morning, April 4, 1977. Had I been present, I would have voted "aye" on House File 408 and Senate Files 234, 262 and 266.

LONERGAN of Boone

I was necessarily absent from the House chamber on March 22, 1977. Had I been present I would have voted "aye" on House File 414, amendments H-3363 and H-3367 to Senate File 214 and on the motion to reconsider amendment H-3367 to Senate File 214; "nay" on amendments H-3351C and H-3358 to Senate File 214.

O'HALLORAN of Black Hawk.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 6:30 p.m., March 31, 1977

Convened: 6:50 p.m.

Adjourned: 12:10 a.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Poncy, Baker, Byerly, Dyrland, Hansen, Horn, Norland, Spear, Wulff, Thompson, Krewson, Gilson and Koogler.

Absent: Brockett and Small.

Excused: Crawford.

Discussed and heard testimony pertaining to the proposed contract between Eastern Iowa Community College, Davenport, and Marycrest College, Davenport.

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:00 a.m., April 1, 1977

Convened: 8:15 a.m.

Adjourned: 9:00 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; Anderson, Bina, Branstad, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Harbor, Husak, Menke, O'Halloran, Oxley, Pavich, Rinas, Schneklath, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: West (arrived 8:20 a.m.), Harvey (arrived 8:25 a.m.), Jochum (arrived 8:16 a.m.), Bennett, Clark of Lee, Cusack, Gilloon, Hines, Horn,

Excused: Howell.

Assigned bills and discussed House File 223.

AMENDMENTS FILED

H-3475	H.F. 417	Nielsen of Polk
H-3482	H.F. 179	Schnekloth of Scott
H-3483	H.F. 187	Smalley of Polk
H-3484	H.F. 476	Spear of Lee
		Schnekloth of Scott
H-3485	S.F. 231	Perkins of Greene
		Byerly of Polk
		Daggett of Adams
		Fitzgerald of Webster
		Scheelhaase of Woodbury
		Jesse of Polk
		Pellett of Cass
H-3486	H.F. 285	Brandt of Black Hawk
H-3487	H.F. 179	Hargrave of Johnson
H-3488	H.F. 354	Hargrave of Johnson
H-3489	H.F. 476	Spear of Lee
H-3490	H.F. 125	Spear of Lee
H-3491	H.F. 179	Branstad of Winnebago

On motion by Avenson of Fayette the House adjourned at 3:57 p.m., until 9:00 a.m., Tuesday, April 5, 1977.

JOURNAL OF THE HOUSE

Eighty—sixth Calendar Day -- Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 5, 1977

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

Prayer was offered by the Reverend Walter Bernard, Jr., pastor of the Faith Warren United Methodist Church, Waverly, Iowa.

The Journal of Monday, April 4, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan Robb, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren on request of Miller of Calhoun.

PETITIONS FILED

The following petitions were received and placed on file:

By Thompson of Polk from twenty—nine citizens of Iowa favoring permitting the sale of certified raw milk.

By Gilson of Guthrie from seventy—nine citizens of Adair, Guthrie, Dallas, and Madison counties favoring rescinding the equal rights amendment.

By Brandt of Black Hawk from five hundred thirteen members of the John Deere Employees Credit Union supporting legislation to create a separate state agency to exercise regulatory control over Iowa's 408 state—chartered credit unions, and that John

Deere Employees Credit Union members be encouraged to communicate interest in passage of such legislation to their elected representatives.

By Bina of Scott from twenty-nine amateur radio operators of Scott County, opposing Senate File 167, an act relating to transportation providing for issuance of radio operator registration plates.

By Dunton of Keokuk from thirty-one students from the ecology classes of Nashua High School, favoring House File 187, a bill relating to returnable bottles and cans, and opposing House File 220, a bill relating to littering.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 297, a bill for an act appropriating funds for the enforcement of welfare fraud laws.

Also: That the Senate has on April 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 298, a bill for an act appropriating funds for the second phase for the construction of the Lindquist center located at the university of Iowa.

Also: That the Senate has on April 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 299, a bill for an act making an appropriation to the board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

Also: That the Senate has on April 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 301, a bill for an act making appropriations to the braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the board of regents.

Also: That the Senate has on April 1, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 302, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

STEVEN C. CROSS, Secretary

ADOPTION OF HOUSE RESOLUTION 15

Pursuant to House Rule 26, the Speaker announced that House Resolution 15 filed on March 24, 1977 and found on page 1039 of the House Journal was adopted by unanimous consent.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that House File 417 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 490, a bill for an act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty, was taken up for consideration.

By unanimous consent the following amendment H-3498, filed by Wyckoff of Benton from the floor, was adopted:

H-3498.

- 1 Amend House File 490 as follows:
- 2 1. Page 1, line 21, by inserting after the
- 3 word "actual" the following: ", imminent".

Evans of Grundy offered the following amendment H-3492 filed by him from the floor and asked for unanimous consent that it be withdrawn:

H-3492

- 1 Amend House File 490 as follows:
- 2 1. Page 1, line 25, by striking the words "causing
- 3 or producing" and inserting in lieu thereof the words
- 4 "the ability to cause or produce".
- 5 2. Page 1, line 28, by striking the words "causing
- 6 or producing" and inserting in lieu thereof the words
- 7 "the ability to cause or produce".
- 8 3. Page 1, line 31, by striking the words "causing
- 9 or producing" and inserting in lieu thereof the words
- 10 "to cause or produce".

Objection was raised.

Evans of Grundy moved the adoption of amendment H-3492.

Amendment H-3492 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford for the remainder of the morning on request of Husak of Tama.

Conlon of Muscatine moved to reconsider the vote by which amendment H-3492 was adopted by the House.

The motion prevailed and the House reconsidered amendment H-3492.

Evans of Grundy asked and received unanimous consent to withdraw amendment H-3492.

Doyle of Woodbury offered the following amendment H-3497 filed by him from the floor and moved its adoption:

H-3497

- 1 Amend House File 490 as follows:
- 2 1. Page 3, line 17, by inserting after the

- 3 word "department" the following: " , the local
4 police department,"
5 2. Page 3, line 21, by inserting after the
6 word "sheriff" the words "or police chief".

Amendment H-3497 was adopted.

Wyckoff of Benton moved to reconsider the vote by which amendment H-3498 was adopted by unanimous consent.

A non-record roll call was requested.

The ayes were 50, nays 28.

The motion prevailed and amendment H-3498 was reconsidered.

Wyckoff of Benton asked for unanimous consent to withdraw amendment H-3498.

Objection was raised.

Wyckoff of Benton moved to withdraw amendment H-3498.

A non-record roll call was requested.

The ayes were 39, nays 45.

The motion lost.

Wyckoff of Benton moved the adoption of amendment H-3498.

A non-record roll call was requested.

The ayes were 67, nays 18.

Amendment H-3498 was adopted.

With the adoption of amendment H-3498, amendment H-3500 filed by Wyckoff of Benton from the floor, was out of order.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 490)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Millen	Miller, K.D.
Miller, O.L.	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff

The nays were, 3:

Danker	Schroeder	Stephens
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Absent or not voting, 9:

Chiodo	Connors	Harper	Harvey
Higgins	Middleswart	Monroe	Norland
			Mr. Speaker

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

UNANIMOUS CONSENT TO VOTE

Millen of Van Buren asked and received unanimous consent that Crabb of Crawford be recorded as voting "aye" on House File 490 in his absence and the vote was so recorded.

Senate File 231, a bill for an act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code, with report of committee recommending passage was taken up for consideration.

Perkins of Greene offered the following amendment H-3485 filed by Perkins, et al.:

H-3485

- 1 Amend Senate File 231 as follows:
- 2 1. Page 2, line 26, by striking the word
- 3 "three" and inserting in lieu thereof the words "three
- 4 five".

Perkins of Greene asked for unanimous consent to withdraw amendment H-3485.

Objection was raised.

Perkins of Greene moved the adoption of amendment H-3485.

Roll call was requested by Baker of Buena Vista and Daggett of Adams.

On the question "Shall amendment H-3485 be adopted?"

The ayes were, 66:

Anderson
Bina

Avenson
Brandt

Baker
Branstad

Bennett
Brunow

Byerly	Chiodo	Clark, B.J.	Conlon
Crawford	Cusack	Daggett	Den Herder
Dieleman	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Griffee	Halvorson
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Jesse	Jochum
Krause	Lageschulte	Lindeen	Menke
Millen	Miller, K.D.	Miller, O.L.	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Smalley	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Woods
Wulff	Wyckoff		

The nays were, 23:

Binneboese	Brockett	Clark, J.H.	Danker
Davitt	Doyle	Egenes	Evans
Gentleman	Gilson	Howell	Hullinger
Husak	Junker	Koogler	Krewson
Lonergan	Pellett	Scheelhaase	Spear
Stromer	Wells	Mr. Speaker	

Absent or not voting, 11:

Connors	Crabb	Hansen	Harper
Harvey	Higgins	Lipsky	Middleswart
Monroe	Norland	Small	

Amendment H-3485 was adopted.

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

On the question "Shall the bill pass?" (S.F. 231)

The ayes were, 93:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker

Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Connors	Harper	Harvey	Higgins
Krause	Middleswart	Norland	

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

UNANIMOUS CONSENT TO VOTE

Millen of Van Buren asked and received unanimous consent that Crabb of Crawford and Hansen of O'Brien be recorded as voting "aye" in their absence on Senate File 231 and the votes were so recorded.

PRESENTATION OF VISITORS

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

One hundred students from Creston High School, Creston, Iowa, accompanied by Mrs. Mueller. By Pellett of Cass and Hullinger of Decatur.

Ninety students from Waukee Middle School, Waukee, Iowa, accompanied by Daran Dahms. By Varley of Adair.

Twelve students from Iowa Falls, Iowa, accompanied by Mrs. Verlyn Ellefson. By Welden of Hardin.

Four students from Creston High School, Creston, Iowa, accompanied by Lee Campbell. By Hullinger of Decatur.

Twenty-five fourth grade students from Lincoln Elementary School, Perry, Iowa. By Varley of Adair.

Forty eighth grade students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Charles Sheridan. By Newhard of Jones.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SPECIAL PRESENTATION

Lipsky of Linn escorted to the Speaker's station and presented to the House Pat Paulsen, "almost President of the United States" and National Chairman of the Campaign for the National Kidney Foundation.

Mr. Paulsen entertained the House with remarks and thanked the members for the leadership Iowa has shown in kidney care and research.

HOUSE INSISTS (Senate File 156)

Perkins of Greene called up for consideration Senate File 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, and moved that the House insist on its amendment.

Roll call was requested by Clark of Lee and Harvey of Scott.

Rule 69 was invoked.

On the question "Shall the House insist on its amendment?"

The ayes were, 58:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Cusack
Davitt	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gilloon
Gilson	Griffiee	Harbor	Hargrave
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Lageschulte	Lonergan	Miller, O. L.	Monroe
Newhard	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Scheelhaase
Smalley	Spear	Spencer	Stephens
Svoboda	Walter	Wells	Woods
		Wyckoff	Mr. Speaker

The nays were, 31:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Den Herder	Egenes	Gentleman	Halvorson
Hansen	Harvey	Hoffmann	Lindeen
Menke	Millen	Pellett	Pelton
Rinas	Schnekloth	Schroeder	Shimanek
Stromer	Tauke	Thompson	Tofte
Varley	Welden	Wulff	

Absent or not voting, 11:

Connors	Doyle	Harper	Krewson
Lipsky	Middleswart	Miller, K.D.	Nielsen
Norland	Small	West	

The motion prevailed and the House insists on its amendment.

CONSIDERATION OF BILLS

Regular Calendar

House File 179, a bill for an act relating to health care provider malpractice, and providing methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practioners, arbitration as a method of resolving disputes arising from the delivery of health care services and for the practices and procedures to be used therein, and the entering or judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, and providing correlating and corrective amendments to the Code and providing penalties, was taken up for consideration.

Monroe of Des Moines offered amendment H-3247 filed by him and requested division as follows:

H-3247

1 Amend House File 179 as follows:

H-3247A

2 1. Page 1, by striking lines 10 through 12 and
3 inserting in lieu thereof the following:
4 "NEW SUBSECTION. "Hospital" means and includes
5 a hospital licensed under chapter one hundred thirty-
6 five B (135B) of the Code, and a health care facil-
7 ity licensed under chapter one hundred thirty-five
8 C (135C) of the Code."

H-3247B

9 2. Page 1, lines 28 and 29, by striking the words
10 "practitioner or hospital" and inserting in lieu
11 thereof the word "provider".
12 3. Page 2, lines 16 and 17, by striking the words
13 "practitioner or hospital" and inserting in lieu
14 thereof the word "provider".

- 15 4. Page 7, lines 21 and 22, by striking the words
16 "providers, except hospitals," and inserting in lieu
17 thereof the word "practitioners".

H-3247C

- 18 5. Page 10, lines 23 and 24, by striking the words
19 "who are licensed in the profession".

H-3247D

- 20 6. Page 10, line 26, by striking the word "A"
21 and inserting in lieu thereof the words
22 "Notwithstanding any provision of chapter twenty-eight
23 A (28A) of the Code to the contrary, a".

H-3247E

- 24 7. Page 12, by striking lines 17 through 20.

H-3247F

- 25 8. Page 13, line 11, by inserting after the word
26 "Examination" the words "by a physician of the
27 licensee's choice".
28 9. Page 13, line 20, by inserting after the word
29 "examination" the words "by a physician of the
30 licensee's choice".

H-3247G

- 31 10. Page 14, line 1, by inserting after the word
32 "malpractice." the words "The licensee must give such
33 notification not later than thirty days after the
34 execution of a settlement agreement or after the
35 entry, whether or not appealed, of an adverse
36 judgment."

H-3247H

- 37 11. Page 14, by striking lines 9 and 10 and insert-
38 ing in lieu thereof the words "personnel of the depart-
39 ment available for enforcement of the provisions of
40 this".

H-3247I

- 41 12. Page 15, by striking line 6, and inserting

- 42 in lieu thereof the following:
43 "Sec. 19. NEW SECTION. JUDICIAL REVIEW.
44 1. A final action".
45 13. Page 15, by striking lines 11 through 14 and
46 inserting in lieu thereof the words " not be subject
47 to review by the court."
48 14. Page 15, by inserting after line 21 the
49 following:
50 "2. A health care board may suspend any license

Page 2

- 1 simultaneously with the institution of disciplinary
2 proceedings, or where renewal of a license is refused,
3 if it finds that there is an imminent danger to the
4 public health or safety which warrants this action.
5 The suspension shall continue in effect until the
6 conclusion of the proceedings, including judicial
7 review thereof, under the provisions of the Iowa
8 administrative procedure Act, unless sooner withdrawn
9 by the board or dissolved by the order of the district
10 court or an appellate court."

H-3247B

- 11 15., Page 15, by striking lines 24 through 26 and
12 inserting in lieu thereof the words "by hospitals
13 and insurance carriers insuring health care providers,
14 of".

H-3247J

- 15 16. Page 15, line 29, by inserting after the word
16 "insurance " the words ", in consultation with the
17 department of health,".

H-3247D

- 18 17. Page 16, line 15, by inserting after the word
19 "section" the words ", notwithstanding chapter twenty-
20 eight A (28A) of the Code,".

H-3247K

- 21 18. Page 16, line 27, by inserting after the word
22 "information" the words ", other than information

- 23 acquired through periodic or other routine inspections
24 specifically required by law to be made,".

H-3247L

25 19. Page 18, by striking lines 7 through 10 and
26 inserting in lieu thereof the following: "injuries
27 shall be expressed in the following elements, to the
28 extent found to be present: Loss of future income,
29 subject to the limitation that an injured party shall
30 not have a right of action for any loss of income,
31 including past and future loss, which exceeds five
32 hundred thousand dollars; and future expenses for
33 care and treatment. The total amount awarded as
34 damages also shall be subject to the limitation that
35 an injured party shall not have a right of action
36 for any loss which is not a direct monetary loss to
37 the injured party."

38 20. Page 18, lines 21 and 22, by striking the
39 words ", future expenses for care and treatment, and
40 future noneconomic harm" and inserting in lieu thereof
41 the words "and future expenses for care and treatment".

H-3247M

42 21. Page 19, by striking lines 1 through 3 and
43 inserting in lieu thereof the words "be payable pro
44 rata from those amounts awarded, if any, for".

H-3247L

45 22. Page 19, lines 4 and 5, by striking the words
46 ", future care and treatment, and future noneconomic
47 harm" and inserting in lieu thereof the words "and
48 future care and treatment".

49 23. Page 19, by striking line 7 and inserting
50 in lieu thereof the words "judgment debtor; provided

Page 3

1 that the judgment debtor shall not be liable to pay
2 at any time any greater portion of the total amount
3 of attorney fees than the portion of the total judgment
4 for past and future injuries which the judgment debtor
5 actually has received."

H-3247N

6 24. Page 19, by striking lines 27 through 35.

H-3247B

- 7 25. Page 21, lines 27 and 28, by striking the
8 words "practitioner or hospital" and inserting in
9 lieu thereof the word "provider".
- 10 26. Page 22, by striking lines 4 through 6 and
11 inserting in lieu thereof the following:
12 "3. "Hospital" means a hospital as defined".
- 13 27. Page 22, by inserting after line 12 the
14 following subsection :
15 "_. "Health care provider" means a health care
16 provider as defined in section one hundred forty-seven
17 point one (147.1) of the Code."

H-3247O

- 18 28. Page 23, line 6, by inserting after the word
19 "brochure" the words "approved for use by the com-
20 missioner of insurance".

H-3247P

- 21 29. Page 23, by striking lines 11 and 12 and
22 inserting in lieu thereof the words "with a duplicate
23 original agreement."

H-3247Q

- 24 30. Page 23, by striking lines 19 through 21.

H-3247R

- 25 31. Page 23, by striking lines 30 and 31 and
26 inserting in lieu thereof the words "shall not be
27 denied emergency care or treatment prior to offering
28 the option. The agreement may provide for".

H-3247P

- 29 32. Page 24, by striking lines 20 through 25.

H-3247S

- 30 33. Page 26, line 12, by striking the words "one
31 hundred" and inserting in lieu thereof the word
32 "fifty".

H-3247B

- 33 34. Page 27, line 2, by striking the words
34 "practitioner or hospital" and inserting in lieu
35 thereof the word "provider".
36 35. Page 27, line 16, by striking the words "health
37 care practitioner or hospital" and inserting in lieu
38 thereof the words "health care provider".
39 36. Page 27, lines 17 and 18, by striking the
40 words "practitioner or hospital" and inserting in
41 lieu thereof the word "provider".

H-3247T

- 42 37. Page 30, by striking lines 26 and 27 and
43 inserting in lieu thereof the words "of evidence shall
44 be as provided under rules promulgated by the
45 commissioner of insurance pursuant to chapter seventeen
46 A (17A) of the Code. The rules shall require the
47 panel to observe rules of evidence in civil actions".

H-3247U

- 48 38. Page 33, by striking lines 32 through 35 and
49 inserting in lieu thereof the following: "determined
50 in the arbitration award. An arbitrator shall be

Page 4

- 1 reimbursed for mileage and expenses in the amount
2 and to the extent provided for employees of this
3 state, and shall receive a fee equal to forty dollars
4 for each day when engaged in duties as an arbitrator."
5 39. Page 34, by striking line 1.

H-3247T

- 6 40. Page 34, by striking lines 22 through 24.

H-3247U

- 7 41. Page 34, by striking lines 32 through 35.
8 42. Page 35, by striking line 1.

H-3247V

9 43. Page 35, line 9, by inserting after the word
10 "time" the words ", but in no event more than one
11 year,".

H-3247W

12 44. Page 36, by striking lines 2 through 8 and
13 inserting in lieu thereof the following:
14 "Sec. 45. NEW SECTION. AUTHORITY OF COMMISSIONER.
15 1. The commissioner of insurance shall promulgate
16 rules pursuant to chapter seventeen A (17A) of the
17 Code for the administration of this chapter, which
18 shall include the rules specified in section thirty—
19 two (32) of this Act, and rules to govern arbitration
20 proceedings.
21 2. The commissioner of insurance shall examine
22 and shall disapprove the use of any form of agreement,
23 rule, brochure, circular, or other written matter
24 if in the opinion of the commissioner such document
25 fails to meet the requirements of this chapter, or
26 is misleading to the public in any material respect."

H-3247B

27 45. Page 38, lines 11 and 12, by striking the
28 words ", physicians, other health care providers and
29 hospitals" and inserting in lieu thereof the words
30 "health care providers".

H-3247L

31 46. Amend the title, line 7, by inserting after
32 the word "therein," the words "limitations on losses
33 which are recoverable in health care malpractice
34 actions,".

H-3247X

35 47. By renumbering sections and subsections of
36 the bill and correcting internal references within
37 the bill in conformity with this amendment.

Monroe of Des Moines moved the adoption of amendment
H-3247A.

Roll call was requested by Tauke of Dubuque and Nielsen of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3247A be adopted?"

The ayes were, 55:

Anderson	Avenson	Bina	Binneboese
Brandt	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Danker	Davitt	Den Herder
Dieleman	Dunton	Evans	Fitzgerald
Garrison	Griffiee	Halvorson	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lonergan	Menke
Miller, K.D.	Monroe	Newhard	Norland
O'Halloran	Pelton	Perkins	Poncy
Rinas	Schnekloth	Small	Spear
Svoboda	Wulff	Mr. Speaker	

The nays were, 32:

Baker	Bennett	Brunow	Chiodo
Daggett	Egenes	Gentleman	Gilloon
Hansen	Harbor	Hoffmann	Koogler
Miller, O.L.	Nielsen	Oxley	Patchett
Pavich	Pellett	Schroeder	Shimanek
Smalley	Spencer	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	Woods	Wyckoff

Absent or not voting, 13:

Connors	Cusack	Doyle	Dyrland
Gilson	Harper	Jesse	Lipsky
Middleswart	Millen	Scheelhaase	Stromer
West			

Amendment H-3247A was adopted.

On motion by Monroe of Des Moines, amendment H-3247B was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247C.

Roll call was requested by Byerly of Polk and Nielsen of Polk.

On the question "Shall amendment H-3247C be adopted?"

The ayes were, 28:

Baker	Brockett	Byerly	Chiodo
Dunton	Egenes	Fitzgerald	Gilloon
Griffie	Halvorson	Hines	Horn
Howell	Hullinger	Husak	Krewson
Lindeen	Monroe	Nielsen	Oxley
Patchett	Poncy	Schneklath	Spear
Tofte	Wells	Woods	Mr. Speaker

The nays were, 53:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Danker	Davitt	Den Herder
Dieleman	Gentleman	Harbor	Harvey
Higgins	Hinkhouse	Hoffmann	Junker
Koogler	Krause	Lageschulte	Lonergan
Menke	Miller, K.D.	Miller, O.L.	Newhard
Norland	O'Halloran	Pavich	Pellett
Pelton	Perkins	Rinas	Schroeder
Shimanek	Small	Smalley	Spencer
Stephens	Svoboda	Tauke	Thompson
Varley	Walter	Welden	Wulff
Wyckoff			

Absent or not voting, 19:

Clark, J.H.	Connors	Cusack	Doyle
Dyrland	Evans	Garrison	Gilson
Hansen	Hargrave	Harper	Jesse
Jochum	Lipsky	Middleswart	Millen
Scheelhaase	Stromer	West	

Amendment H-3247C lost.

On motion by Monroe of Des Moines, amendment H-3247D was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247E.

A non-record roll call was requested.

The ayes were 22, nays 53.

Amendment H-3247E lost.

Monroe of Des Moines moved the adoption of amendment H-3247F.

Amendment H-3247F lost.

Monroe of Des Moines moved the adoption of amendment H-3247G.

Amendment H-3247G was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247H.

Amendment H-3247H was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247I.

Amendment H-3247I was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247J.

Amendment H-3247J was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247K.

Amendment H-3247K was adopted.

Further action on amendment H-3247 was deferred.

Hargrave of Johnson offered the following amendment H-3487 filed by him and moved its adoption:

H-3487

- 1 Amend House File 179 as follows:
- 2 1. Page 17, by striking lines 12 through 35.
- 3 2. By striking pages 18, 19 and 20.
- 4 3. Page 21, by striking lines 1 through 18.

Roll call was requested by Hargrave of Johnson and Patchett of Johnson.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3487 be adopted?"

The ayes were, 45:

Baker	Branstad	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Doyle	Dunton	Garrison
Gilloon	Gilson	Hansen	Harbor
Hargrave	Harvey	Hoffmann	Horn
Hullinger	Husak	Koogler	Krewson
Lindeen	Lipsky	Millen	Nielsen
Norland	Patchett	Pavich	Pelton
Poney	Scheelhaase	Schnekloth	Shimanek
Smalley	Stephens	Thompson	Tofte
Varley	Walter	Wells	Woods
Wyckoff			

The nays were, 49:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brockett	Crabb
Cusack	Daggett	Danker	Davitt
Dieleman	Dyrland	Egenes	Evans
Gentleman	Griffee	Halvorson	Higgins
Hines	Hinkhouse	Howell	Jochum
Junker	Krause	Lageschulte	Loneragan
Menke	Miller, K.D.	Miller, O.L.	Monroe
Newhard	O'Halloran	Oxley	Pellett
Perkins	Rinas	Schroeder	Small
Spear	Spencer	Stromer	Svoboda

Tauke	Welden	West	Wulff Mr. Speaker
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Absent or not voting, 6:

Brunow Jesse	Den Herder Middleswart	Fitzgerald	Harper
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Amendment H-3487 lost.

The House resumed consideration of amendment H-3247.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-3247L.

Monroe of Des Moines moved the adoption of amendment H-3247M.

A non-record roll call was requested.

The ayes were 12, nays 58.

Amendment H-3247M lost.

Monroe of Des Moines moved the adoption of amendment H-3247N.

A non-record roll call was requested.

The ayes were 22, nays 47.

Amendment H-3247N lost.

Further action on amendment H-3247 was deferred.

Nielsen of Polk offered the following amendment H-3458 filed by him and moved its adoption:

H-3458

1 Amend House File 179 as follows:

2 1. Page 21, by striking lines 19 through 35.

- 3 2. By striking pages 22 through 36.
 4 3. Page 37, by striking lines 1 through 5.

Roll call was requested by Nielsen of Polk and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3458 be adopted?"

The ayes were, 40:

Baker	Bennett	Binneboese	Branstad
Brunow	Chiodo	Clark, B.J.	Conlon
Connors	Doyle	Dunton	Gilloon
Gilson	Hargrave	Harvey	Hoffmann
Horn	Husak	Jesse	Junker
Koogler	Krewson	Millen	Miller, K.D.
Miller, O.L.	Nielsen	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Smalley	Stephens
Varley	Woods	Wulff	Wyckoff

The nays were, 57:

Anderson	Avenson	Bina	Brandt
Brockett	Byerly	Clark, J.H.	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dyrland
Egenes	Evans	Garrison	Gentleman
Griffee	Halvorson	Hansen	Harbor
Higgins	Hines	Hinkhouse	Howell
Hullinger	Jochum	Krause	Lageschulte
Lindeen	Lipsky	Loneran	Menke
Monroe	Newhard	Norland	O'Halloran
Pellett	Rinas	Schroeder	Shimanek
Small	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
			Mr. Speaker

Absent or not voting, 3:

Fitzgerald	Harper	Middleswart
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Amendment H-3458 lost.

The House resumed consideration of amendment H-3247.

Monroe of Des Moines moved the adoption of amendment H-3247O.

Amendment H-3247O was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247P.

Amendment H-3247P was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247Q.

Amendment H-3247Q lost.

Monroe of Des Moines moved the adoption of amendment H-3247R.

A non-record roll call was requested.

The ayes were 46, nays 33.

Amendment H-3247R was adopted.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-3247S.

Monroe of Des Moines moved the adoption of amendment H-3247T.

Amendment H-3247T was adopted.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-3247U.

Monroe of Des Moines moved the adoption of amendment H-3247V.

Amendment H-3247V was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247W.

Amendment H-3247W was adopted.

Monroe of Des Moines moved the adoption of amendment H-3247X.

A non-record roll call was requested.

The ayes were 81, nays 3.

Amendment H-3247X was adopted.

(House File 179 pending at adjournment.)

INTRODUCTION OF BILLS

HOUSE FILE 510, by Millen, a bill for an act relating to procedures to be followed by drainage districts in which are located ditches, drains or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE FILE 511, by Patchett, a bill for an act creating state park advisory committees, providing for the election of members, and specifying their duties.

Read first time and referred to committee on NATURAL RESOURCES.

SENATE MESSAGES CONSIDERED

SENATE FILE 297, a bill for an act appropriating funds for the enforcement of welfare fraud laws.

Read first time and referred to committee on BUDGET.

SENATE FILE 298, a bill for an act appropriating funds for the second phase for the construction of the Lindquist center located at the university of Iowa.

Read first time and referred to committee on BUDGET.

SENATE FILE 299, a bill for an act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

Read first time and referred to committee on BUDGET.

SENATE FILE 301, a bill for an act making appropriations to the Iowa braille and sightsaving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents.

Read first time and referred to committee on BUDGET.

HOUSE RESOLUTION 17

By Wells

1 *Whereas*, Representative Wally Horn, along with
2 the 16th Avenue Sykora Bakery located in the Czech
3 village near Cedar Rapids, treated the Legislature
4 to Kolaches; and
5 *Whereas*, Representative Horn and the Sykora
6 Bakery have displayed utmost generosity; *Now Therefore*,
7 *Be It Resolved by the House of Representatives*,
8 That the members of the Sixty—seventh General Assembly,
9 1977 Session, express its thanks to both Representative
10 Wally Horn and the Sykora Bakery; and
11 *Be It Further Resolved*, That a copy of this resolu—
12 tion be forwarded to the Sykora Bakery.

Laid over under Rule 25.

MOTIONS TO RECONSIDER
(House File 490)

I move to reconsider the vote by which House File 490 passed the House on April 5, 1977.

BENNETT of Ida

(Senate File 231)

I move to reconsider the vote by which Senate File 231 passed the House on April 5, 1977.

STROMER of Hancock

(Amendment H-3471 to House File 417)

I move to reconsider the vote by which amendment H-3471 to House File 417 was adopted by the House on April 4, 1977.

DOYLE of Woodbury

(Amendment H-3476 to House File 417)

I move to reconsider the vote by which amendment H-3476 to House File 417 was adopted by the House on April 4, 1977.

SVOBODA of Iowa

(Amendment H-3247A to House File 179)

I move to reconsider the vote by which amendment H-3247A to House File 179 was adopted by the House on April 5, 1977.

BYERLY of Polk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for a portion of the day Monday, April 4, 1977. Had I been present, I would

have voted "aye" on House Files 70 and 408 and Senate File 234 and "nay" on Senate File 262.

GARRISON of Black Hawk

I was necessarily absent from the House chamber on the afternoon of April 4, 1977. Had I been present, I would have voted "aye" on amendment H-3476 and amendment H-3456A to House File 417.

LAGESCHULTE of Bremer

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 4:30 p.m., April 4, 1977

Convened: 4:10 p.m.

Adjourned: 4:45 p.m.

Present: Small, chair; Lonergan, vice-chair; Bina, Brunow, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Krause, Tauke, Walter and Welden.

Absent: Anderson (arrived 4:30 p.m.), West (arrived 4:21 p.m.), Koogler and Schroeder.

Excused: Brockett.

House File 90, a bill for an act providing for the payment of interest on escrow accounts relating to real property.

Recommended AMEND AND DO PASS.

H-3522

- 1 Amend House File 90 as follows:
 2 1. Page 1, line 8, by inserting after the
 3 word "seller" the following: "except when the
 4 lender is the Federal Housing Administration,
 5 the Farmers Home Administration, or the
 6 Veterans Administration".

Aye: Small, Lonergan, Anderson, Bina, Brunow, Chiodo, Den Herder, Dieleman, Evans, Jochum, Walter, Welden and West.

Nay: Halvorson.

Absent or Not Voting: Brockett, Koogler, Krause, Schroeder and Tauke.

House File 338, a bill for an act to provide that corporations organized under chapter four hundred ninety-one (491) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code.

Recommended AMEND AND DO PASS.

H-3521

- 1 Amend House File 338 as follows:
 2 1. Page 1, line 6, by inserting after the number
 3 "(491)" the words "or chapter four hundred ninety-
 4 six A (496A)".
 5 2. Page 3, line 2, by inserting after the number
 6 "(491)" the words "or chapter four hundred ninety-
 7 six A (496A)".
 8 3. Page 3, line 31, by inserting after the number
 9 "(491)" the words "or chapter four hundred ninety-
 10 six A (496A)".
 11 4. Page 4, by inserting after line 8 the words
 12 "or chapter four hundred ninety-six A (496A)".
 13 5. Page 6, by inserting after line 21 the
 14 following:
 15 "Sec. 8. Chapter four hundred ninety-six A (496A),
 16 Code 1977, is amended by adding the following new
 17 section:
 18 **NEW SECTION. CONVERSION TO COOPERATIVE ASSOCIATION.**
 19 A corporation incorporated under this chapter may
 20 become a cooperative association under chapter four
 21 hundred ninety-nine (499) of the Code by complying

22 with the procedures established in sections one (1)
23 through six (6) of this Act.”
24 6. Title page, line 2, by inserting after the
25 number “(491)” the words “or chapter four hundred
26 ninety—six A (496A)”.

Aye: Small, Lonergan, Bina, Brunow, Chiodo, Den Herder, Dieleman,
Evans, Halvorson, Jochum, Tauke, Walter, Welden and West.

Nay: None.

Absent or Not Voting: Brockett, Anderson, Koogler, Krause and
Schroeder.

Senate File 119, a bill for an act relating to the regulation of savings and
loan associations.

Recommended DO PASS.

Aye: Small, Lonergan, Bina, Brunow, Chiodo, Den Herder, Dieleman,
Halvorson, Jochum, Walter, Welden and West.

Nay: None.

Absent or Not Voting: Brockett, Anderson, Evans, Koogler, Krause,
Schroeder and Tauke.

House File 358, a bill for an act to amend the uniform commercial code to
increase the time for filing a purchase money security interest in certain
collateral.

Recommended DO PASS.

Aye: Small, Lonergan, Bina, Brunow, Chiodo, Den Herder, Dieleman,
Halvorson, Jochum, Tauke, Walter, Welden and West.

Nay: None.

Absent or Not Voting: Brockett, Anderson, Evans, Koogler, Krause and
Schroeder.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 4:30 p.m., April 4, 1977

Convened: 4:10 p.m.

Adjourned: 5:12 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Hinkhouse, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: None.

Excused: Harvey and Hoffmann.

Study Bill 191, a bill for an act relating to vacating and closing highways.

Recommended AMEND AND DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Hinkhouse, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells, Wyckoff.

Nay: None.

Absent or Not Voting: Harvey and Hoffmann.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 4:30 p.m., April 4, 1977

Convened: 4:10 p.m.

Adjourned: 5:15 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: Branstad (arrived 4:25 p.m.), Nielsen (arrived 4:50 p.m.), Pelton (arrived 4:45 p.m.), Connors and Garrison.

House File 248, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Recommended AMEND AND DO PASS.

H-3516

- 1 Amend House File 248 as follows:
- 2 1. Page 1, line 17, by striking the word "The".
- 3 2. Page 1, by striking lines 18 and 19 and
- 4 inserting in lieu thereof the following: "Proof of
- 5 abandonment must include both the intention to abandon

6 and the acts by which the intention is carried out."

7 3. Page 1, by striking lines 25 through 30.

8 4. Page 1, line 32, by striking the word "A" and
9 inserting in lieu thereof the words "An unmarried".

10 5. Page 1, by striking lines 33 through 35 and
11 lines 1 through 4 on page 2.

12 6. Page 9, line 33, by striking the word "law."
13 and inserting in lieu thereof the words: "law, and
14 shall have exclusive original jurisdiction in
15 proceedings concerning an adult who is alleged to
16 have committed a delinquent act prior to having become
17 an adult, provided that the taking of that person
18 into custody for the alleged act or the filing of
19 a delinquency petition alleging the commission of
20 the act does not occur

21 (1) More than one year after the alleged commission
22 of an act which would be a simple misdemeanor if
23 committed by an adult; or

24 (2) More than two years after the alleged
25 commission of an act which would be an offense other
26 than a simple misdemeanor if committed by an adult."

27 7. Page 10, line 2, by striking the words "was
28 under eighteen years of age at the time" and inserting
29 in lieu thereof the words "is within the provisions
30 of subsection one (1) of this section".

31 8. Page 10, line 3, by striking the words "of
32 the alleged commission of the offense".

33 9. Page 10, line 19, by inserting after the word
34 "court." the words "The juvenile court shall waive
35 jurisdiction upon motion by the child."

36 10. Page 11, line 34, by striking the letter "b"
37 and inserting in lieu thereof the letter "a".

38 11. Page 12, by striking lines 1 through 32 and
39 inserting in lieu thereof the following:

40 "3. If the child is not represented by counsel
41 as required under subsection one (1) of this section,
42 counsel shall be provided as follows:

43 a. If the court determines, after giving the
44 child's parent, guardian or custodian an opportunity
45 to be heard, that such person has the ability in whole
46 or in part to pay for the employment of counsel, it
47 shall either order that person to retain an attorney
48 to represent the child or shall appoint counsel for
49 the child and order the parent, guardian or custodian
50 to pay for that counsel as provided in subsection

Page 2

1 five (5) of this section.

2 b. If the court determines that the parent,
3 guardian or custodian cannot pay any part of the
4 expenses of counsel to represent the child, it shall
5 appoint such counsel, who shall be reimbursed according
6 to the provisions of section seventy-two (72),
7 subsection one (1), paragraph d, of this Act.

8 4. If the child is represented by counsel and
9 the court determines that there is a conflict of
10 interest between the child and his or her parent,
11 guardian or custodian and that the retained counsel
12 could not properly represent the child as a result
13 of the conflict, the court shall appoint other counsel
14 to represent the child and order the parent, guardian
15 or custodian to pay for such counsel as provided in
16 subsection five (5) of this section.

17 5. If the court determines, after an inquiry which
18 includes notice and reasonable opportunity to be heard
19 that the parent, guardian or custodian has the ability
20 to pay in whole or in part for the attorney appointed
21 for the child, the court may order that person to
22 pay such sums as the court finds appropriate in the
23 manner and to whom the court directs. If the person
24 so ordered fails to comply with the order without
25 good reason, the court shall enter judgment against
26 him or her."

27 12. Page 12, by striking lines 33 through 35.

28 13. Page 13, by striking lines 1 through 7.

29 14. Page 17, by striking lines 6 through 15.

30 15. Page 21, line 30, by inserting after the word
31 "for" the words "an adjudicatory".

32 16. Page 23, line 35, by inserting after the word
33 "mechanical" the words "or electronic".

34 17. Page 24, line 21, by inserting after the word
35 "custodian" the words "upon their demand".

36 18. Page 26, line 24, by inserting after the word
37 "begin." the words "If the court finds that there
38 has been reasonably diligent effort to give notice
39 to a parent, guardian or custodian and that the effort
40 has been unavailing, the hearing may proceed without
41 such notice having been served."

42 19. Page 29, line 3, by striking the words
43 "accordance with" and inserting in lieu thereof the
44 words "the same manner as for adjudicatory hearings
45 as provided in".

46 20. Page 29, line 4, by striking the words "the
47 provisions of".

48 21. Page 29, line 6, by striking the words

49 "accordance with the provisions of" and inserting
50 in lieu thereof the words "the same manner as for

Page 3

1 adjudicatory hearings as provided in".

2 22. Page 31, line 16, by striking the comma.

3 23. Page 31, line 17, by inserting after the word
4 "hearing," the words "or upon agreement by the
5 parties,".

6 24. Page 31, line 18, by striking the words "court
7 upon agreement" and inserting in lieu thereof the
8 word "court."

9 25. Page 31, by striking line 19.

10 26. Page 35, line 21, by inserting after the word
11 "ordering" the words "a work assignment or assignments
12 or from ordering".

13 27. Page 35, line 24, by striking the words "or
14 assignments" and inserting in lieu thereof the words
15 "of value to the victim".

16 28. Page 38, line 16, by inserting after the word
17 "age" the words ", except that in the case of an adult
18 within the jurisdiction of the court under the
19 provisions of section three (3), subsection one (1)
20 of this Act, the dispositional order shall
21 automatically terminate one year after the last date
22 upon which jurisdiction could attach."

23 29. Page 40, by striking lines 13 through 15 and
24 inserting in lieu thereof the following:

25 "Notice requirements of this section shall be
26 satisfied in the same manner as for adjudicatory
27 hearings as provided in section eighteen (18) of this
28 Act. At a hearing under this section all relevant
29 and material evidence shall be admitted."

30 30. Page 41, line 1, by inserting after the word
31 "age" the words "and marital status".

32 31. Page 41, by inserting after line 24 the
33 following new section:

34 "Sec. NEW SECTION. **MODIFICATION OF CUSTODY**
35 **DECREE**. During the pendancy of an action under this
36 division, a parent without custody pursuant to a
37 decree of dissolution of marriage is estopped from
38 applying for a modification of the custody decree
39 in a court of this or any other state."

40 32. Page 43, line 17, by inserting after the word
41 "section" the words ", and any employer of or person
42 under the direction of such a person, agency, or
43 institution,".

44 33. Page 43, line 20, by inserting after the word

- 45 "keeping." the following: "The court shall not deny
46 immunity solely because of an inadvertent failure
47 to comply with the requirements of subsection two
48 (2) of this section."
49 34. Page 45, line 22, by striking the words
50 "accordance with the provisions of" and inserting

Page 4

- 1 in lieu thereof the words "the same manner as for
2 adjudicatory hearings in cases of juvenile delinquency
3 as provided in".
4 35. Page 46, line 9, by inserting after the word
5 "Act." the words "A parent without custody may petition
6 the court to be made a party to proceedings under
7 this division."
8 36. Page 50, line 23, by striking the words "at
9 the conclusion" and inserting in lieu thereof the
10 words "held during the last month".
11 37. Page 53, line 16, by striking the words
12 "accordance with the provisions of" and inserting
13 in lieu thereof the words "the same manner as for
14 adjudicatory hearings in cases of juvenile delin-
15 quency as provided in".
16 38. Page 55, line 22, by striking the word "heard"
17 and inserting in lieu thereof the words "heard, except
18 that notice may be dispensed with in the case of any
19 such person whose name or whereabouts the court
20 determines is unknown and cannot be ascertained by
21 reasonably diligent search."
22 39. Page 55, by striking lines 23 through 26.
23 40. Page 59, line 18, by striking the word and
24 figure "thirty-four (34)" and inserting in lieu thereof
25 the word and figure "thirty-seven (37)".
26 41. Page 59, by inserting after line 18 the
27 following new section:
28 "Sec. ~~...~~ **NEW SECTION. MODIFICATION OF CUSTODY**
29 **DECREE** During the pendency of an action under this
30 division, a parent without custody pursuant to a
31 decree of dissolution of marriage is estopped from
32 applying for a modification of the custody decree
33 in a court of this or any other state."
34 42. Page 60, by inserting after line 9 the
35 following subsection:
36 "___ A parent without custody may petition the
37 court to be made a party to proceedings under this
38 division."
39 43. Page 60, line 27, by inserting after the word

- 40 "order" the words "any or all of".
41 44. Page 61, by inserting after line 9 the
42 following new subsection:
43 "— If the hearing appealed from was held by
44 other than a district court judge, appeal shall be
45 to the district court. Subsequent review shall be
46 at the discretion of the appellate courts."
47 45. Page 62, by striking lines 9 through 11.
48 46. Page 62, line 30, by inserting after the word
49 "minor." the following: "An order entered under this
50 section shall not obligate a parent paying child

Page 5

- 1 support under a custody decree, except that any part
2 of such a monthly support payment may be used to
3 satisfy the obligations imposed by an order entered
4 under this section."
5 47. Page 73, by striking lines 4 through 10.
6 48. By striking page 75, line 26 through page
7 76, line 28.
8 49. By renumbering, relettering, and correcting
9 internal references to conform to this amendment.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Nielsen, Patchett, Scheelhaase and Shimanek.

Nay: Branstad, Conlon, Pelton, Smalley, Spencer and Woods.

Absent or Not Voting: Connors and Garrison.

Assigned bills to subcommittees.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., April 5, 1977

Convened: 8:13 a.m.

Adjourned: 9:00 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard, Schroeder and Tofte.

Absent: None.

House File 163, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Nay: Lipsky.

Absent or Not Voting: Hargrave, Krewson and Newhard.

Senate File 243, a bill for an act relating to the qualifications required of the director of the division of mental health resources of the department of social services.

Recommended DO PASS.

Aye: Higgins, Crawford, Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Gentleman, Hansen, Lipsky, Lonergan, Miller of Buchanan, Schroeder and Tofte.

Nay: None.

Absent or Not Voting: Walter, Garrison, Hargrave, Krewson and Newhard.

AMENDMENTS FILED

H-3494	H.F. 179	Doyle of Woodbury
H-3495	H.F. 495	Schnekloth of Scott
H-3496	H.F. 495	Wyckoff of Benton
H-3499	H.F. 179	Thompson of Polk
H-3501	H.F. 179	Nielsen of Polk
H-3502	H.F. 179	Jesse of Polk
H-3503	H.F. 179	Newhard of Jones
H-3504	H.F. 179	Krewson of Polk
H-3505	H.F. 179	Chiodo of Polk
H-3506	H.F. 125	Spear of Lee
H-3507	H.F. 480	Spear of Lee
H-3508	H.F. 488	Halvorson of Clayton
H-3509	H.F. 463	Dyrland of Clayton

H-3510	H.F. 463	Dyrland of Clayton
H-3511	H.F. 463	Dyrland of Clayton
H-3512	H.F. 187	Varley of Adair
H-3513	S.F. 302	Spear of Lee
		Thompson of Polk
		Tofte of Winneshiek
		Crawford of Story
		Krewson of Polk
		Hansen of O'Brien
		Hoffmann of Muscatine
		Clark of Cerro Gordo
		Pelton of Clinton
		Shimanek of Jones
		Gilson of Guthrie
H-3514	S.F. 302	Welden of Hardin
H-3515	S.F. 302	Daggett of Adams
		Pelton of Clinton
H-3517	H.F. 179	Hargrave of Johnson
H-3518	H.F. 179	Hargrave of Johnson
H-3519	H.F. 179	Hargrave of Johnson
H-3520	H.F. 63	Monroe of Des Moines
H-3523	H.F. 400	Higgins of Scott
H-3524	H.F. 495	Daggett of Adams
		Pellett of Cass

On motion by Fitzgerald of Webster the House adjourned at 5:28 p.m., until 10:00 a.m., Wednesday, April 6, 1977.

JOURNAL OF THE HOUSE

Eighty—seventh Calendar Day — Sixty—first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 6, 1977

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

Prayer was offered by the Reverend Earl Underwood, Jr., pastor of the First Plymouth United Presbyterian Church, Akron, Iowa.

The Journal of Tuesday, April 5, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. G. Boeke, Osage, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren on request of Doyle of Woodbury.

PRESENTATION OF VISITORS

Varley of Adair presented to the House three foreign exchange students, Anne Stigell' from Sweden, Vah Yna Person from Brazil and Rye—mundo Sotello from Mexico, attending Perry High School, Perry, Iowa.

Crabb of Crawford presented to the House Vilma Delgado from Cucuta, Colombia, living in Denison, Iowa with the Morrison family.

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

Forty fifth and sixth grade students from Elmwood Elementary School, Des Moines, Iowa, accompanied by Shirley Bounk. By Gentleman of Polk.

Sixty—one students from Waukee High School, Waukee, Iowa, accompanied by Paul Bullock. By Varley of Adair.

Five senior government students from Woodward—Granger High School, Woodward, Iowa, accompanied by Mr. McGill. By Varley of Adair.

Thirteen seniors from New Providence Senior High School, New Providence, Iowa, accompanied by Lou Schafer. By West of Marshall.

Thirty—four eighth grade students from Cardinal Stritch School, Keokuk, Iowa accompanied by Sister Clara. By Clark of Lee.

PETITIONS FILED

The following petitions were received and placed on file:

By Dyrland of Clayton from twenty—two citizens of Edgewood, Iowa endorsing the proposed bottle bill and thirty—three students of Nashua, Iowa supporting returnable bottles and cans and protesting the litter tax bill.

By Patchett of Johnson from seven hundred four constituents opposing the acquisition of land, on the part of the Conservation Commission, to enlarge Lake McBride State Park.

By Tofte of Winneshiek from twenty—five constituents of the sixteenth district opposing House File 187, an act relating to the sale and use of certain beverage containers, and supporting House File 220, an act relating to the control of litter.

By Smalley of Polk from thirty—six constituents supporting increased funding of human resource programs.

By Middleswart of Warren from nine constituents opposed to House File 191, a bill to allow pari—mutuel betting in the state of Iowa.

MESSAGES FROM THE SENATE

The following messages were received in the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 251, a bill for an act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

Also: That the Senate has on April 4, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 209, a bill for an act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state.

Also: That the Senate has on April 4, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 296, a bill for an act relating to the membership and duties of the state advisory council for vocational education and local advisory committees for vocational education.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 251

H-3525

- 1 Amend House File 251 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 17 through 20.
- 4 2. Page 3, by inserting after line 4 the following:
- 5 "Sec. Section one hundred ten point one
- 6 (110.1), Code 1977, is amended by inserting after
- 7 line 51 the following:
- 8 Nonresident raccoon stamp and tags.....\$100.00"
- 9 3. Page 4, by striking lines 13 and 14.
- 10 4. Page 4, by striking lines 15 through 18.
- 11 5. Renumber the sections to conform with this
- 12 amendment.

HOUSE CONCURRENT RESOLUTION 24
By Lipsky, Wells, Brandt, Wulff and Horn

1 *Whereas*, the bicycle provides a practical, energy
2 conserving and healthful alternative to motorized trans-
3 portation; and

4 *Whereas*, since 1970, the popularity of cycling in
5 this state has risen sharply as more and more adults
6 have discovered its value in terms of health, recreation
7 and transportation; and

8 *Whereas*, the number of facilities for cyclists has
9 not expanded commensurate with the rise in popularity
10 of cycling and existing facilities are inadequate; and

11 *Whereas*, traffic safety would be greatly enhanced if
12 more facilities, such as bikeways, were provided for
13 cyclists; and

14 *Whereas*, state and federal funds are presently
15 available for the construction of bikeways; and

16 *Whereas*, abandoned railroad lines may be used for the
17 construction of bikeways to create transportation and
18 recreational facilities and minimize the adverse effects
19 resulting from the abandonment of railroad lines; *Now*
20 *Therefore*,

21 *Be It Resolved by the House of Representatives, The*
22 *Senate Concurring*, That the state department of transpor-
23 tation study the feasibility of acquiring and converting
24 into a bikeway the railroad line owned by the Waterloo
25 railroad company which has applied to the United States
26 interstate commerce commission seeking abandonment and
27 has been granted authority to abandon a section of line
28 from Cedar Rapids in Linn county to Waterloo in Black
29 Hawk county; and

30 *Be It Further Resolved*, That the study shall be sub-

Page 2

1 mitted to the General Assembly thirty days after the
2 convening of the 1978 Session of the Sixty-seventh
3 General Assembly and that the study consider all aspects
4 bearing on the feasibility of such project, including
5 the cost of acquisition of the right-of-way, by either
6 purchase or eminent domain, the cost of converting the
7 right-of-way into a bikeway together with ancillary
8 facilities such as comfort stations and camp grounds,
9 the cost of its continued maintenance and upkeep and an
10 assessment of anticipated benefits of such bikeway to the
11 surrounding communities and the residents of this state.

Referred to committee on TRANSPORTATION.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the date indicated:

House Clerk	Carolyn R. Littrell	Grade 13 to Grade 15 (3/18/77)
Administrative Assistant	Margaret L. Stone	Grade 13 to Grade 15 (3/18/77)
Administrative Assistant	Mary Kay Whitfield	Grade 13 to Grade 15 (4/1/77)
Supervisor of Clerks	Evelyn K. Higginbottom	Step 6 to Step 7 (4/15/77)
Doorkeeper	Donald R. Emanuel	Step 2 to Step 3 (4/29/77)

Also:

Your committee on House administration reports the following appointment to the officers and employees of the House:

File Clerk	Laure Donlon	4/1/77
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WELLS of Linn, chair

CONSIDERATION OF BILLS

Budget Calendar

Senate File 235, a bill for an act appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and the Iowa comprehensive conference, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 235)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pelton	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklöth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 1:

Welden

Absent or not voting, 10:

Gilloon	Harbor	Harper	Higgins
Hullinger	Koogler	Middleswart	Mills
Newhard	Patchett		

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of House File 179, a bill for an act relating to health care provider malpractice, and providing methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, arbitration as a method of resolving disputes arising from the delivery of health care services and for the practices and procedures to be used therein, and the entering of judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, and providing correlating and corrective amendments to the Code and providing penalties.

Thompson of Polk offered the following amendment H-3499 filed by her:

H-3499

- 1 Amend House File 179 as follows:
- 2 1. Page 7, line 24, by inserting after the word
- 3 "equivalent." the words "A health care board may
- 4 permit hours accumulated in excess of the requirement
- 5 for one year to be carried over and credited against
- 6 the requirement for subsequent years. A health care
- 7 board also may, upon application in individual cases,
- 8 waive the continuing education requirements for any
- 9 one year, and may renew the waiver for like periods,
- 10 in the event of hardship or extenuating circumstances;
- 11 and a health care board may, upon application in
- 12 individual cases, grant reasonable extensions of time
- 13 within which to satisfy the continuing education
- 14 requirements, in the event of hardship or extenuating
- 15 circumstances."

By unanimous consent the following amendment H-3529, to amendment H-3499, filed by Tauke of Dubuque from the floor, was adopted:

H-3529

- 1 Amend the amendment H-3499 to House File 179
- 2 as follows:
- 3 1. Page 1, line 5, by inserting after the
- 4 word "over" the words "for not more than three

5 years”.

6 2. Page 1, line 9, by inserting after the
7 word “periods” the words “of not more than three
8 years”.

Thompson of Polk moved the adoption of amendment H-3499, as amended.

Amendment H-3499, as amended, was adopted.

Nielsen of Polk offered the following amendment H-3501 filed by him:

H-3501

1 Amend House File 179 as follows:

2 1. Page 17, by striking lines 29 through 31 and
3 inserting in lieu thereof the following:

4 “e. “Future injuries” means and includes the fol-
5 lowing:

- 6 1. Future pain and suffering.
- 7 2. Future mental anguish.
- 8 3. Impairment of earning capacity.
- 9 4. Future loss of time.
- 10 5. Permanency of the injury.
- 11 6. Disability.
- 12 7. Inability to lead a normal life.
- 13 8. Future expenses for care and treatment.
- 14 9. Any other element of future damages now
15 recognized under present law and alleged in
16 plaintiff’s petition and where there is evi-
17 dence thereof.”

18 2. Page 18, by striking lines 2 through 10 and in-
19 serting in lieu thereof the following:

20 “2. The trier of fact, if a jury, in every medical
21 malpractice action shall be instructed to find, if the
22 evidencé warrants, what elements of future injuries as
23 defined in subparagraph “e.”, if any, exists and to
24 give compensation to each said element as they feel the
25 evidence shows. The total awarded by the jury for said
26 elements shall constitute the award for future injuries
27 for the purposes of paragraph 3 of this section. If
28 the trier of fact is the court, the court shall find as
29 separate facts what elements of future injuries as de-
30 fined in subparagraph “e.” exist and shall give compen-

- 31 sation to each said element as it feels the evidence
32 warrants. The total awarded by the court for said
33 elements shall constitute the award for future injuries
34 for the purposes of paragraph 3 of this section.”
35 3. Page 18, by striking lines 11 through 12 and in-
36 serting in lieu thereof the following:
37 “3. The Court, in a medical malpractice action in
38 which the award for future injuries to a party ex-
39 ceeds \$250,000.”

Higgins of Scott in the chair at 10:45 a.m.

Nielsen of Polk moved the adoption of amendment H-3501.

A non-record roll call was requested.

The ayes were 13, nays 59.

Amendment H-3501 lost.

Hargrave of Johnson offered the following amendment H-3518
filed by him and moved its adoption:

H-3518

- 1 Amend House File 179 as follows:
2 1. Page 18, by striking lines 16 through 18 and
3 inserting in lieu thereof the following: “shall be
4 payable to that party in installments. Interest at
5 the maximum rate allowed by agreement pursuant to
6 section five hundred thirty-five point two (535.2)
7 of the Code, shall accrue. The court”.

A non-record roll call was requested.

The ayes were 26, nays 49.

Amendment H-3518 lost.

Hargrave of Johnson offered the following amendment H-3517
filed by him and moved its adoption:

H-3517

1 Amend House File 179 as follows:
 2 1. Page 20, by striking lines 23 through 34 and
 3 inserting in lieu thereof the following: "original
 4 judgment. In the event of death of the injured party,
 5 the balance of the judgment for installment payments
 6 together with interest accrued thereon remaining
 7 unpaid at the date of death of the injured party shall
 8 be paid to such person designated by the injured
 9 party. The injured party shall provide the court
 10 at the time of the entry of said judgment for
 11 installment payments the name or names of such person
 12 or persons to receive said remaining unpaid balance.
 13 The court shall include as part of the judgment for
 14 installment payments the provision that the balance
 15 of the judgment for installment payments together
 16 with interest accrued thereon shall be paid in full
 17 to said designated person or persons upon the injured
 18 parties death. The injured party may subsequent to
 19 the entry of said judgment upon motion to the court
 20 designate any other person or persons in lieu of,
 21 or addition to, the person or persons designated in
 22 the original entry of the judgment."

Roll call was requested by Hargrave of Johnson and Branstad of Winnebago.

On the question "Shall amendment H-3517 be adopted?"

The ayes were, 84:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo.	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Miller, K.D.
Miller, O.L.	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas

Scheelhaase	Schnekloth	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff

The nays were, 5:

Brockett	Den Herder	Menke	Small
Mr. Speaker (Higgins)			

Absent or not voting, 11:

Avenson	Crabb	Griffiee	Harper
Hullinger	Koogler	Middleswart	Millen
Monroe	Newhard	Schroeder	

Amendment H-3517 was adopted.

Doyle of Woodbury offered the following amendment H-3494 filed by him and moved its adoption:

H-3494

- 1 Amend House File 179 as follows:
- 2 1. Page 22, by adding after the period in line
- 3 25 the following: "If the health care practitioner
- 4 refuses treatment or services because the patient
- 5 refuses to sign the arbitration agreement, then the
- 6 health care practitioner shall be liable for any and
- 7 all damages accruing from the refusal to treat or
- 8 render services to the patient. A health care
- 9 practitioner's refusal to treat the patient or pro-
- 10 vide services to the patient following the patient's
- 11 refusal to sign an arbitration agreement shall be
- 12 presumptive evidence that the health care practi-
- 13 tioner's refusal to treat the patient or provide the
- 14 services to the patient was occasioned by the patient's
- 15 refusal to sign the arbitration agreement."
- 16 2. Page 24, by adding after the period in line
- 17 3 the following: "If the hospital refuses treatment
- 18 or services because the patient refuses to sign the
- 19 arbitration agreement, then the hospital shall be
- 20 liable for any and all damages accruing from the
- 21 refusal to treat or render services to the patient.
- 22 A hospital's refusal to treat the patient or provide
- 23 services to the patient following the patient's refusal

24 to sign an arbitration agreement shall be presumptive
25 evidence that the hospital's refusal to treat the
26 patient or provide the services to the patient was
27 occasioned by the patient's refusal to sign the
28 arbitration agreement."

Amendment H-3494 was adopted.

Schneklath of Scott offered the following amendment H-3482
filed by him and moved its adoption:

H-3482

1 Amend House File 179 as follows:

2 1. Page 22, by striking lines 26 through 31 and
3 inserting in lieu thereof the following:

4 "3. The agreement shall provide that the person
5 receiving health care or treatment or his or her
6 legal representative may revoke the agreement within
7 ninety days after execution by notifying the health
8 care practitioner in writing. The agreement must
9 further provide that a patient signing the arbitra-
10 tion agreement without advice of counsel may rescind
11 said agreement at any time. The agreement must also
12 carry a caveat that the patient should consult his
13 attorney before signing the arbitration agreement."

14 2. Page 23, by striking lines 13 through 18 and
15 inserting in lieu thereof the following:

16 "6. The agreement shall contain the following
17 statement immediately above the space for signature
18 of the parties: "This agreement to arbitrate is not
19 a prerequisite to health care or treatment. It may
20 be revoked by the patient within ninety days after
21 execution by notification to the health care practi-
22 tioner in writing. This agreement may also be
23 rescinded by the patient at any time where the
24 patient has signed the arbitration agreement without
25 the advice of counsel. Before signing this arbitra-
26 tion agreement the patient is cautioned to consult
27 his or her attorney."

28 3. Page 24, by striking lines 4 through 14 and
29 inserting in lieu thereof the following:

30 "3. The agreement to arbitrate shall provide
31 that the person receiving health care or treatment
32 or his or her legal representative may revoke the
33 agreement within ninety days after discharge from
34 the hospital by notifying the hospital in writing.

- 35 The agreement must further provide that a patient
 36 signing the arbitration agreement without advice of
 37 counsel may rescind the arbitration agreement at any
 38 time. The agreement must also carry a caveat that
 39 the patient should consult his attorney before sign-
 40 ing the arbitration agreement. Other parties to the
 41 agreement shall not have the power to revoke the
 42 agreement. In the event a health care practitioner
 43 and his or her patient are the only parties to an
 44 arbitration agreement covering health care or treat-
 45 ment at a hospital, the agreement shall specify that
 46 notification of revocation by the patient shall be
 47 given to the health care practitioner.”
- 48 4. Page 24, by striking lines 15 through 19
 49 and inserting in lieu thereof the following:
 50 “4. The agreement shall contain the following

Page 2

- 1 statement immediately above the space for signature
 2 of the parties: “This agreement to arbitrate is not
 3 a prerequisite to health care or treatment. It may
 4 be revoked by the patient within ninety days after
 5 discharge by notification in writing. The patient
 6 may rescind this arbitration agreement at any time
 7 where the patient has signed the arbitration agree-
 8 ment without advice of counsel. Before signing this
 9 arbitration agreement the patient is cautioned to
 10 consult his or her attorney.”

Roll call was requested by Schnekloth of Scott and Pelton of Clinton.

On the question “Shall amendment H-3482 be adopted?”

The ayes were, 18:

Bennett	Branstad	Connors	Doyle
Harvey	Husak	Jesse	Junker
Millen	Miller, O.L.	Nielsen	Pellett
Pelton	Scheelhaase	Schnekloth	Smalley
Tofte	Varley		

The nays were, 67:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Cochran

Conlon	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Miller, K.D.	Newhard
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Shimanek
Small	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Higgins)	

Absent or not voting, 15:

Chiodo	Crabb	Fitzgerald	Griffie
Harbor	Harper	Hullinger	Jochum
Koogler	Menke	Middleswart	Monroe
Norland	Schroeder	Stephens	

Amendment H-3482 lost.

Branstad of Winnebago offered the following amendment H-3491 filed by him and moved its adoption:

H-3491

- 1 Amend House File 179 as follows:
- 2 1. Page 22, by striking lines 26 through 31
- 3 and inserting in lieu thereof the following:
- 4 "3. The agreement shall provide that the
- 5 person receiving health care or treatment, or his or
- 6 her legal representative, may revoke the agreement
- 7 within ninety days after the health care practitioner
- 8 releases the patient from treatment or within ninety
- 9 days after the discovery of any malpractice occurrence,
- 10 whichever event occurs later."
- 11 2. Page 23, by striking lines 13 through 18 and
- 12 inserting in lieu thereof the following:
- 13 "6. The agreement shall contain the follow-
- 14 ing statement immediately above the space for signa-
- 15 ture of the parties: "This agreement to arbitrate is
- 16 not a prerequisite to health care or treatment and may
- 17 be revoked by the patient within ninety days after
- 18 release from treatment by the health care practitioner

19 or within ninety days after discovery of any mal-
20 practice occurrence, whichever occurs later.

21 3. Page 24, by striking lines 4 through 14 and
22 inserting in lieu thereof the following:

23 "3. The agreement to arbitrate shall provide
24 that the person receiving health care or treatment, or
25 his or her legal representative, may revoke the agree-
26 ment within ninety days after discovery of any mal-
27 practice occurrence, whichever occurs later. In the
28 event a health care practitioner and his or her patient
29 are the only parties to an arbitration agreement cover-
30 ing health care or treatment at a hospital, the agree-
31 ment shall specify that notification of revocation by
32 the patient shall be given to the health care pract-
33 itioner."

34 4. Page 24, by striking lines 15 through 19 and
35 inserting in lieu thereof the following:

36 "4. The agreement shall contain the follow-
37 ing statement immediately above the space for signature
38 of the parties: "This agreement to arbitrate is not a
39 prerequisite to health care or treatment and may be
40 revoked by the patient within ninety days after dis-
41 charge from the hospital or within ninety days after
42 discovery of any malpractice occurrence, whichever
43 occurs later."

A non-record roll call was requested.

The ayes were 26, nays 46.

Amendment H-3491 lost.

Speaker Cochran in the chair at 11:58 a.m.

(House File 179 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed
until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

HOUSE CONCURRENT RESOLUTION 25
By Committee on Education

1 *Whereas*, Merged Area IX—Scott Community College
2 Campus and Marycrest College have proposed an instruc-
3 tional contract so that students enrolled in Merged
4 Area IX—Scott Community College Campus can attend
5 Marycrest College for education in liberal arts or
6 pre—professions with reimbursement to Marycrest
7 College paid by Merged Area IX—Scott Community College
8 Campus by means of a mathematical formula specified
9 in the contract; and

10 *Whereas*, some questions have been raised concerning
11 the ramifications of such a contract; and

12 *Whereas*, other questions have been raised concerning
13 the effect on state funding to area schools by the pro-
14 liferation of such contracts between area schools and
15 private colleges; *Now Therefore*,

16 *Be It Resolved by the House of Representatives, the*
17 *Senate Concurring*, That the General Assembly urges the
18 State Board of Public Instruction to defer action on
19 the approval of the contract between Merged Area IX—
20 Scott Community College Campus and Marycrest College and
21 any similar contracts until April 1, 1978; and

22 *Be It Further Resolved*, That the General Assembly
23 urges the State Board of Public Instruction and the
24 Iowa Coordinating Council for Postsecondary Education
25 to meet with the Committees on Education of the House
26 and Senate to discuss Code changes needed and to develop
27 guidelines for the signing of contracts between area
28 schools and private colleges.

Laid over under Rule 25.

BUSINESS PENDING

The House resumed consideration of House File 179, a bill for an act relating to health care provider malpractice, and providing methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, arbitration as a method of resolving disputes arising from the delivery of health care services and for the practices and procedures to be used therein, and the entering of judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, and providing correlating and corrective amendments to the Code and providing penalties.

Krewson of Polk offered the following amendment H-3464 filed by him and moved its adoption:

H-3464

- 1 Amend House File 179 as follows:
- 2 1. Page 22, line 28, by striking the words
- 3 "ninety days" and inserting in lieu thereof the words
- 4 "one hundred and eighty days".
- 5 2. Page 23, line 17, by striking the words
- 6 "ninety days" and inserting in lieu thereof the
- 7 words "one hundred and eighty days".
- 8 3. Page 24, line 6 by striking the words
- 9 "ninety days" and inserting in lieu thereof the
- 10 words "one hundred and eighty days".
- 11 4. Page 24, line 19, by striking the words
- 12 "ninety days" and inserting in lieu thereof the
- 13 words "one hundred and eighty days".

Amendment H-3464 lost.

Small of Johnson offered the following amendment H-3532 filed by him from the floor and moved its adoption:

H-3532

- 1 Amend House File 179 as follows:
- 2 1. Page 22, line 30, by striking the word
- 3 "may" and inserting in lieu thereof the word
- 4 "shall".

Amendment H-3532 was adopted.

Krewson of Polk offered the following amendment H-3504 filed by him and moved its adoption:

H-3504

- 1 Amend House File 179 as follows:
- 2 1. Page 23, line 15, by inserting before the word
- 3 "This" the following: "Notice:"
- 4 2. Page 23, line 18, by inserting after the word
- 5 "writing," the words "By signing this contract you
- 6 are agreeing to have any issue of medical malpractice
- 7 decided by mutual arbitration and you are giving up
- 8 your right to a jury or court trial."

- 9 3. Page 24, line 17, by inserting before the word
10 "This" the following: "Notice:"
- 11 4. Page 24, line 19, by inserting after the word
12 "writing." the words "By signing this contract you
13 are agreeing to have any issue of medical malpractice
14 decided by mutual arbitration and you are giving up
15 your right to a jury or court trial."

Amendment H-3504 was adopted.

Newhard of Jones offered the following amendment H-3503 filed by him:

H-3503

- 1 Amend House File 179 as follows:
- 2 1. Page 23, by inserting after line 23, the
3 following:
- 4 "____. At the time of the execution of the
5 agreement, the health care practitioner shall
6 furnish the patient or the person executing the
7 agreement on the patient's behalf with a form
8 providing for the revocation of said agreement
9 together with a self-addressed, stamped envelope
10 addressed to said health care practitioner."
- 11 2. Page 25, by inserting after line 4 the
12 following:
- 13 "____. At the time of the execution of the
14 agreement, the hospital shall furnish the patient
15 or the person executing the agreement in the patient's
16 behalf with a form providing for a revocation of said
17 agreement together with a self-addressed, stamped
18 envelope addressed to said hospital."

Small of Johnson offered the following amendment H-3530, to amendment H-3503, filed by him from the floor, and moved its adoption:

H-3530

- 1 Amend amendment H-3503, to page 23 of
2 House File 179, as follows:
- 3 1. Page 1, by striking lines 9 and 10 and
4 inserting in lieu thereof a period.
- 5 2. Page 1, by striking lines 17 and 18, and
6 inserting in lieu thereof the following:
7 "agreement."

A non-record roll call was requested.

The ayes were 33, nays 37.

Amendment H-3530 lost.

By unanimous consent the following amendment H-3544, to amendment H-3503, filed by Small of Johnson from the floor was adopted:

H-3544

- 1 Amend amendment H-3503, to page 23 of House
- 2 File 179, as follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "stamped" and inserting in lieu thereof the words
- 5 "business reply".
- 6 2. Page 1, line 17, by striking the word
- 7 "stamped" and inserting in lieu thereof the words
- 8 "business reply".

Newhard of Jones moved the adoption of amendment H-3503, as amended.

Amendment H-3503, as amended, was adopted.

Chiodo of Polk offered the following amendment H-3450 filed by him:

H-3450

- 1 Amend House File 179 as follows:
- 2 1. Page 27, by striking lines 22 through 35 and
- 3 page 28, by striking line 1 and inserting in lieu
- 4 thereof the following:
- 5 "1. An arbitration under this chapter shall be
- 6 heard by a panel of three arbitrators. One shall
- 7 be an attorney who shall be the chairperson and shall
- 8 have jurisdiction over prehearing procedures, one
- 9 shall be a health care practitioner, preferably but
- 10 not necessarily from the respondent's health care
- 11 speciality, and the third shall be a person who is
- 12 neither a health care practitioner, nor a lawyer,
- 13 nor a person affiliated with a health care practitioner
- 14 or a hospital or insurance company. Where a case

15 involves a hospital only, a hospital administrator
16 may be substituted for the health care practitioner.

17 2. Except as otherwise provided in subsection
18 seven (7) of this section, arbitrator candidates shall
19 be selected pursuant to the rules and procedures of
20 the association from a pool of candidates generated
21 by the association. The rules and procedures of the
22 association pertaining to selection of arbitrators
23 under this chapter shall require that the association
24 send simultaneously to each party an identical list
25 of five arbitrator candidates in each of the three
26 categories together with a brief biographical statement
27 on each candidate. A party may strike from the list
28 any name which is unacceptable and shall number the
29 remaining names in order of preference. When the
30 lists are returned to the association they shall be
31 compared and the first mutually agreeable candidate
32 in each category shall be invited to serve.

33 3. The association shall make an initial screening
34 for bias as may be appropriate and shall require a
35 candidate for a particular case to complete a current
36 personal disclosure statement under oath. In addition
37 to other relevant information the statement shall
38 disclose any personal acquaintance with any of the
39 parties or their counsel and the nature of such
40 acquaintance. If the statement reveals facts which
41 suggest the possibility of partiality, the association
42 shall communicate those facts in writing to the
43 parties.

44 4. Any party may propound reasonable questions
45 to an arbitrator candidate if such questions are
46 propounded within ten days of the receipt of the
47 candidate's name. Such questions shall be propounded
48 through the association and the candidate shall respond
49 to the association promptly. The association shall
50 forward responses to the parties.

Page 2

1 5. A party shall not communicate with a candidate
2 either directly or indirectly, except through the
3 association, at any time after the filing of the
4 demand for arbitration. Any candidate who is aware
5 of a prohibited communication shall immediately notify
6 the association.

7 6. Where the parties fail to agree upon an
8 arbitrator within a category a second list of that
9 category shall be sent pursuant to subsection two

10 (2) of this section.

11 7. If a complete panel is not selected by mutual
12 agreement of the parties pursuant to subsections two
13 (2) and six (6) of this section, then under the
14 applicable rules and procedures of the association
15 the association shall appoint the remainder of the
16 panel on whom agreement has not been reached by the
17 parties. The appointment by the association shall
18 be subject to challenge by any party for cause which
19 challenge may allege facts to establish that unusual
20 community or professional pressures will unreasonably
21 influence the objectivity of the panelist. A request
22 to strike an arbitrator for cause shall be determined
23 by the regional director or comparable officer of
24 the association or as may be provided by rule of the
25 commissioner of insurance.

26 8. The parties shall not be restricted to the
27 arbitrator candidates submitted by the association
28 for consideration. If all parties mutually agree
29 upon a panelist within a designated category, the
30 panelist shall be invited by the association to serve."

Chiodo of Polk offered the following amendment H-3505, to
amendment H-3450, filed by him and moved its adoption:

H-3505

1 Amend amendment H-3450, to page 27 of House
2 File 179, as follows:
3 1. Page 2, by striking lines 26 through 30
4 and inserting in lieu thereof the following:
5 "8. The parties shall not be restricted to the
6 arbitrator candidates submitted by the association
7 for consideration, or the number thereof. If all
8 parties mutually agree upon a panelist within a
9 designated category, or to a lesser number of
10 arbitrators, the panelist shall be invited by the
11 association to serve, and the number of arbitrators
12 mutually agreed upon by the parties shall prevail."

Amendment H-3505 was adopted.

Chiodo of Polk moved the adoption of amendment H-3450, as
amended.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 49, nays 41.

Amendment H-3450, as amended, was adopted.

Hargrave of Johnson offered the following amendment H-3519 filed by him and moved its adoption:

H-3519

- 1 Amend House File 179 as follows:
- 2 1. Page 31, by striking lines 20 through 24 and
- 3 inserting in lieu thereof the following:
- 4 "7. The panel may order submission of written
- 5 briefs within thirty days after the close of hearings.
- 6 In written briefs each party may summarize the evidence
- 7 and testimony and may propose a comprehensive award
- 8 of compensatory elements."
- 9 2. Page 32, by striking line 3 and inserting in
- 10 lieu thereof the following: "of award if any. A
- 11 panel member who disagrees with".
- 12 3. Page 32, by striking lines 18 through 35 and
- 13 page 33 by striking lines 1 through 11 and inserting
- 14 in lieu thereof the following: "Damages shall be
- 15 allowed to the same extent as allowed for any other
- 16 action for damages for malpractice not subject to
- 17 arbitration. The panel shall determine who was at
- 18 fault and shall render judgment accordingly for money
- 19 damages only."

Roll call was requested by Hargrave of Johnson and Nielsen of Polk.

On the question "Shall amendment H-3519 be adopted?"

--The ayes were, 41:

Baker	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Cusack	Davitt
Dieleman	Doyle	Garrison	Gilloon
Gilson	Hargrave	Horn	Husak
Jesse	Jochum	Junker	Krewson
Lipsky	Miller, K.D.	Nielsen	O'Halloran

Patchett	Pavich	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Varley	Wells	Woods
Wulff			

The nays were, 49:

Anderson	Avenson	Bennett	Bina
Brockett	Crabb	Crawford	Daggett
Danker	Den Herder	Dunton	Dyrland
Egenes	Evans	Gentleman	Griffee
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Hullinger
Koogler	Lageschulte	Lindeen	Lonergan
Menke	Miller, O.L.	Monroe	Newhard
Norland	Oxley	Pellett	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	West	Wyckoff
			Mr. Speaker

Absent or not voting, 10:

Brunow	Fitzgerald	Harper	Higgins
Hines	Krause	Middleswart	Millen
Poncy	Rinas		

Amendment H—3519 lost.

Jesse of Polk offered the following amendment H—3502 filed by him and moved its adoption:

H—3502

- 1 Amend House File 179 as follows:
- 2 1. Page 33, by adding after the period in line 17
- 3 the following: "Notwithstanding the provisions of
- 4 this section, any party aggrieved by the decision
- 5 of the arbitrator shall have the right to appeal the
- 6 same to the District Court of the county in which
- 7 the arbitration was held within thirty days after
- 8 receipt of the arbitrator's decision. If the party
- 9 appealing was not represented by counsel at the
- 10 arbitration hearing, then the case shall be heard
- 11 de novo. However, if the party appealing was repre-
- 12 sented by counsel at the arbitration hearing, then
- 13 the appeal will be heard on the record. Upon appeal

14 the court shall have the right to sustain, reverse,
 15 modify, amend or enlarge upon the decision of the
 16 arbitrator."

Roll call was requested by Nielsen of Polk and Smalley of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-3502 be adopted?"

The ayes were, 46:

Anderson	Baker	Branstad	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Daggett	Dieleman
Doyle	Fitzgerald	Garrison	Gilloon
Griffiee	Hansen	Harbor	Hargrave
Harvey	Horn	Husak	Jesse
Koogler	Lindeen	Lipsky	Millen
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Shimanek
Smalley	Stephens	Varley	Woods
Wulff	Wyckoff		

The nays were, 51:

Avenson	Bennett	Bina	Binneboese
Brandt	Brockett	Brunow	Crabb
Cusack	Danker	Davitt	Den Herder
Dunton	Dyrland	Egenes	Evans
Gentleman	Gilson	Halvorson	Higgins
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Jochum	Junker	Krewson
Lageschulte	Loneragan	Menke	Miller, K.D.
Miller, O.L.	Monroe	Oxley	Pellett
Rinas	Schroeder	Small	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Mr. Speaker	

Absent or not voting, 3:

Harper	Krause	Middleswart
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Amendment H-3502 lost.

Lipsky of Linn offered the following amendment H-3068 filed by her:

H-3068

- 1 Amend House File 179 as follows:
2 1. Page 37, by inserting after line 5 the following
3 new section:
4 "Sec. Chapter one hundred fifty-two (152),
5 Code 1977, is amended by adding the following new
6 section:
7 **NEW SECTION. CONTINUING EDUCATION IN NURSING.**
8 1. As used in this section, "continuing education"
9 means planned learning experiences beyond the basic
10 nursing education program which are designed to
11 maintain, improve, or expand basic nursing skills
12 and knowledge or to develop new skills and knowledge
13 relevant to nursing practice, and includes "continuing
14 education" as the term is used in section twelve (12)
15 of this Act.
16 2. The board of nursing shall establish continuing
17 education requirements for the purpose of meeting
18 requirements for license renewal, and shall promulgate
19 rules prescribing minimum continuing education
20 requirements.
21 3. The board of nursing shall appoint an advisory
22 council on continuing education which shall advise,
23 and recommend to the board, requirements, standards
24 and policies for continuing education courses,
25 continuing education providers and minimum continuing
26 education requirements. The advisory council shall
27 consist of nine members, at least seven of whom shall
28 be nurse members representing various levels and
29 specialty areas of nursing from lists submitted by
30 professional nurses organizations of the state. The
31 council shall meet at least twice annually, one of
32 which meetings shall be with the board. Travel and
33 lodging expenses shall be paid to advisory council
34 members in the same manner as state employees.
35 4. This section shall be effective on the effective
36 date of this Act. However, continuing education
37 requirements for license renewal shall not be effective
38 until January 1, 1981."
39 2. By renumbering sections of the bill and
40 correcting internal references as necessary.

Conlon of Muscatine rose on a point of order that amendment H-3068 was not germane.

The Speaker ruled the point not well taken and amendment H-3068 germane.

Lipsky of Linn moved the adoption of amendment H-3068.

A non-record roll call was requested.

The ayes were 67, nays 15.

Amendment H-3068 was adopted.

Tauke of Dubuque moved to reconsider the vote by which amendment H-3487 failed to be adopted by the House on April 5, 1977.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 47, nays 47.

The motion lost.

Roll call was requested by Byerly of Polk and Nielsen of Polk.

The Speaker ruled that a roll call was not in order inasmuch as the vote had been announced.

Gilloon of Dubuque offered the following amendment H-3550 filed by him from the floor:

H-3550

- 1 Amend House File 179 as follows:
- 2 1. Page 38, by inserting after line 15 the
- 3 following new section:
- 4 "Sec. ____ There is appropriated to the
- 5 executive council for the purposes of carrying
- 6 out the provisions of this Act.....\$100,000
- 7 The executive council shall allocate to the
- 8 various boards, defined in section ten (10) of
- 9 this Act, the moneys appropriated by this section.

10 Such allocation shall be based upon the need of
11 the board."

Schroeder of Pottawattamie rose on a point of order that amendment H-3550 was not germane.

The Speaker ruled the point not well taken and amendment H-3550 germane.

Nielsen of Polk rose on a point of order and invoked Joint Rule 16, relating to fiscal notes.

The Speaker ruled the point not well taken.

Gilloon of Dubuque moved the adoption of amendment H-3550.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 12, nays 74.

Amendment H-3550 lost.

Lipsky of Linn moved to reconsider the vote by which amendment H-3518 failed to be adopted by the House on April 6, 1977.

A non-record roll call was requested.

The ayes were 35, nays 52.

The motion lost.

Pellett of Cass moved to reconsider the vote by which amendment H-3502 failed to be adopted by the House.

Roll call was requested by Nielsen of Polk and Pelton of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H-3502 failed to be adopted be reconsidered?"

The ayes were, 49:

Anderson	Avenson	Baker	Bina
Branstad	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Daggett
Dieleman	Doyle	Fitzgerald	Garrison
Gilloon	Hansen	Harbor	Hargrave
Harvey	Hines	Horn	Hullinger
Husak	Jesse	Krewson	Lindeen
Lipsky	Millen	Miller, O.L.	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Shimanek	Smalley	Thompson
Varley	Walter	Woods	Wulff
Wyckoff			

The nays were, 46:

Bennett	Binneboese	Brandt	Brockett
Brunow	Connors	Crabb	Cusack
Danker	Davitt	Den Herder	Dunton
Dyrland	Egenes	Evans	Gentleman
Gilson	Griffie	Halvorson	Higgins
Hinkhouse	Hoffmann	Howell	Jochum
Junker	Krause	Lageschulte	Lohergan
Menke	Miller, K.D.	Monroe	Oxley
Rinas	Schnekloth	Schroeder	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Welden	Wells
West	Mr. Speaker		

Absent or not voting, 5:

Harper	Koogler	Middleswart	Newhard
Tofte			

The motion prevailed and the House reconsidered amendment H-3502, found on pages 1276 and 1277 of the House Journal.

Jesse of Polk moved the adoption of amendment H-3502.

Roll call was requested by Schroeder of Pottawattamie and Conlon of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3502 be adopted?"

The ayes were, 44:

Anderson	Avenson	Baker	Branstad
Byerly	Chiodo	Clark, J.H.	Conlon
Crawford	Daggett	Dieleman	Doyle
Dunton	Fitzgerald	Garrison	Gilloon
Griffie	Hargrave	Harvey	Hines
Horn	Hullinger	Husak	Jesse
Krewson	Lindeen	Lipsky	Millen
Miller, K.D.	Miller, O.L.	Nielsen	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Smalley	Stephens
Varley	Woods	Wulff	Wyckoff

The nays were, 51:

Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Clark, B.J.	Connors
Crabb	Cusack	Danker	Davitt
Den Herder	Dyrland	Egenes	Evans
Gentleman	Gilson	Halvorson	Hansen
Harbor	Higgins	Hinkhouse	Hoffmann
Howell	Jochum	Junker	Krause
Lageschulte	Lonergan	Menke	Monroe
Norland	O'Halloran	Oxley	Rinas
Schnekloth	Schroeder	Shimanek	Small
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Walter	Welden
Wells	West	Mr. Speaker	

Absent or not voting, 5:

Harper	Koogler	Middleswart	Newhard
Tofte			

Amendment H-3502 lost.

Byerly of Polk asked and received unanimous consent to withdraw the motion to reconsider amendment H-3247A filed by him on April 5, 1977.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 179)

The ayes were, 52:

Anderson	Avenson	Bina	Brandt
Brockett	Clark, J.H.	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dyrland	Egenes	Evans
Gentleman	Griffee	Halvorson	Harbor
Higgins	Hines	Hoffmann	Howell
Hullinger	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Miller, K.D.	Miller, O.L.
Monroe	Norland	O'Halloran	Oxley
Pellet	Schroeder	Small	Spear
Spencer	Stromer	Svoboda	Thompson
Welden	West	Woods	Mr. Speaker

The nays were, 43:

Baker	Bennett	Binneboese	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Dieleman	Doyle
Dunton	Fitzgerald	Garrison	Gilloon
Gilson	Hansen	Hargrave	Harvey
Hinkhouse	Horn	Husak	Jesse
Millen	Nielsen	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Smalley
Stephens	Tauke	Varley	Walter
Wells	Wulff	Wyckoff	

Absent or not voting, 5:

Harper	Koogler	Middleswart	Newhard
Tofte			

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

Small of Johnson moved to reconsider the vote by which House File 179 passed the House on April 6, 1977.

Nielsen of Polk moved that action on the motion to reconsider be deferred until Tuesday, April 12, 1977.

Rinas of Linn moved that the motion to reconsider House File 179 be tabled.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 46, nays 48.

The motion to table lost.

On the motion to defer, a non-record roll call was requested.

Rule 70 was invoked.

The ayes were 46, nays 48.

The motion to defer lost.

On the motion to reconsider, roll call was requested by Pelton of Clinton and Walter of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which House File 179 passed the House be reconsidered?"

The ayes were, 47:

Baker
Branstad
Clark, B.J.

Bennett
Brunow
Clark, J.H.

Bina
Byerly
Conlon

Binneboese
Chiodo
Crawford

Doyle	Dunton	Gilloon	Gilson
Hansen	Harbor	Harvey	Hines
Horn	Hullinger	Husak	Jesse
Junker	Krewson	Lindeen	Lipsky
Millen	Nielsen	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Smalley	Stephens
Stromer	Tauke	Varley	Walter
Woods	Wulff	Wyckoff	

The nays were, 46:

Anderson	Avenson	Brandt	Brockett
Connors	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Halvorson	Hargrave	Higgins
Hinkhouse	Hoffmann	Howell	Jochum
Krause	Lageschulte	Lonergan	Menke
Miller, K.D.	Miller, O.L.	Monroe	Norland
O'Halloran	Oxley	Pellett	Rinas
Schroeder	Small	Spear	Spencer
Svoboda	Thompson	Welden	Wells
West	Mr. Speaker		

Absent or not voting, 7:

Den Herder	Griffee	Harper	Koogler
Middleswart	Newhard	Tofte	

The motion, having failed to receive a constitutional majority, lost.

CONFERENCE COMMITTEE APPOINTED (Senate File 156)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 156: Perkins of Greene, chair; O'Halloran of Black Hawk, Jochum of Dubuque, Evans of Grundy and Shimanek of Jones.

**SPECIAL ORDER
(House File 246)**

Fitzgerald of Webster asked and received unanimous consent that House File 246 be made a special order of business for Tuesday, April 19, 1977, at 9:30 a.m.

INTRODUCTION OF BILLS

HOUSE FILE 512, by committee on budget, a bill for an act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker—home health aide services to additional low-income elderly persons.

Read first time and PLACED ON THE BUDGET CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 209, a bill for an act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state.

Read first time and PASSED ON FILE.

SENATE FILE 296, a bill for an act relating to the membership and duties of the state advisory council for vocational education and local advisory committees for vocational education.

Read first time and referred to committee on EDUCATION.

PRESENTATION OF VISITORS

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

Fifty-seven fifth grade students from Lincoln Community Elementary School, Mechanicsville, Iowa, accompanied by Mrs. Christian and Neil Orthner. By Newhard of Jones.

Ten 4-H members from Clinton County, accompanied by Mr. Miller and Mr. Seyfert. By Pelton of Clinton.

Sixty fifth grade students from Sacred Heart School, West Des Moines, Iowa, accompanied by Patsy Grandquist and Frank Biagioli. By Thompson of Polk.

Eight students from Iowa Lakes Community College, Emmetsburg, Iowa, accompanied by John Lazaris. By Branstad of Winnebago, Krause of Kossuth and Spencer of Clay.

Twenty members of the contemporary affairs class Denison High School, Denison, Iowa, accompanied by Martin Peterson. By Crabb of Crawford.

Eighty seniors from Creston High School, Creston, Iowa, accompanied by Mr. Hughes and Mr. Clark. By Hullinger of Decatur and Pellett of Cass.

COMMUNICATION FROM IOWA STATE COMMERCE COMMISSION

There is on file in the office of the Chief Clerk a copy of the Annual Report of the Iowa State Commerce Commission for 1975, including all statistical data for the Commission during the year ending December 31, 1975, and reflecting proceedings and developments of the Commission to the date of publication, submitted in accordance with Section seventeen point ten of the Iowa Code.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 233 Transportation

Relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., April 5, 1977

Convened: 8:09 a.m.

Adjourned: 9:12 a.m.

Present: O'Halloran, chair; Welden, ranking member; Binneboese, Daggett, Danker, Hinkhouse, Hullinger, Lindeen, Norland, Pellett, Pelton and Varley.

Absent: Howell (arrived 8:14 a.m.), Doyle (arrived 8:25 a.m.), Evans (arrived 8:43 a.m.), Griffie (arrived 8:50 a.m.), Perkins (arrived 8:30 a.m.) and Svoboda (arrived 8:19 a.m.).

Excused: Middleswart.

House File 187, a bill for an act regulating the sale and use of certain beverage containers and providing penalties.

Recommended AMEND AND DO PASS.

H-3526

- 1 Amend House File 187 as follows:
- 2 1. Page 1, by striking lines 26 through 34 and
- 3 inserting in lieu thereof the following section:
- 4 "Sec. ____ NEW SECTION. REFUND VALUES.
- 5 1. A refund value of not less than five cents
- 6 shall be paid by the consumer on each beverage
- 7 container sold in this state by a dealer including
- 8 beverage containers which are certified by the
- 9 department as reusable pursuant to section three (3)
- 10 of this Act. Upon return of the beverage container
- 11 to the dealer and acceptance of the beverage container
- 12 by the dealer, the dealer shall return the amount

13 of the refund value to the consumer.

14 2. A dealer, or person operating a redemption
15 center, who redeems beverage containers shall upon
16 return of the beverage containers to the manufacturer
17 or distributor be reimbursed by the manufacturer or
18 distributor in an amount which is at least twenty
19 percent more than the amount of the refund value
20 returned by the dealer to the consumer."

21 2. Page 2, line 35, by inserting after the word
22 "consumer" the words "for each beverage container
23 accepted".

24 3. Page 3, line 1, by striking the word "a" and
25 inserting in lieu thereof the word "the"

26 4. Page 3, line 5, by inserting after the word
27 "dealer" the words "for each beverage container ac-
28 cepted".

29 5. Page 3, line 6, by striking the word "a" and
30 inserting in lieu thereof the word "the".

31 6. Page 3, line 11, by striking the words "a
32 refund".

33 7. Page 3, by striking line 12 and inserting in
34 lieu thereof the words "the word "Iowa" as required
35 under section seven (7) of this Act."

36 8. Page 3, by inserting after line 18 the follow-
37 ing subsection:

38 " —A dealer or person operating a redemption
39 center may refuse to redeem an empty beverage container
40 which is not clean."

41 9. Page 3, line 19, by striking the words "REFUND
42 VALUE STATED ON CONTAINER." and inserting in lieu
43 thereof the word "PERMANENT LABELLING OF CONTAINER—
44 —EXCEPTION."

45 10. Page 3, by striking lines 23 through 25 and
46 inserting in lieu thereof the words "container, the
47 word "Iowa". The department shall, by rule, specify
48 the minimum size, style or positioning of the word
49 "Iowa" on the beverage container."

50 11. Page 3, line 27, by inserting after the word

Page 2

1 "to" the words "a reusable".

2 12. Page 3, line 27, by striking the word

3 "containers" and inserting in lieu thereof the word
4 "container".

5 13. Page 3, lines 28 and 29 by striking the words

- 6 “, on the effective date of this Act,”.
7 14. Page 5, line 13, by striking the word “January”
8 and inserting in lieu thereof the word “July”.

Aye: O'Halloran, Howell, Welden, Binneboese, Evans, Griffee, Norland, Pellett, Svoboda and Varley.

Nay: Daggett, Danker, Doyle, Hullinger, Lindeen and Pelton.

Absent or not voting: Hinkhouse, Middleswart and Perkins.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., April 5, 1977

Convened: 8:07 a.m.

Adjourned: 8:09 a.m.

Present: Jochum, chair; Egenes, ranking member; Brockett, Crabb, Gilloon, Hines, Pavich, Poncy, Smalley and Wells.

Absent: Branstad, Chiodo, Halvorson, Horn, Lageschulte, Small and Thompson.

Excused: Connors.

Dispersed into subcommittees.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 12:00 Noon, April 5, 1977

Convened: 12:00 Noon

Adjourned: 1:00 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Newhard.

General discussion on corrections.

COMMITTEE ON EDUCATION

Scheduled: 1:00 p.m., April 5, 1977

Convened: 1:10 p.m.

Adjourned: 2:08 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Poncy, Small, Spear, Thompson and Wulff.

Absent: None.

Excused: Byerly.

- House File 305, a bill for an act relating to legalizing the sale of real estate by school districts.

Recommended DO PASS.

Aye: Baker, Brockett, Crawford, Dyrland, Gilson, Hansen, Daggett, Horn, Koogler, Krewson, Norland, Poncy, Small, Spear, Wulff, Miller of Calhoun and Patchett.

Nay: None.

Absent or not voting: Byerly.

House Concurrent Resolution, relating to deferring action on the approval of the contract between Merged Area IX-Scott Community College Campus and Marycrest College and any similar contracts until April 1, 1978.

Recommended DO PASS.

Aye: Patchett, Daggett, Brockett, Crawford, Dyrland, Gilson, Koogler, Poncy, Small, Thompson, Wulff and Krewson.

Nay: Miller of Calhoun, Baker, Norland and Stromer.

Absent or not voting: Spear, Horn and Hansen.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:00 p.m., April 5, 1977

Convened: 1:10 p.m.

Adjourned: 2:04 p.m.

Present: Spencer, vice-chair; Bennett, Chiodo, Evans, Griffee, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Shimanek, Welden and Wyckoff.

Absent: Avenson (arrived 1:20 p.m.), Halvorson (arrived 1:12 p.m.), O'Halloran (arrived 1:16 p.m.), Tofte (arrived 1:15 p.m.), Varley (arrived 1:30 p.m.), Garrison, Jesse and Middleswart.

Excused: Stephens.

Study Bill 216, a bill for an act relating to the operation of snowmobiles.

Recommended AMEND AND DO PASS.

Aye: Halvorson, Avenson, Evans, Griffee, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Tofte, Varley and Wyckoff.

Nay: Spencer, Bennett, Chiodo, Scheelhaase and Welden.

Absent or not voting: Middleswart, Garrison, Jesse and Stephens.

Deferred Study Bill 112, an act to require certification of operators of sanitary disposal projects and providing penalties for violations. Failed to pass Study Bill 85, an act relating to the control of undesirable birds.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., April 6, 1977

Convened: 8:15 a.m.

Adjourned: 10:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Koogler, Varley, Welden, Wells and Wulff.

Absent: Jesse (arrived 8:25 a.m.), Norland (arrived 8:20 a.m.), O'Halloran (arrived 8:30 a.m.) and Stromer (arrived 8:20 a.m.).

Senate File 198, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Den Herder, Stromer (pass), O'Halloran.

Senate File 267, a bill for an act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board.

Recommended AMEND AND DO PASS.

H-3531

- 1 Amend Senate File 267 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by inserting after line 27, the following:
- 4 "It is the intent of the general assembly that the
- 5 legislative council initiate a comprehensive study of
- 6 all statutory salaries and statutory salary ranges and a
- 7 report of the study findings be presented to the general
- 8 assembly no later than January, 1978."

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, O'Halloran, Varley, Welden, Wells and Wulff.

Nay: Stromer.

Absent or not voting: Norland.

Senate File 268, a bill for an act repealing the statutory standing appropriation funding the state employees' disability plan.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Koogler, Varley, Welden and Wells

Nay: None.

Absent or not voting: Den Herder, Jesse, Norland, O'Halloran, Stromer and Wulff.

Study Bill 231, a bill for an act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker—home health aide services to additional low-income elderly persons.

Recommended AMEND AND DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Koogler and Wulff.

AMENDMENTS FILED

H-3527	H.F. 287	Krewson of Polk
H- 3528	H.F. 495	Wyckoff of Benton
		Davitt of Warren
		Schroeder of Pottawattamie
		Husak of Tama
H-3533	S.F. 167	Husak of Tama
H-3534	H.F. 469	Svoboda of Iowa
H-3535	H.F. 476	Clark of Lee
H-3536	S.F. 267	Stromer of Hancock
H-3537	H.F. 488	Branstad of Winnebago
H-3538	H.F. 488	Branstad of Winnebago
H-3539	H.F. 488	Branstad of Winnebago
H-3540	H.F. 488	Branstad of Winnebago
H-3541	H.F. 488	Branstad of Winnebago
H-3542	H.F. 488	Branstad of Winnebago
H-3543	H.F. 488	Branstad of Winnebago
H-3545	S.F. 243	Schroeder of Pottawattamie
H-3546	S.F. 267	Bina of Scott
H-3547	H.F. 356	Spencer of Clay
H-3548	H.F. 463	Schroeder of Pottawattamie
H-3549	H.F. 463	Schroeder of Pottawattamie

On motion by Fitzgerald of Webster the House adjourned at 7:45 p.m. until 10:00 a.m., Thursday, April 7, 1977.

JOURNAL OF THE HOUSE

Eighty—eighth Calendar Day -- Sixty—second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 7, 1977

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

Prayer was offered by the Reverend James Tishim, pastor of the Glad Tidings Assembly of God Church, Des Moines, Iowa.

The Journal of Wednesday, April 6, 1977 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Evans of Grundy on request of Smalley of Polk; Oxley of Linn on request of Miller of Calhoun; Wells of Linn and Walter of Pottawattamie on request of Pavich of Pottawattamie; Harbor of Mills on request of Wyckoff of Benton; Davitt of Warren on request of Brunow of Appanoose; Byerly of Polk on request of Baker of Buena Vista.

PETITIONS FILED

The following petitions were received and placed on file:

By Hinkhouse of Cedar from twenty—nine constituents supporting adequate funding for human resources programs and supporting progressive tax revisions such as modifying the present 100% deductibility of the federal income tax on Iowa personal income tax returns; from six hundred eighty—four constituents opposing the acquisition of land to enlarge Lake McBride State Park.

By Tofte of Winneshiek from thirteen constituents of the sixteenth district supporting adequate human resources funding.

By Spencer of Clay from nineteen constituents favoring the equal rights amendment.

INTRODUCTION OF BILLS

HOUSE FILE 513, by Byerly, a bill for an act to improve the retirement allowances of members of the Iowa public employees' retirement system.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 514, by Tauke, a bill for an act relating to mutual hospital service corporations.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 515, by Poncy, Byerly, Anderson, Brunow and Koogler, a bill for an act appropriating funds to the department of public instruction to be used by the Iowa high school rodeo association to conduct the Iowa high school rodeo.

Read first time and referred to committee on BUDGET.

HOUSE FILE 516, by Anderson, a bill for an act relating to school buses operated by private nonprofit corporations which provide care, treatment, and rehabilitation of the mentally and physically handicapped.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 517, by Danker, a bill for an act to establish a parental rights act in the area of education which will assure access to instructional material and programs for parents, guardians and school district patrons, regulate the content of pupil records, regulate testing procedures, provide a method to correct errors in pupil records, provide that such records shall be confidential, and provide a penalty.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 518, by committee on ways and means, a bill for an act relating to the imposition and rates of the franchise tax, and making the Act retroactive.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 519, by committee on budget, a bill for an act relating to and making an appropriation to the department of social services for operations of adult correction services and capital improvement projects including capital improvement projects recommended by the advisory commission on corrections relief.

Read first time and PLACED ON THE BUDGET CALENDAR.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 254, a bill for an act to require inclusion of achievements of women, minorities, and others in total school program and to require English—language arts.

Also: That the Senate has on April 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 217, a bill for an act to clarify the responsibilities of parents to children.

Also: That the Senate has on April 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 238, a bill for an act relating to business corporations.

Also: That the Senate has on April 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 307, a bill for an act relating to vacating and closing highways.

Also: That the Senate has on April 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 314, a bill for an act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

Also: That the Senate has on April 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 317, a bill for an act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code.

Also: That the Senate has on April 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 319, a bill for an act amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 254

H-3551

- 1 Amend House File 254, as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, line 15, by inserting after the
- 4 word "instruction," the following:
- 5 "~~The state board shall promulgate rules to require~~
- 6 ~~that a multi-cultural non-sexist approach is used by school~~
- 7 ~~districts.~~"
- 8 2. Page 1, line 15, by striking the words "When
- 9 applicable, the" and inserting in lieu thereof the
- 10 word "The".
- 11 3. Page 1, by striking lines 16 through 22 and
- 12 inserting in lieu thereof the words "~~he taught from~~
- 13 ~~a multi-cultural, non-sexist approach. The approval~~
- 14 ~~standards~~".

CONSIDERATION OF BILLS

Regular Calendar

House File 421, a bill for an act relating to the weighing of bulk commodities by hopper scale or belt conveyer, was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 421)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Byerly	Davitt	Evans	Griffee
Harbor	Harper	Higgins	Howell
Lindeen	Oxley	Rinas	Walter
Wells			

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

House File 174, a bill for an act to provide public recognition for innovative methods of energy conservation, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 174)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 3:

Conlon	Schroeder	Spear
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Absent or not voting, 12:

Byerly	Davitt	Evans	Griffie
Harbor	Harper	Higgins	Oxley
Rinas	Walter	Welden	Wells

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

Senate File 109, a bill for an act to update Iowa specifications and standards for cheese and cheese products, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 109)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 2:

Krewson	Small
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Absent or not voting, 14:

Byerly	Danker	Davitt	Evans
Griffie	Harbor	Harper	Higgins
Lonergan	Oxley	Rinas	Walter
Welden	Wells		

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

WAYS AND MEANS CALENDAR

The House resumed consideration of House File 68, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

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

On the question. "Shall the bill pass?" (H.F. 68)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Small

Absent or not voting, 12:

Byerly	Davitt	Evans	Griffee
Harbor	Harper	Higgins	Oxley
Rinas	Stephens	Walter	Wells

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

REGULAR CALENDAR

Senate File 52, a bill for an act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code, with report of committee recommending passage was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 52)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Hargrave	Harvey	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase

Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Byerly	Davitt	Evans	Griffiee
Harbor	Harper	Higgins	Hinkhouse
Oxley	Rinas	Walter	Wells

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

Senate File 110, a bill for an act relating to testing dairy products for manufacturing purposes, with report of committee recommending passage was taken up for consideration.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 110)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Den Herder	Dieleman
Doyle	Dunton	Dyrlund	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton

Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Small

Absent or not voting, 12:

Brockett	Byerly	Connors	Davitt
Evans	Griffie	Harbor	Harper
Higgins	Oxley	Walter	Wells

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

HOUSE CONCURRENT RESOLUTION 26
By Committee on Budget

- 1 *Whereas*, a joint interim subcommittee of the senate
2 and house committees on human resources has during the
3 1976 legislative interim considered the administrative
4 structure of agencies delivering mental health services
5 in Iowa; and
6 *Whereas*, the subcommittee in November, 1976 received
7 a staff report indicating that greater coordination
8 among agencies providing mental health services in Iowa
9 is desirable; and
10 *Whereas*, the subcommittee subsequently received from
11 the department of social services, the Iowa mental
12 health authority and the community mental health centers
13 association of Iowa a proposal that planning for con-
14 tinued development of an integrated mental health
15 delivery system can be conducted by a consortium
16 including but not limited to these three agencies and
17 the health facilities division of the department of
18 health; and
19 *Whereas*, such planning is desirable but should be
20 based on concurrent research and planning efforts
21 by knowledgeable persons directly responsible to the
22 General Assembly and not affiliated with any of the
23 potentially affected agencies in the state of Iowa; and

24 *Whereas*, that study should include a description
25 of the characteristics of the service system which
26 shall include a profile of current recipients of
27 mental health services in Iowa's mental health centers
28 and four state mental health institutes, an assessment
29 of current and potential demand for mental health
30 services, and a fiscal and administrative analysis of

Page 2

1 the mental health system; and

2 *Whereas*, the governor has appointed a task force on
3 mental health; *Now Therefore*,

4 *Be It Resolved By The House of Representatives,*
5 *The Senate Concurring*, That a bipartisan joint study
6 committee composed of three members of the house
7 appointed by the speaker of the house and three mem-
8 bers of the senate appointed by the majority leader
9 of the senate, and including at least one member of
10 the standing committees on human resources of each
11 house, be appointed as soon as possible after the
12 adoption of this resolution. The study committee
13 shall prepare a statement of the scope, task and
14 objectives of the proposed study and shall solicit
15 competitive proposals for performance of the study
16 so described from qualified persons or business firms.
17 The study committee shall recommend the person or
18 business firm it deems most qualified to the Legisla-
19 tive Council for final approval not more than thirty
20 days after adjournment of the 1977 Session of the
21 Sixty-seventh General Assembly. The Legislative Council is
22 authorized to expend the sum of seventy-five thousand
23 (75,000) dollars, or so much thereof as is necessary,
24 from funds appropriated pursuant to section two point
25 twelve (2.12) of the Code for the purpose of employing
26 a qualified person or business firm to conduct a study
27 of mental health; and

28 *Be It Further Resolved*, That the report of the
29 persons or firm employed to carry out the study shall
30 be delivered to the chairpersons of the senate and
31 house committees on human resources, the chairpersons
32 of the senate and house budget committees, and the
33 members of the legislative council, at a time to be
34 agreed upon but not later than March 1, 1978. The
35 report shall include the findings and recommendations

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1 for the future of mental health in Iowa; and
2 *Be It Further Resolved*, That the governor's task
3 force shall be informed of and be given an opportunity
4 for appropriate participation in research and planning
5 relative to administration and delivery of mental
6 health services in Iowa, and specifically, that the
7 task force shall be invited to review and recommend
8 changes to the research design and work plan, to review
9 the results of the study of mental health in Iowa
10 authorized by this resolution, to comment on the recom-
11 mendations arising from such a study, and to present
12 to the governor and the legislature, within sixty days
13 after receipt of such findings and conclusions, their
14 recommendations, if any, for changes in Iowa's mental
15 health care delivery systems.

Laid over under Rule 25.

PRESENTATION OF VISITORS

Fitzgerald of Webster presented to the House foreign exchange student Ana Oliveira from Manaus, Brazil, guest of Mr. and Mrs. Jim Ainslie of Dayton, Iowa.

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

Twenty-seven students from Central Webster Junior-Senior High School, Burnside, Iowa, accompanied by Jim Ainslie. By Fitzgerald of Webster.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber the evening of April 6, 1977. Had I been present, I would have voted "nay" on the motion to reconsider amendment H-3502, amendment H-3502, House File 179 and on the reconsideration of same.

TOFTE of Winneshiek

I was necessarily absent from the House chamber on Wednesday, April 6, 1977. Had I been present, I would have voted "aye" on the motion to reconsider amendment H-3502 to House File 179, amendment H-3502 amendment H-3517, amendment H-3482 and the motion to reconsider the vote by which House File 179 passed and "nay" on House File 179.

KOOGLER of Mahaska

I was necessarily absent from the House chamber the week of April 4, 1977. Had I been present, I would have voted "aye" on House File 490 and House File 179.

MIDDLESWART of Warren

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., April 6, 1977

Convened: 7:35 a.m.

Adjourned: 10:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines (arrived 7:55 a.m.); Newhard and Daggett.

Presentation by Al Way and Phil Riley regarding corrections.

Recommendations to full Budget Committee: Community Based Corrections, \$6,500,000; Luster Heights camp at McGregor, \$160,000; Iowa State Penitentiary at Fort Madison, \$7,900,000; Men's Reformatory at

Anamosa, \$5,300,000 and Iowa Security Medical Facility at Newton, \$800,000.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 8:00 a.m., April 6, 1977

Convened: 8:17 a.m.

Adjourned: 9:45 a.m.

Present: Perkins, chair; Evans, ranking member; Harvey, Hullinger, Pellett and Scheelhaase.

Absent: Dyrland (arrived 8:25 a.m.), Krause (arrived 9:15 a.m.), Shimanek (arrived 8:37 a.m.) and Stephens (arrived 8:35 a.m.).

Excused: Howell and Jochum (arrived 9:15 a.m.).

Presentation by the Conservation Commission. Passed out the Conservation Commission bill in the amount of \$11,157,840.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 1:00 p.m., April 6, 1977

Convened: 1:00 p.m.

Adjourned: 3:00 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller of Calhoun.

Absent: Daggett and Newhard.

Recommendations to full Budget Committee: Medium security facility at Mt. Pleasant, \$1,524,000; Parole services, \$783,000 and additional \$60,000 to Parole Board.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., April 6, 1977

Convened: 1:13 p.m.

Adjourned: 2:40 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; Anderson, Bennett, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Den Herder, Dieleman, Dunton, Gilloon, Harbor, Harvey, Hines, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Thompson, Wells, Wulff and Wyckoff.

Absent: West (arrived 1:15 p.m.), Egenes (arrived 1:35 p.m.), Horn (arrived 1:20 p.m.), Howell (arrived 1:19 p.m.), Svoboda (arrived 1:20 p.m.) and Varley (arrived 1:17 p.m.).

Excused: Bina (arrived 2:08 p.m.).

Study Bill 232, a bill for an act relating to the imposition and rates of franchise tax, and making the Act retroactive.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, Anderson, Bina, Brandt, Cusack, Davitt, Dieleman, Gilloon, Harvey, Hines, Horn, Howell, Husak, Jochum, O'Halloran, Pavich, Rinas, Spencer, Svoboda and Wells.

Nay: West, Bennett, Branstad, Clark of Lee, Conlon, Daggett, Den Herder, Egenes, Harbor, Junker, Menke, Schnekloth, Thompson, Varley, Wulff and Wyckoff.

Absent or Not Voting: Dunton and Oxley.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., April 7, 1977

Convened: 8:20 a.m.

Adjourned: 10:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wulff.

Absent: None.

Excused: Wells.

Senate File 161, a bill for an act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

Recommended AMEND AND DO PASS.

H-3552

1 Amend Senate File 161 as follows:

2 1. Page 4, by inserting after line 18 the follow-
3 ing:

4 "4. The state conservation commission shall estab-
5 lish a priority list of watersheds above state-owned
6 lakes and areas within those watersheds which are
7 of highest importance based on soil loss to be used
8 for the allocation of funds set aside in subsection
9 six (6) of section four (4) of this Act for permanent
10 soil conservation practices on watersheds above state-
11 owned lakes."

12 2. Page 6, lines 5 and 6, by striking the words
13 "on watersheds above state-owned lakes" and inserting
14 in lieu thereof the words "to owner-operated and
15 family-operated farms".

16 3. Page 6, by striking line 14 and inserting in
17 lieu thereof the words:

18 "eight (467A.48) of the Code and
19 not less than five percent of
20 the amount appropriated by this
21 subsection shall be used for
22 cost-sharing not to exceed fifty
23 percent of the approved cost of
24 permanent soil conservation prac-
25 tices under chapter four hundred
26 sixty-seven A (467A) of the Code
27 on watersheds above state-owned
28 lakes to be allocated in accor-
29 dance with the priority list
30 established by the state con-
31 servation commission as required
32 in subsection four (4) of sec-
33 tion three (3) of this Act.....\$4,230,000"

34 4. Page 7, line 22, by inserting before the word
35 "For" the letter "a."

36 5. Page 7, by inserting after line 26 the follow-
37 ing:

38 "b. For payments to the governing
39 bodies responsible for publicly-owned
40 sewage treatment facilities which are
41 eligible for seventy-five percent
42 grants under the federal Water Pollu-
43 tion Act amendments of 1972, eighty-
44 six (86) Stat. eight hundred sixteen
45 (816), in an amount equal to five

46 percent of the amount approved as
 47 the eligible cost of the project by
 48 the Iowa water pollution control
 49 commission.....\$2,000,000"
 50 6. Page 8, line 5, by striking the figure "430,977"

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1 and inserting in lieu thereof the figure "450,977".
 2 7. Page 8, by inserting after line 5 the follow—
 3 ing:
 4 "Notwithstanding the provisions of section four
 5 hundred fifty—five A point seventeen (455A.17) of
 6 the Code, the Iowa natural resources council may
 7 perform its statutory duties relating to uses and
 8 developments of water sources of the state without
 9 meeting the provisions of a comprehensive statewide
 10 plan for the control, utilization, and protection
 11 of the water resources of the state until such time
 12 as the plan is prepared and completed."
 13 8. Renumber sections or subsections as may be
 14 required by this amendment.

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, Stromer, Varley and Wulff.

Nay: Welden.

Absent or Not Voting: Wells.

House Concurrent Resolution 26, relating to a bipartisan joint study committee appointed by the legislative council to function during the 1977 legislative interim to conduct a study on mental health delivery systems in the state of Iowa.

Recommended DO PASS.

Aye: Cusack, Den Herder, Avenson, Jesse, Norland, O'Halloran and Wulff.

Nay: Dunton, Koogler, Stromer, Varley and Welden.

Absent or Not Voting: Wells.

House File 519, a bill for an act relating to and making an appropriation to the department of social services for operations of adult correction services and capital improvement projects including capital improvement projects recommended by the advisory commission on corrections relief.

Recommended DO PASS.

Aye: Cusack, Den Herder, Avenson, Jesse, Norland, O'Halloran and Varley.

Nay: Dunton, Koogler, Stromer, Welden and Wulff.

Absent or Not Voting: Wells.

SUBCOMMITTEE ASSIGNMENTS

House File 391	House File 427	House File 450
Ways and Means	Ways and Means	County Government
Anderson, chair	Svoboda, chair	Gilson, chair
Gilloon	Junker	Spear
Brandt	Egenes	Stephens
Svoboda	Pavich	
Husak	Jochum	
West		House File 453
Daggett	House File 431	Ways and Means
Schnekloth	Ways and Means	Svoboda, chair
	Dieleman, chair	Junker
House File 393	Gilloon	Egenes
Ways and Means	Junker	Pavich
Dieleman, chair	Harbor	Jochum
Gilloon	Pavich	
Junker		House File 459
Harbor	House File 433	Ways and Means
Pavich	Judiciary and Law	Svoboda, chair
	Enforcement	Junker
House File 397	Scheelhaase, chair	Egenes
Ways and Means	Pelton	Pavich
Norland, chair	Spencer	Jochum
Rinas		
Hines	House File 447	House File 461
Jochum	Ways and Means	Ways and Means
Wells	Svoboda, chair	Norland, chair
Branstad	Junker	Rinas
West	Egenes	Hines
Clark of Lee	Pavich	Jochum
	Jochum	Wells
		Branstad
		West
		Clark of Lee

House File 481
 Judiciary and Law
 Enforcement
 Dyrland, chair
 Clark of Cerro Gordo
 Higgins

House File 484
 Judiciary and Law
 Enforcement
 Dyrland, chair
 Garrison
 Smalley

House File 486
 Judiciary and Law
 Enforcement
 Conlon, chair
 Pelton
 Spencer

House File 487
 Rules
 Cusack, chair
 Millen
 Nielsen

House File 493
 Judiciary and Law
 Enforcement
 Lipsky, chair
 Newhard
 Dyrland

House File 494
 Judiciary and Law
 Enforcement
 Doyle, chair
 Connors
 Smalley

House File 497
 Judiciary and Law
 Enforcement
 Scheelhaase, chair
 Spencer
 Clark of Cerro Gordo

House File 508
 Judiciary and Law
 Enforcement
 Dyrland, chair
 Garrison
 Smalley

Senate File 195
 Ways and Means
 Rinas, chair
 Jochum
 Clark of Lee
 Varley
 Wyckoff

Senate File 279
 County Government
 Baker, chair
 Oxley
 Stephens

Senate File 288
 Judiciary and Law
 Enforcement
 Newhard, chair
 Woods
 Higgins
 Shimanek
 Conlon

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 74B
 Transportation
 Woods, chair
 Harbor
 Krause

S.B. 200C
 Ways and Means
 Rinas, chair
 Daggett
 Howell
 Den Herder
 Gilloon
 Harbor
 Bina
 West

S.B. 223
 Ways and Means
 Svoboda, chair
 Junker
 Egenes
 Pavich
 Jochum

S.B. 233
 Transportation
 Lipsky, chair
 Woods
 Hoffmann
 Binneboese

Pursuant to Senate Concurrent Resolution 7, duly adopted as amended, and on motion by Fitzgerald of Webster, the House adjourned at 10:53 a.m., until 1:30 p.m., Tuesday, April 12, 1977.

JOURNAL OF THE HOUSE

Ninety—third Calendar Day -- Sixty—third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 12, 1977

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

Prayer was offered by the Reverend John Swenson, pastor of the Bethlehem Lutheran Church, Red Oak, Iowa.

The Journal of Thursday, April 7, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan Robb, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis for the week of April 12, 1977 on request of Speaker Cochran of Webster; Howell of Floyd until 4:00 p.m. on request of Dieleman of Marion; Dyrland of Clayton on request of Patchett of Johnson; Garrison of Black Hawk on request of Dunton of Keokuk; Griffie of Chickasaw on request of Monroe of Des Moines.

PETITIONS FILED

The following petitions were received and placed on file:

By Pelton of Clinton from one hundred forty—two constituents in favor of changing the public employees retirement age to 55 or after 25 years of service with full benefits.

By Poncy of Wapello from thirteen constituents urging the Iowa General Assembly to adequately fund human resources programs.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 289, a bill for an act to propose changes in the rules of criminal procedure.

Also: That the Senate has on April 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 318, a bill for an act making technical changes of a corrective nature to the criminal code revision.

Also: That the members of the conference committee, appointed April 7, 1977, on Senate File 156, a bill for an Act providing for an appropriation to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, on the part of the Senate are: The Senator from Lee, Mr. Junkins, chair; the Senator from Dubuque, Mr. Carr; the Senator from Clarke, Mr. Ramsey; the Senator from Linn, Mr. Redmond; and the Senator from Jefferson, Mr. Schwengels.

STEVEN C. CROSS, Secretary

INTRODUCTION OF BILLS

HOUSE FILE 520, by Doyle, a bill for an act providing for the regulation of the transportation, use, storage, disposal and generation of hazardous wastes by the department of environmental quality, providing injunctive relief and prescribing a penalty.

Read first time and referred to the committee on ENERGY.

HOUSE FILE 521, by Branstad, a bill for an act relating to interest payments by the state on certain farm acquisition loans, and providing an appropriation.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 522, by Dyrland, a bill for an act relating to persons engaged in the business of soliciting, purchasing, or receiving dairy products in commerce, and providing penalties.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 523, by Svoboda, Cusack, Monroe, Small, Hargrave, Jesse, Krause, Hines, Bina, Anderson, Jochum, Griffee, Patchett, Avenson, Binneboese, Newhard, Spear and Dyrland, a bill for an act prohibiting the Iowa state commerce commission from issuing a certificate for the construction of a nuclear fission thermal power facility in this state until the commission finds that a demonstrated and commercially available technology exists for the reprocessing of spent fuel rods and that the technology has been approved by the appropriate federal agency, and until the findings of the commission relating to such technology have been submitted for review of the general assembly.

Read first time and referred to committee on ENERGY.

HOUSE FILE 524, by Dyrland, Anderson and Brunow, a bill for an act to provide that sexual abuse of children is included in the mandatory reporting provisions of chapter two hundred thirty-five A (235A) of the Code.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 525, by Small, a bill for an act adopting the Uniform Residential Landlord and Tenant Act.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 526, by Dyrland, a bill for an act requiring the posting of warnings of the harmful effects of beer and alcoholic beverages in establishments where beer and alcoholic beverages are sold or consumed.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 527, by Pavich, O'Halloran, Poncy, Tofte, Lindeen, Wells, Horn, Brandt and Walter, a bill for an act relating to retirement benefits for police and fire personnel.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 528, by Poncy, a bill for an act relating to screening for certain spinal disorders by physical education teachers and to make an appropriation.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 529, by Scheelhaase, Junker, Horn, Hansen, Krause, Daggett, Brockett, Pavich, Stromer, Dunton, Wells, Doyle, Binneboese and Griffee, a bill for an act authorizing merged areas to acquire and operate dormitories, student centers and parking facilities, and to finance the cost with revenue bonds.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 530, by Poncy and Perkins, a bill for an act relating to the appointment and compensation of the clerks of the district court.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 531, by Monroe, a bill for an act authorizing a corporation licensed under chapter five hundred thirty-six A (536A) of the Code to establish, own, operate, utilize, and participate in electronic fund transfer systems.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 532, by Avenson, a bill for an act to require completion of first aid courses by school bus drivers.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 533, by Byerly, a bill for an act authorizing cities and counties to impose local taxes, appropriating the proceeds, providing property tax relief, making the taxes subject to applicable provisions of the Code, including penalties, and establishing a penalty for violation of a local vehicle tax ordinance.

Read first time and referred to committee on CITIES.

HOUSE FILE 534, by Svoboda, a bill for an act providing for an income tax credit for the purchase and installation of solar energy devices or materials for the installation of a solar energy device.

Read first time and referred to committee on ENERGY.

SENATE MESSAGES CONSIDERED

SENATE FILE 217, a bill for an act to clarify the responsibilities of parents to children.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 238, a bill for an act relating to business corporations.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 307, a bill for an act relating to vacating and closing highways.

Read first time and referred to committee on COUNTY GOVERNMENT.

SENATE FILE 314, a bill for an act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

Read first time and referred to committee on WAYS AND MEANS.

SENATE FILE 317, a bill for an act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 319, a bill for an act amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

CONSIDERATION OF BILLS

Regular Calendar

House File 495, a bill for an act relating to partition fences was taken up for consideration.

Schnekloth of Scott offered the following amendment H-3495 filed by him and moved its adoption:

H-3495

1 Amend House File 495 as follows:

2 1. Page 1, by striking lines 30 through 35
3 and inserting in lieu thereof the following: "pay
4 for an existing hedge or fence."

5 2. Page 2, by striking lines 1 and 2.

6 3. Page 2, by striking lines 26 through 32

7 and inserting in lieu thereof the word "situated."

A non-record roll call was requested.

The ayes were 15, nays 53.

Amendment H-3495 lost.

Daggett of Adams offered the following amendment H-3524 filed by him and Pellett of Cass and moved its adoption:

H-3524

- 1 Amend House File 495 as follows:
- 2 1. Page 1, line 30, by inserting before the word
- 3 "If" the words "Long time maintenance and construc-
- 4 tion costs shall be considered by the fence viewers
- 5 when determining the responsibility of the parties
- 6 for a permanent agreement for a partition fence."

Amendment H-3524 was adopted.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H-3496 filed by him on April 5, 1977.

Wyckoff of Benton offered the following amendment H-3528 filed by Wyckoff, et al. and moved its adoption:

H-3528:

- 1 Amend House File 495 as follows:
- 2 1. Page 3, by inserting after line 3 the following
- 3 new section:
- 4 "Sec. NEW SECTION. For the purposes of this
- 5 Act, the provisions of section three hundred fifty-
- 6 nine point seventeen (359.17) of the Code shall not
- 7 apply when any township trustee has a conflict of
- 8 interest relating to any parcel of land where the
- 9 erection and maintainance of a partition fence is the
- 10 issue. The chairman of the board of supervisors shall
- 11 then designate three disinterested members of the
- 12 board or three other disinterested persons to act
- 13 as fence viewers and they shall have all the rights
- 14 and powers of fence viewers provided in chapter one
- 15 hundred thirteen (113) of the Code."

Amendment H-3528 was adopted.

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

On the question "Shall the bill pass?" (H.F. 495)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Egenes	Evans	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Junker	Koogler	Krause
Krewson	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Shimaneck	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 7:

Conlon	Millen	Oxley	Schnekloth
Schroeder	Tofte	Welden	

Absent or not voting, 10:

Dyrland	Fitzgerald	Garrison	Griffiee
Harper	Higgins	Howell	Jesse
Jochum	Lageschulte		

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

House File 163, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school with report of committee recommending passage was taken up for consideration.

Gentleman of Polk offered the following amendment H-3555 filed by her:

H-3555

- 1 Amend House File 163 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "center" the words:
- 4 ", but only after such immunizations have been proven
- 5 to be safe and effective for a period of five (5)
- 6 years".

By unanimous consent the following amendment H-3557, to amendment H-3555, filed by Baker of Buena Vista from the floor, was adopted:

H-3557

- 1 Amend the amendment H-3555 to House File 163
- 2 as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "after" the words "serums used in".

Perkins of Greene in the chair at 3:05 p.m.

Gentleman of Polk moved the adoption of amendment H-3555, as amended.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 30, nays 50.

Amendment H-3555, as amended, lost.

Varley of Adair asked and received unanimous consent to temporarily defer action on House File 163.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 243.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 243, a bill for an act relating to the qualifications required of the director of the division of mental health resources of the department of social services, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-3545 filed by him and moved its adoption:

H-3545

1. Amend Senate File 243 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking all of line 9.

Amendment H-3545 was adopted.

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

On the question "Shall the bill pass?" (S.F. 243)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen

Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Pavich
Pellett	Poncy	Scheelhaase	Schneklloth
Schroeder	Shimaneck	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Perkins)	

The nays were, 1:

Horn

Absent or not voting, 12:

Branstad	Dyrland	Griffie	Harper
Higgins	Howell	Norland	Patchett
Pelton	Rinas	Spencer	Welden

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

The House resumed consideration of House File 163, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school.

Varley of Adair offered the following amendment H-3558 filed by him from the floor and moved its adoption:

H-3558

- 1 Amend House File 163 as follows:
- 2 1. Page 1, by striking lines 19-21 and inserting
- 3 in lieu thereof the following:“.”

Amendment H-3558 was adopted.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 163)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
O'Halloran	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Svoboda
Thompson	Tofte	Varley	Walter
Welden	West	Woods	Wulff
			Mr. Speaker (Perkins)

The nays were, 6:

Dunton	Harvey	Spencer	Stromer
Tauke	Wyckoff		

Absent or not voting, 9:

Connors	Dyrland	Griffie	Harper
Higgins	Howell	Norland	Oxley
Wells			

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

House File 449, a bill for an act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-3553 filed by him from the floor:

H-3553

1 Amend House File 449 as follows:

2 1. By striking pages 1 and 2.

3 2. Page 3, by striking lines 1 through 13 and
4 inserting in lieu thereof the following:

5 "Section 1. Section two point forty-one (2.41),
6 Code 1977, is amended to read as follows:

7 2.41 LEGISLATIVE COUNCIL CREATED. There is hereby
8 created a continuing legislative council of twenty
9 members which shall be entitled the legislative
10 council. The council shall be composed of the
11 president pro tempore of the senate, the speaker of
12 the house of representatives, the majority and minority
13 floor leaders of the senate, the ~~chairman~~ chairperson
14 of the senate committee on ~~appropriations budget~~,
15 the minority party ranking member of the senate
16 committee on ~~appropriations budget~~, five members of
17 the senate appointed by the president of the senate,
18 the majority and minority floor leaders of the house
19 of representatives, the ~~chairman~~ chairperson of the
20 house committee on ~~appropriations budget~~, the minority
21 party ranking member of the house committee on
22 ~~appropriations budget~~, and five members of the house
23 of representatives appointed by the speaker of the
24 house of representatives. The lieutenant governor
25 shall be an ex officio nonvoting member of the council.
26 Of the five members appointed by the president of
27 the senate and speaker of the house, three from each
28 house shall be appointed from the majority party and
29 two from each house shall be appointed from the
30 minority party. Members shall be appointed prior
31 to the ~~adjournment~~ fourth Monday in January of the
32 first regular session of each general assembly and
33 shall serve for two-year terms ending upon the
34 convening of the following general assembly or when
35 their successors are appointed. Vacancies on the
36 council, including vacancies which occur when a member
37 of the council ceases to be a member of the general
38 assembly, shall be filled by the president of the
39 senate and the speaker of the house respectively.
40 Insofar as possible, ~~upon appointment of members of~~
41 ~~the council during each regular session of the general~~
42 ~~assembly~~, at least two members of the council from
43 each house shall be reappointed. The council shall

- 44 hold regular meetings at a time and place fixed by
45 the council and shall meet at any other time and place
46 as the council may deem necessary.”
47 3. Page 5, by striking lines 22 and 23 and
48 inserting in lieu thereof the following:
49 “Sec. 8. Notwithstanding section one (1) of this
50 Act, the initial appointments of legislative council

Page 2

- 1 members shall be made not less than two weeks after
2 the effective date of this Act.”

Schroeder of Pottawattamie offered the following amendment H-3554, to amendment H-3553, filed by him from the floor and moved its adoption:

H-3554

- 1 Amend the amendment H-3553 to House File 449
2 as follows:
3 1. Page 1, by striking lines 22 through 30 and
4 inserting in lieu thereof the words “appropriations
5 budget, the speaker pro tempore and five ~~four~~ members
6 of the house of representatives appointed by the
7 speaker of the house of representatives. The
8 lieutenant governor shall be an ex officio nonvoting
9 member of the council. Of the five members appointed
10 by the president of the senate and ~~the four members~~
11 appointed by the speaker of the house, three from
12 each-house the senate shall be appointed from the
13 majority party and two from each-house shall be
14 appointed from the minority party and in the case
15 of the house two from the majority party and two from
16 the minority party shall be appointed. Members shall
17 be appointed prior”.

Roll call was requested by Schroeder of Pottawattamie and Junker of Woodbury.

Under the provisions of Rule 71, Nielsen of Polk refrained from voting.

Rule 70 was invoked.

On the question "Shall amendment H-3554, to amendment H-3553, be adopted?"

The ayes were, 32:

Baker	Bennett	Branstad	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Daggett	Danker	Davitt	Halvorson
Harbor	Harvey	Hinkhouse	Hoffmann
Horn	Husak	Jesse	Koogler
Lageschulte	Miller, K.D.	Miller, O.L.	Patchett
Pellett	Pelton	Schneklath	Schroeder
Shimaneck	West	Woods	Wyckoff

The nays were, 57:

Anderson	Avenson	Bina	Binneboese
Brandt	Brockett	Cochran	Crabb
Crawford	Cusack	Den Herder	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Hansen	Hargrave	Hines
Hullinger	Jochum	Junker	Krause
Krewson	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Monroe
Newhard	Norland	O'Halloran	Oxley
Pavich	Scheelhaase	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	Wulff
			Mr. Speaker
			(Perkins)

Absent or not voting, 11:

Brunow	Connors	Dyrland	Griffee
Harper	Higgins	Howell	Nielsen
Poncy	Rinas	Spencer	

Amendment H-3554 lost.

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

Schroeder of Pottawattamie moved the adoption of amendment H-3553.

A non-record roll call was requested.

The ayes were 49, nays 34.

Amendment H-3553 was adopted.

Harbor of Mills asked and received unanimous consent to withdraw amendment H-3561 filed by him from the floor.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H-3556 filed by him from the floor.

Monroe of Des Moines offered the following amendment H-3420 filed by him and moved its adoption:

H-3420

- 1 Amend House File 449 as follows:
- 2 1. Page 5, by striking lines 24 through
- 3 28 and inserting in lieu thereof the following:
- 4 "Sec. 9. This Act, being deemed of imme-
- 5 diate importance, shall take effect and be in
- 6 force from and after its publication in The
- 7 Hawk Eye, a newspaper published in Burlington,
- 8 Iowa, and in The Garner Leader & Signal & Gar-
- 9 ner Herald, a newspaper published in Garner,
- 10 Iowa."

Amendment H-3420 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Higgins of Scott for the week of April 12 on request of Small of Johnson.

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

The House resumed session, Speaker Cochran in the chair.

Lipsky of Linn asked and received unanimous consent to withdraw amendment H-3562 filed by her from the floor.

Lipsky of Linn offered the following amendment H-3564 filed by her from the floor and moved its adoption:

H-3564

- 1 Amend House File 449 as follows:
 2 1. Page 3, by striking lines 16 through 20
 3 and inserting in lieu thereof the following:
 4 "NEW SUBSECTION. To appoint a subcommittee to
 5 hear appeals of aggrieved employees. The subcom-
 6 mittee shall present its recommendations to the
 7 general assembly. If action is required, it shall
 8 be as provided in the joint rules of the House and
 9 Senate."
 10 2. Page 5, by striking lines 19, 20 and 21 and
 11 inserting in lieu thereof the following: "council.
 12 The legislative council shall appoint a subcommit-
 13 tee to hear appeals of aggrieved employees of the
 14 office of the citizens' aide. The subcommittee
 15 shall present its recommendations to the general
 16 assembly. If action is required, it shall be as
 17 provided in the joint rules of the House and Senate."

A non-record roll call was requested.

The ayes were 20, nays 62.

Amendment H-3564 lost.

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

On the question "Shall the bill pass?" (H.F. 449)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson

Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poney	Rinas
Scheelhaase	Schnekloth	Schrogder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none:

Absent or not voting, 9:

Chiodo	Clark, J.H.	Dyrland	Griffee
Harper	Harvey	Higgins	Middleswart
Norland			

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

HOUSE FILE 389 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 389 from further consideration by the House.

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House foreign exchange student Ligia Ricci from Guatemala City, guest of Reverend and Mrs. Raymond L. Moore, Dunlap, Iowa.

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

Forty-five students from North High School, Sioux City, Iowa, accompanied by Larry Twait and Roger Morris. By

Binneboese of Plymouth, Doyle of Woodbury, Junker of Woodbury and Scheelhaase of Woodbury.

Fourteen Cub Scouts from Urbandale, Iowa, accompanied by Colleen Hayes. By Krewson of Polk.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 234 Natural Resources

Providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

S. B. 235 Energy

Requiring existing residential dwellings or portions of existing structures used therefor to meet certain thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan.

COMMUNICATION FROM WYOMING STATE LEGISLATURE

A copy of House Enrolled Joint Resolution 1 from the Wyoming State Legislature, relating to requesting Congress to amend the Federal Constitution to require that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year, with certain exceptions, has been received and placed on file in the Office of the Chief Clerk.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Scheduled: 8:00 a.m., April 7, 1977

Convened: 8:20 a.m.

Adjourned: 9:00 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Binneboese, Crabb, Danker, Howell, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Absent: Byerly, Davitt, Gilson and Krause.

Excused: Bennett, Den Herder, Harper and Husak.

House File 420, a bill for an act relating to the rule of perpetuities.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Binneboese, Crabb, Danker, Howell, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Bennett, Byerly, Davitt, Den Herder, Gilson, Harper, Husak and Krause.

Study Bill 168, a bill for an act relating to state metrologists and city sealers.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Binneboese, Crabb, Danker, Howell, Lageschulte, Lindeen, Menke, Miller of Calhoun and Svoboda.

Nay: None.

Absent or Not Voting: Bennett, Byerly, Davitt, Den Herder, Gilson, Harper, Husak and Krause.

COMMITTEE ON CITIES

Scheduled: 8:30 a.m., April 7, 1977

Convened: 8:40 a.m.

Adjourned: 8:46 a.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Pavich, Perkins, Schneklath, Spear, Stephens, Tofte and Wulff.

Absent: Smalley (arrived 8:46 a.m.), Hargrave, Newhard, Nielsen and Rinas.

Study Bill 226, a bill for an act to change the title of the low-rent housing law chapter of the Code to the municipal housing law.

Recommended DO PASS.

Aye: Bina, Hines, Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Pavich, Perkins, Schneklath, Smalley, Spear, Stephens, Tofte and Wulff.

Nay: Clark of Lee.

Absent or Not Voting: Hargrave, Newhard, Nielsen and Rinas.

AMENDMENTS FILED

H-3559	H.F. 311	Junker of Woodbury
H-3560	H.F. 182	Junker of Woodbury
H-3563	H.F. 463	Thompson of Polk Patchett of Johnson
H-3565	H.F. 187	Miller of Buchanan
H-3566	S.F. 302	Miller of Buchanan
H-3567	S.F. 302	Miller of Buchanan
H-3568	H.F. 230	Schroeder of Pottawattamie

On motion by Fitzgerald of Webster the House adjourned at 5:25 p.m. until 10:00 a.m., Wednesday, April 13, 1977.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day -- Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 13, 1977

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

Prayer was offered by the Reverend Robert L. Nelson, pastor of the St. John's Lutheran Church, Dunlap, Iowa.

The Journal of Tuesday, April 12, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. S. P. Leinbach, Belmond, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dyrland of Clayton for the morning session on request of Patchett of Johnson.

PETITION FILED

The following petition was received and placed on file:

By Wells of Linn from thirty-nine constituents supporting increased funding of human resource programs.

DISTINGUISHED GUESTS

Speaker Cochran presented to the House Mr. Jim Bowhay, Director of the Midwest Conference of the Council of State Governments, and Senator Oliver Ocasek, Chair of the Midwest Conference of the Council of State Governments. Senator Ocasek, who serves as President of the Senate and Majority Floor Leader for the State of Ohio, commended the members for their

dedication in serving the citizens of Iowa and for their active involvement in the Council of State Governments.

HOUSE RESOLUTION 18

By Byerly, Jesse
and Nielsen

- 1 *Whereas*, senior citizens have contributed to the
2 growth and development of this state; and
3 *Whereas*, senior citizens through organizations
4 have become much more involved in the political
5 process in order to articulate their problems and
6 concerns; and
7 *Whereas*, some of the leaders of the senior
8 citizen movement have dedicated their retirement
9 years to the improvement of others; and
10 *Whereas*, Mr. George Baldwin, Legislative Director,
11 Iowa Senior Citizens Group, passed away on April 1,
12 1977; *Now Therefore*,
13 *Be It Resolved by the House of Representatives*,
14 That the Sixty—seventh General Assembly, 1977 session,
15 commemorate the life of George Baldwin for his devotion
16 and service to the causes of senior citizens in the
17 State of Iowa and across the nation.
18 *Be It Further Resolved* That a copy of this resolu—
19 tion be sent to Mrs. George Baldwin, Des Moines, and
20 the Iowa Senior Citizens Group.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 312, a bill for an act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal.

STEVEN C. CROSS, Secretary

MOTION TO RECONSIDER WITHDRAWN
(House File 490)

Bennett of Ida asked and received unanimous consent to withdraw the motion to reconsider House File 490 filed by him on April 5, 1977.

SENATE AMENDMENTS CONSIDERED

O'Halloran of Black Hawk called up for consideration House Concurrent Resolution 11, relating to temperature control in all state buildings, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3469

- 1 Amend House Concurrent Resolution 11 as amended
- 2 and passed by the House as follows:
- 3 1. Page 1, line 28, by striking the words "to
- 4 maintain a temperature of" and inserting in lieu
- 5 thereof the words "at a maximum temperature of approxi-
- 6 mately".
- 7 2. Page 1, line 34, by inserting after the word
- 8 "outside" the words "or inside".
- 9 3. Page 1, lines 34 and 35, by striking the words
- 10 "twenty-seven degrees Celsius" and inserting in lieu
- 11 thereof the words "eighty degrees Fahrenheit or unless
- 12 the lack of circulation of air in the area impairs
- 13 the health or effectiveness of employees".

The motion prevailed and the House concurred in the Senate amendment H-3469.

O'Halloran of Black Hawk moved the adoption of the resolution, as amended.

The motion prevailed and the resolution, as amended, was adopted.

Middleswart of Warren called up for consideration House File 251, a bill for an act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3525

- 1 Amend House File 251 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 17 through 20.
- 4 2. Page 3, by inserting after line 4 the following:
- 5 "Sec. Section one hundred ten point one
- 6 (110.1), Code 1977, is amended by inserting after
- 7 line 51 the following:
- 8 Nonresident raccoon stamp and tags...\$100.00"
- 9 3. Page 4, by striking lines 13 and 14.
- 10 4. Page 4, by striking lines 15 through 18.
- 11 5. Renumber the sections to conform with this
- 12 amendment.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 70, nays 6.

The motion prevailed and the House concurred in the Senate amendment H-3525.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 251)

The ayes were, 83:

Anderson	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse

Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, O.L.	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Poncy	Rinas
Schneklath	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 4:

Bennett	Miller, K.D.	Scheelhaase	Schroeder
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Absent or not voting, 13:

Avenson	Baker	Clark, J.H.	Dyrland
Garrison	Harper	Higgins	Millen
Nielsen	Norland	Pavich	Small
Welden			

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

CONSIDERATION OF BILLS

Regular Calendar

Senate File 98, a bill for an act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 98)

The ayes were, 90:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Harvey	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller, K.D.	Miller, O.L.	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none:

Absent or not voting, 10:

Dyrland	Hargrave	Harper	Higgins
Hoffmann	Millen	Monroe	Nielsen
Schroeder	Small		

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

Senate File 268, a bill for an act repealing the statutory standing appropriation funding the state employees' disability plan with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 268)

The ayes were, 86:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimaneck	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 1:

Lipsky

Absent or not voting, 13:

Clark, J.H.	Doyle	Dyrland	Harbor
Harper	Higgins	Hoffmann	Koogler
Nielsen	Schroeder	Small	Welden
West			

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

Senate File 198, an act appropriating funds to the Iowa beer and liquor control department for capital improvements, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo offered the following amendment H-3569 filed by her and Monroe of Des Moines from the floor:

H-3569

- 1 Amend Senate File 198 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "A liquor store shall not be established in a
- 5 city if the electors of that city disapprove the
- 6 establishment of the store.
- 7 Upon receipt of a petition signed by eligible
- 8 electors of that city equal in number to two percent
- 9 of the qualified electors of the city as of the
- 10 most recent election, a special election shall be
- 11 held with the following question as a ballot issue:
- 12 "Shall a liquor store be established in the
- 13 city of _____?"
- 14 The Iowa beer and liquor control department shall
- 15 publish a notice of intent to establish a liquor
- 16 store in a newspaper of general circulation in that
- 17 city 120 days prior to the establishment of the store.
- 18 The petition requesting the election shall be filed with
- 19 the city council within 30 days of the publication.
- 20 Within ten days of receipt of the petition the city
- 21 council shall give written notice to the commissioner of
- 22 elections of the proposed date of the special election.
- 23 The commissioner of elections shall call the election
- 24 within sixty days of receipt of the notice.
- 25 The election shall be conducted by the commissioner
- 26 according to the provisions of chapters thirty-nine (39)
- 27 through fifty-three (53).
- 28 The ballot issue shall be considered to have
- 29 passed if a majority of the qualified electors voting
- 30 on the measure vote yes.

Monroe of Des Moines in the chair at 11:04 a.m.

Junker of Woodbury asked for unanimous consent to amend amendment H-3569 by inserting after the word "if" on line 5 the words "sixty percent of".

Objection was raised.

Junker of Woodbury asked and received unanimous consent that action on amendment H-3569 be temporarily deferred.

Horn of Linn offered the following amendment H-3571 filed by him from the floor and moved its adoption:

H-3571

- 1 Amend Senate File 198, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the
- 4 word "stores" the following: ", one of which shall
- 5 be located in the city of Cedar Rapids".

A non-record roll call was requested.

The ayes were 32, nays 51.

Amendment H-3571 lost.

Crabb of Crawford offered amendment H-3570 filed by him from the floor. Division was requested as follows:

H-3570

- 1 Amend Senate File 198 as follows:

H-3570A

- 2 1. Page 1, by inserting after line 11 the
- 3 following:
- 4 "3. For an addition to the
- 5 liquor warehouse and supporting
- 6 areas (including architects
- 7 fees).....\$1,778,150

H-3570B

- 8 4. For expansion of the
- 9 general offices of the Iowa
- 10 beer and liquor control depart-
- 11 ment in connection with the
- 12 addition to the liquor warehouse
- 13 (including architects fees).....371,000

H-3570A

- 14 5. For a mechanized conveyor
- 15 system (including architects fees)
- 16 for the liquor warehouse.....769,560"

Crabb of Crawford moved the adoption of amendment H-3570A.

Roll call was requested by Schroeder of Pottawattamie and Crabb of Crawford.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3570A be adopted?"

The ayes were, 41:

Bennett	Binneboese	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Egenes	Evans	Gentleman	Halvorson
Hansen	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff			

The nays were, 50:

Anderson	Avenson	Baker	Bina
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffiee
Harbor	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Lonergan
Middleswart	Miller, O.L.	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Spear
Spencer	Walter	Wells	Woods
Wyckoff	Mr. Speaker (Monroe)		

Absent or not voting, 9:

Doyle	Harper	Higgins	Krause
Miller, K.D.	Nielsen	Rinas	Scheelhaase
Small			

Amendment H-3570A lost.

Crabb of Crawford asked and received unanimous consent to withdraw amendment H-3570B.

The House resumed consideration of amendment H-3569.

Junker of Woodbury offered the following amendment H-3574, to amendment H-3569, filed by him from the floor and moved its adoption:

H-3574

- 1 Amend amendment H-3569, to Senate File 198
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 29, by striking the words
- 4 "a majority" and inserting in lieu thereof the
- 5 words "sixty percent".

Amendment H-3574 lost.

(Senate File 198 and amendment H-3569 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Brunow of Appanoose in the chair.

BUSINESS PENDING

The House resumed consideration of Senate File 198, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements, and amendment H-3569.

Giloon of Dubuque offered the following amendment H-3575, to amendment H-3569, filed by him and Halvorson of Clayton from the floor and moved its adoption:

H-3575

- 1 Amend amendment H-3569, to Senate File 198 as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 30, by inserting after the

- 4 period the following: "If the electors vote no
5 in such election, that city shall be ineligible
6 to receive any funds distributed pursuant to
7 section one hundred twenty-five point fifty-three
8 (125.53), subsection three (3), of the Code."

Amendment H-3575 lost.

Clark of Cerro Gordo moved the adoption of amendment H-3569.

Roll call was requested by Junker of Woodbury and Pelton of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3569 be adopted?"

The ayes were, 40:

Bennett	Binneboese	Branstad	Clark, B.J.
Crawford	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Evans
Garrison	Gentleman	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Junker
Krause	Lageschulte	Middleswart	Millen
Miller, O.L.	Monroe	Norland	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schneklath	Smalley	Spear	Stephens
Stromer	Thompson	West	Wulff

The nays were, 52:

Anderson	Avenson	Baker	Bina
Brandt	Brockett	Byerly	Chiado
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Cusack	Dyrland	Egenes
Fitzgerald	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Hines
Horn	Husak	Jochum	Koogler
Krewson	Lindeen	Lipsky	Lonergan
Menke	Miller, K.D.	Newhard	O'Halloran
Oxley	Patchett	Perkins	Schroeder
Shimanek	Spencer	Svoboda	Tauke
Tofte	Varley	Walter	Welden
Wells	Woods	Wyckoff	Mr. Speaker (Brunow)

Absent or not voting, 8:

Den Herder
Jesse

Harper
Nielsen

Harvey
Pavich

Higgins
Small

Amendment H-3569 lost.

Horn of Linn offered the following amendment H-3573 filed by him from the floor:

H-3573

- 1 Amend Senate File 198, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking line 7 and inserting
- 4 in lieu thereof the following: "three new stores,
- 5 one of which shall be located in the city of
- 6 Cedar Rapids.....\$37,650".

Harbor of Mills rose on a point of order that amendment H-3573 was not in order inasmuch as the subject matter had previously been considered.

The Speaker ruled the point not well taken and amendment H-3573 in order.

Horn of Linn moved the adoption of amendment H-3573.

A non-record roll call was requested.

The ayes were 25, nays 47.

Amendment H-3573 lost.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 198)

The ayes were, 77:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Chiodo	Clark, J.H.	Cochran	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Howell	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Millen	Miller, O.L.
Newhard	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Smalley	Spear	Svoboda	Tauke
Tofte	Varley	Walter	Welden
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker (Brunow)

The nays were, 9:

Branstad	Byerly	Clark, B.J.	Conlon
Dunton	Horn	Hullinger	Spencer
Thompson			

Absent or not voting, 14:

Harper	Higgins	Jesse	Middleswart
Miller, K.D.	Monroe	Nielsen	Norland
O'Halloran	Rinas	Small	Stephens
Stromer	West		

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

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

The House resumed session, Speaker Cochran in the chair.

MOTION TO RECONSIDER
(Senate File 198)

I move to reconsider the vote by which Senate File 198 passed the House on April 13, 1977.

HARBOR of Mills

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Pursuant to House Concurrent Resolution 7, your committee on administration reports the following appointment to the officers and employees of the House:

Recording Clerk/ Supervisor of Pages	Sally L. Blanton	effective 4/1/77 Grade 22 Step 2
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Also:

Your committee on House administration reports the following resignations from the officers and employees of the House:

Aide to the Chief Clerk	Leala Salter Mann	effective 4/13/77
Research Analyst	Mary F. Wegner	effective 4/12/77

WELLS of Linn, chair

PRESENTATION OF VISITORS

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

Nineteen senior state and local government students from Charles City High School, Charles City, Iowa, accompanied by Charles Ridinius. By Howell of Floyd.

Ninety-nine students from Johnston Senior High School, Johnston, Iowa, accompanied by David Pitz and Jack Finley. By Krewson of Polk.

Forty-two fifth grade students from Creston Elementary School, Creston, Iowa, accompanied by Joan Snyder and Cindy Downing. By Hullinger of Decatur and Pellett of Cass.

Fifty—five government class students from Rockwell—Swaledale High School, Rockwell, Iowa, accompanied by James Fredrickson. By Clark of Cerro Gordo.

Forty—five sophomores from Bennett Jr.—Sr. High School, Bennett, Iowa, accompanied by Bill Huckstadt. By Hinkhouse of Cedar.

Thirty—five eighth grade students from Essex Jr.—Sr. High School, Essex, Iowa, accompanied by Dick Glasbey. By Harbor of Mills.

Twenty members of the Stanton High School Government Class, Stanton, Iowa, accompanied by Don Hicks. By Daggett of Adams.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 236 Ways and Means

Providing that the allocation of income for purposes of the corporation income tax be based upon sales and property and making the Act retroactive.

S.B. 237 Labor and Industrial Relations

Relating to amending Chapter 89 of the Code of Iowa.

S.B. 238 State Government

To provide an exemption from the required coverage of certain employees under the Iowa public employees' retirement system.

SPONSOR ADDED

(House File 528)

Lonergan of Boone requested to be added as a sponsor of House File 528.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of April, 1977: House Files 231, 331 and 414.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

AMENDMENTS FILED

H-3572	H.F. 518	Schroeder of Pottawattamie
H-3576	H.F. 354	Brunow of Appanoose
H-3577	H.F. 518	Branstad of Winnebago
H-3578	H.F. 518	Perkins of Greene
		Harvey of Scott
		Koogler of Mahaska
		West of Marshall
		Baker of Buena Vista
		Middleswart of Warren
H-3579	H.F. 518	Branstad of Winnebago
H-3580	S.F. 337	Danker of Pottawattamie

On motion by Fitzgerald of Webster the House adjourned at 5:29 p.m. until 10:00 a.m., Thursday, April 14, 1977.

JOURNAL OF THE HOUSE

Ninety—fifth Calendar Day — Sixty—fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 14, 1977

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

Prayer was offered by the Reverend Doctor Howard Palmer, pastor of the Ventura United Methodist Church, Ventura, Iowa.

The Journal of Wednesday, April 13, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for April 14 and 15 on request of Wyckoff of Benton; Byerly of Polk on request of Baker of Buena Vista; Den Herder of Sioux, Doyle of Woodbury and Harbor of Mills, all for the morning session, on request of West of Marshall; O'Halloran of Black Hawk on request of Hullinger of Decatur.

PETITIONS FILED

The following petitions were received and placed on file:

By Crabb of Crawford from six constituents favoring an increase in Iowa Public Employees' Retirement System.

By Hines of Story from one hundred twenty Ames High School students and two thousand twenty—three members of the National Organization for Women favoring the equal rights amendment.

By Danker of Pottawattamie from fifty—five constituents in favor of a bill banning all no—deposit and no—return glass bottles and cans in the state of Iowa and asking for a sizeable deposit of at least ten to fifteen cents on any returnable container.

By Brunow of Appanoose from fifty—one constituents in favor of adequately funding human resources programs.

INTRODUCTION OF BILLS

HOUSE FILE 535, by committee on cities, a bill for an act imposing a state tax on the renting of hotel and motel rooms and providing for the revenue to be returned to the cities and counties.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 536, by committee on cities, a bill for an act to change the title of the low—rent housing law chapter of the Code to the municipal housing law.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 537, by Schroeder, a bill for an act relating to the election of the board of directors of a reorganized school district.

Read first time and referred to committee on EDUCATION.

SENATE MESSAGES CONSIDERED

SENATE FILE 289, a bill for an act to propose changes in the rules of criminal procedure.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 312, a bill for an act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule—making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions

for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license.

Read first time and PASSED ON FILE.

SENATE FILE 318, a bill for an act making technical changes of a corrective nature to the criminal code revision.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 42, a bill for an act relating to county health centers.

Also: That the Senate has on April 12, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 308, a bill for an act to allow the governor to accept offers made by the United States of America to retrocede property to the state.

Also: That the Senate has on April 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 340, a bill for an act appropriating funds from the military service tax credit fund to the general fund.

Also: That the Senate has on April 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 341, a bill for an act making an appropriation to the moneys and credits replacement fund.

Also: That the Senate has on April 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 343, a bill for an act appropriating funds to the sewage works construction fund.

Also: That the Senate has on April 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 344, a bill for an act appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 27

By Wyckoff, Husak, Miller of
Buchanan, Oxley and Evans

1 *Whereas*, the state of Iowa is primarily an
2 agricultural state; and
3 *Whereas*, continuous research and development of all
4 available land is essential to the economy of this
5 state; and
6 *Whereas*, there has been a continuous abandonment
7 of agricultural land for other purposes; and
8 *Whereas*, abandoned railroad lines could be used
9 for agricultural purposes and minimize the adverse
10 effects resulting from abandonment of railroad lines;
11 *Now Therefore*,
12 *Be It Resolved by the House of Representatives, the*
13 *Senate Concurring*, That the legislative council .
14 authorize a subcommittee of the standing committees
15 on agriculture of the house and senate to be appointed
16 by the respective chairpersons, to study the feasibility
17 of acquiring the railroad line owned by the Waterloo
18 railroad company which has applied to the United States
19 interstate commerce commission seeking abandonment and
20 has been granted authority to abandon a section of line
21 from Cedar Rapids in Linn County to Waterloo in Black
22 Hawk County; and
23 *Be It Further Resolved*, That the subcommittee
24 consider all aspects of acquisition of the right-of-way,
25 by gift, purchase or eminent domain and that the study sub-
26 committee consider an assessment of the benefits for
27 reconverting this property to agricultural use.

Laid over under Rule 25.

SENATE AMENDMENT CONSIDERED

Dyrland of Clayton called up for consideration House File 254,
a bill for an act to require inclusion of achievements of women,

minorities, and others in total school program and to require English—language arts, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—3551

- 1 Amend House File 254, as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, line 15, by inserting after the
- 4 word "instruction," the following:
- 5 "~~The state board shall promulgate rules to require~~
- 6 ~~that a multi-cultural non-sexist approach is used by school~~
- 7 ~~districts."~~
- 8 2. Page 1, line 15, by striking the words "When
- 9 applicable, the" and inserting in lieu thereof the
- 10 word "The".
- 11 3. Page 1, by striking lines 16 through 22 and
- 12 inserting in lieu thereof the words "be taught from
- 13 a multi-cultural, non-sexist approach. The approval
- 14 standards".

The motion prevailed and the House concurred in the Senate amendment H—3551.

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

On the question "Shall the bill pass?" (H.F. 254)

The ayes were, 72:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hargrave
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Junker	Koogler	Krause
Krewson	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Scheelhaase	Schneklath

Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Toftte	Varley
Walter	Wells	Wulff	Mr. Speaker

The nays were, 14:

Branstad	Brockett	Chiodo	Daggett
Danker	Dieleman	Evans	Harvey
Lageschulte	Stephens	Welden	West
Woods	Wyckoff		

Absent or not voting, 14:

Byerly	Den Herder	Doyle	Harbor
Harper	Higgins	Hines	Horn
Jesse	Jochum	Loneragan	Nielsen
O'Halloran	Rinas		

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

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations.

Brunow of Appanoose offered the following amendment H-3576 filed by him:

H-3576

- 1 Amend House File 354 as follows:
- 2 1. Page 20, by striking line 7 and inserting in
- 3 lieu thereof the following:

4 "Sec. 19. NEW SECTION. REGULATION OF HOSPITAL
5 BUDGETS.

6 1. The state health facilities council established
7 by this Act shall review and, to the extent required
8 by subsection two (2) of this section, regulate the
9 allowable growth of hospitals' operating budgets.

10 2. Each hospital shall submit to the department,
11 within thirty days after the effective date of this
12 Act, its originally adopted operating budget for its
13 fiscal year 1977. The hospital shall also submit
14 any subsequent amendments to its originally adopted
15 fiscal 1977 operating budget. The hospital shall
16 also submit to the department its proposed operating
17 budget for its fiscal year 1979, at least ninety days
18 prior to the proposed date of adoption of that budget.
19 The department shall review the two operating budgets
20 submitted pursuant to this section and report its
21 findings to the council, which shall if necessary
22 return the proposed fiscal 1979 operating budget to
23 the hospital for adjustment so that it shall have
24 increased no more than twenty percent above the same
25 hospital's operating budget for its 1977 fiscal year.

26 3. The council shall continue in succeeding years,
27 as necessary, to review the hospital's operating
28 budget for each successive fiscal year, and shall
29 require any adjustments in a proposed operating budget
30 which are necessary so that it shall increase no more
31 than ten percent above the same hospital's operating
32 budget for the preceding fiscal year. The council
33 may set a lower rate of increase by rule.

34 4. The council may allow a rate of increase greater
35 than ten percent per year in a particular hospital's
36 operating budget, upon application by that hospital
37 setting forth reasons the council finds sufficiently
38 compelling. Any hospital aggrieved by the council's
39 action on such an application may appeal that action
40 pursuant to chapter seventeen A (17A) of the Code.

41 5. If any hospital's proposed operating budget
42 for a forthcoming fiscal year reflects the deletion
43 of a substantial service which was included in the
44 last preceding operating budget for that hospital
45 reviewed by the council, the council, in consultation
46 with the appropriate health systems agency, shall
47 consider the need for that service in the community
48 served by that hospital. If it is determined that
49 the service is essential to the community, the
50 proportion of the operating budget allocated to that

Page 2

1 service shall be removed from the operating budget
2 for the earlier fiscal year for the purpose of making
3 the annual rate of increase determination required
4 by subsection two (2) of this section.

5 6. The department shall, with approval of the
6 council, adopt such administrative rules as are
7 necessary to enable it to implement this section.

8 **Sec. 20. NEW SECTION. PENALTIES FOR NON-**
9 **COMPLIANCE.**

10 1. Any hospital or”.

11 2. Page 20, by inserting after line 11 the
12 following:

13 “2. Any hospital failing to submit its operating
14 budget for any fiscal year at the time required by
15 subsection two (2) of section nineteen (19) of this
16 Act shall be subject to a civil penalty of one hundred
17 dollars for each day such failure continues. If the
18 hospital persists in such failure for more than thirty
19 days, the council shall so inform the commissioner
20 who shall cause proceedings to be initiated for
21 suspension of the hospital’s license under section
22 one hundred thirty-five B point six (135B.6) of the
23 Code.

24 3. The council shall inform the department of
25 social services of any hospital which fails or refuses
26 to adjust its operating budget for any fiscal year
27 as necessary to comply with section nineteen (19)
28 of this Act. The department of social services shall
29 thereupon suspend all payments to that hospital under
30 chapter two hundred forty-nine A (249A) of the Code,
31 until such time as the council informs the department
32 of social services that the hospital has complied
33 with the requirements of section nineteen (19) of
34 this Act regarding adjustment of the hospital’s
35 operating budget.”

36 3. Page 21, by striking lines 8 through 18.

37 4. Title, page A, line 9, by inserting after the
38 word “submitted,” the words “providing for imposition
39 of a limit on the annual rate of increase in the
40 budgets of hospitals.”

Hansen of O’Brien rose on a point of order that amendment
H-3576 was not germane.

The Speaker ruled the point not well taken and amendment
H-3576 germane.

Action on amendment H-3576 was temporarily deferred.

Schroeder of Pottawattamie offered the following amendment H-3453 filed by him and moved its adoption:

H-3453

- 1 Amend House File 354 as follows:
- 2 1. Page 21, line 19 by striking the word "January"
- 3 and inserting in lieu thereof the word "July".

Amendment H-3453 was adopted.

The House resumed consideration of amendment H-3576.

Lipsky of Linn offered the following amendment H-3581, to amendment H-3576, filed by her from the floor and moved its adoption:

H-3581

- 1 Amend H-3576 to page 20 of House File 354 as
- 2 follows:
- 3 1. Page 1, line 32 by striking the words
- 4 "The council".
- 5 2. Page 1 by striking line 33.

Amendment H-3581 was adopted.

Husak of Tama in the chair at 11:20 a.m.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H-3581, to amendment H-3576, was adopted by the House.

The motion prevailed and the House reconsidered amendment H-3581.

Lipsky of Linn moved the adoption of amendment H-3581, to amendment H-3576.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 39, nays 45.

Amendment H-3581 lost.

Brunow of Appanoose moved the adoption of amendment H-3576.

Roll call was requested by Brunow of Appanoose and Krewson of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3576 be adopted?"

The ayes were, 35:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Clark, B.J.
Cochran	Cusack	Davitt	Dieleman
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilson	Hargrave	Howell
Hullinger	Jesse	Jochum	Krewson
Lageschulte	Lipsky	Miller, K.D.	Monroe
Nielsen	Patchett	Pavich	Rinas
Svoboda	Walter	Mr. Speaker (Husak)	

The nays were, 51:

Bennett	Branstad	Brockett	Chiodo
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Gentleman	Gilloon
Griffie	Halvorson	Hansen	Harvey
Hinkhouse	Hoffmann	Horn	Junker
Koogler	Krause	Lindeen	Lonerger
Menke	Middleswart	Millen	Miller, O.L.
Newhard	Norland	Oxley	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	Wulff	Wyckoff	

Absent or not voting, 14:

Byerly	Connors	Den Herder	Doyle
Dunton	Harbor	Harper	Higgins
Hines	O'Halloran	Spencer	Wells
West	Woods		

Amendment H—3576 lost.

(House File 354 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

HOUSE FILE 538, by committee on county government, a bill for an act relating to vacating and closing highways.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 539, by Smalley, Halvorson, West, Miller of Buchanan, Harbor and Wyckoff, a bill for an act relating to eligibility to receive benefits from certain welfare programs.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 540, by committee on labor and industrial relations, a bill for an act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

Read first time and PLACED ON THE CALENDAR.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Scheelhaase of Woodbury, Chiodo of Polk and Clark of Cerro Gordo.

The committee appointed to notify the Senate that the House was ready to receive it in joint convention reported it had performed its duty. The report of the committee was accepted and the committee discharged.

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

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

JOINT CONVENTION

PIONEER LAWMAKERS

(HOUSE CHAMBER — 1:30 p.m.)

In accordance with House Concurrent Resolution 13, duly adopted, the joint convention was called to order, President Neu presiding.

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

Senator Kinley of Polk moved that a committee of four be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such

committee Senator Priebe of Kossuth, Senator Bergman of Osceola, Representative Middleswart of Warren and Representative Crabb of Crawford.

The committee escorted the Pioneer Lawmakers to the well of the House chamber.

President Neu presented Senator C. Joseph Coleman, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate as follows:

Mr. President, Members of the House and Senate, Pioneer Lawmakers, Honored Guests, Ladies and Gentlemen.

It is indeed a rare privilege today for me to welcome the members of the Pioneer Lawmakers Association. What makes it a unique occasion is because in extending a welcome to you, the Pioneer Lawmakers, you extend a welcome to me. In a research of past programs I could find no precedent for such a reciprocal welcome.

In the past twenty years I have seen many changes. Today we have much concern about pollution, the latest being noise pollution. I was initiated into my first session by an airplane buzzing the capitol for four hours but having no contest with the lobbyists sitting on the floor behind the senators. All this amidst the efforts of the senators to be heard without a sound system.

We have progressed from triangular pieces of oleo to multi—angular pieces of olio representation.

Twenty years ago we confirmed gubernatorial appointments in executive session. Ten years later in 1967 we did this in open session. Today we do it with "en bloc" confirmations.

We have progressed from Buster the "Papa Bear" to, in as I look over the members of the House, the "Barely Papas"!

Almost twenty years ago Judge McManus was the first Lieutenant Governor to claim his wings were clipped before he learned to fly. Lieutenant Governor Neu has also complained his plumes were plucked or is the word "plums".

It has been a delightful and eventful twenty years almost like the expression, some of you have heard before, of one former legislator — "It's been the longest convention I ever attended".

So in the manner of the Senate — I say to you — it is a pleasure to welcome you today to the Iowa Legislature and hope that your visit will be both enjoyable and educational and invite you to come back again.

President Neu presented Representative Carl V. Nielsen, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House as follows:

Mr. President, Mr. Speaker, Members of the Pioneer Lawmakers Association of Iowa, fellow members of the Sixty-seventh General Assembly, Ladies and Gentlemen:

I have been asked on behalf of the members of the House of Representatives to welcome back the Pioneer Lawmakers and believe me—you are very, very welcome and I am honored to express that welcome to you.

In your days here in these chambers and in the Senate, you were a part of making laws, adding to customs and traditions that have been passed down to us. When I was asked to talk to you for a few moments today I looked back over the years via the journals endeavoring to gain guidance as to what others who have addressed you have spoken about.

As in years past, we are today faced with demands that we must do something about; taxes, we must do something about our roads which are deteriorating, our bridges, also our health care costs which are soaring, our prisons are overcrowded, etc., etc. These issues are not new, nor is the degree of difficulty in solving them, and just as you did we will endeavor to do our best to provide solutions, and will probably go home—not totally satisfied with our efforts.

Others may disagree but after considering all which has gone on before it is my opinion that the single greatest legacy which those who served here before have passed on is the unquestioned integrity of the membership of this body. That unquestioned integrity cannot be legislated, it cannot be bought, it does not come about because of news releases, but rather it is earned.

You earned that reputation as our predecessors and I thank you for it and think we are unanimous in that thanks. It is one of the things we inherit that makes this job tolerable. It is certainly one of the things which must be closely guarded so that others may be elected to a body which has such a high standing. We thank you for the work which you did which gave us a base to work from. We thank you for your continued interest in us and the legislative process which you exhibit by your presence today and we invite you to return again.

Again, welcome to the House.

President Neu presented the Honorable Wendell Pendleton who responded to the welcome.

Mr. Pendleton recognized the Honorable George O'Malley and requested he escort to the well of the House for recognition Miss Lillian Leffert and Mrs. Edna Gillespie, who by a unanimous resolution duly adopted, were awarded honorary membership in the Pioneer Lawmakers Association.

Miss Leffert who served as secretary to the judicial committee in 1919, retired as legal counsel of the House of Representatives in 1974, after fifty-five years of service to the State of Iowa.

Mrs. Gillespie began her service to the State of Iowa in the Senate in 1929 retiring as assistant secretary of the Senate and journal clerk in 1967, after thirty-eight years of service.

The joint convention rose and expressed appreciation to Miss Leffert and Mrs. Gillespie for their years of service.

Mr. Pendleton then addressed the joint convention as follows:

Lieutenant Governor, Mr. Speaker, Honorable Senators and Representatives and Ladies and Gentlemen.

On behalf of my Pioneer Colleagues let me say for all of us that it is a most pleasant occasion to be with you in this great chamber where history is made. We warm to your welcome and are thankful that the present and future of our great state is in such good hands.

Senator Coleman, while still a relatively young man, is an esteemed member of our association and we acknowledge additional pleasure because of his words of welcome as well as those of Representative Nielsen.

Every elected official of the State of Iowa automatically becomes a member in our association on the twentieth anniversary of the commencement of his or her service to the State of Iowa. We have a biennial meeting such as this every two years and it affords the legislators of bygone years an opportunity to get together, to reminisce and to enjoy the fellowship of those of you who are the present day stewards of the lawmaking arm of our government.

As members of the Pioneer Lawmakers Association, we look forward to this meeting with anticipation and appreciate your hospitality in affording us the opportunity to share a day with you.

The experience of being a legislator, which seems so frustrating at times, will be looked back upon by you, as it is by all of us who have served in other years, as one of the most rewarding that life can offer. It is a rare opportunity to serve your fellow citizens and to help shape the future progress of your state and the destiny of its people. I remember coming down here for the first time in 1951, four years out of law school and five and a half years out of the Marine Corps. The holdover Senators were paid \$1,000.00 for the session, the rest of us \$2,000.00. Many of the lawmakers were guilty of nepotism by employing their wives as their clerks. I was guilty. It was the only way I could afford to serve and my beautiful wife, Pheraby, proved to be my greatest asset.

This great chamber brings back the nostalgic memories of bills passed and bills lost. Hearing the Speaker recognize the Gentleman from Buena Vista was a source of great pride and challenge to me. We all look back on the good old days and the opportunity of service.

It is customary for the President of the Pioneers to make a short address with the principal address to follow. Two years ago, our colleague, Andrew Frommelt of Dubuque, addressed the general assembly on the desirability of preserving the citizens oriented legislature rather than a professional organization. If you will indulge me, I hope to make a few observations in a general way concerning our great American heritage and the inherent dangers of inroads to our way of life.

From an economic standpoint, we can take great pride in the strength of our country built on free enterprise. We must cherish this accomplishment and not seek extreme changes which endanger our free society. We must reward those who labor and we must not hold out premiums to able-bodied freeloaders.

Our government spending must be carried forward with wisdom and concern for the tax payers. We must strive for efficiency and productivity from our civil employees. Taxes must be structured to fall fairly on the people without destroying incentives and the attractiveness of Iowa for new industries. The test of a good legislative body is not necessarily the number of bills it passes but rather it is the manner in which the body responds to the needs of the people. Someone once suggested that for every new law we put on the books, we should take two old ones off. This observation was frivolous I am sure, but the old saying that "they who govern less, govern best" has some merit to it.

In the arena of criminal law, we should cherish our system which holds a person to be innocent until proven guilty beyond a reasonable doubt. Surely we are not ready for the English system which shifts the burden of proof to the accused and holds that a person is guilty until that person proves his or her innocence. The constitutional guarantees of individual rights protects us from a police state. We must not condemn our courts for upholding these

cherished American rights because the alternative would be abuse of individual liberties and would pave the way to tyranny. Many constitutional safeguards provide a shield for the guilty but we can't disregard our constitution without sacrificing the rights of the innocent as well. The Miranda type decisions are blown up out of proportion. A convicted felon gets a new trial and the hue and cry goes out that the courts are turning loose another rapist or a murderer. The media plays up the gory details of the crime but does not fairly follow the ultimate disposition of the great majority of these cases which result in conviction within the rules of competent evidence on retrial.

Many attacks have been made upon the adversary system which prevails in our courts on civil matters. Many of the critics are members of self-serving pressure groups of one kind or another. The common law, the decisions of the courts, has evolved out of human experience and gains its wisdom from a variety of fountains. One is precedent, another is need, and yet another is common sense. As the needs of people become greater and the complexities of modern civilization increase, the common law must change. It has done so but at a moderate and well-reasoned pace. The ambit of liability has continued to grow in the arena of adversary proceedings. The islands of immunity from responsibility have been largely eliminated and wrongdoers are held to answer in damages or are made to redress others for their wrongs. Doctors, lawyers, accountants, architects, engineers and all professional persons selling services are held to a standard of reasonable care free of negligence as well as hospitals, restaurants, manufacturers or others and a failure to observe the standard of due care exposes one to liability to the injured victim. In automobile crash cases, we heard much about "no fault" and great pressure was brought to bear by the media and the insurance industry. An attempt was made to sell it on the premise that it would cut insurance costs. This has proved to be a false premise and you lawmakers are to be congratulated for saving Iowans from this ill-conceived invasion of their rights for reparations from those who negligently maim them or kill their loved ones.

Our system is working and the recent reforms in our judicial process is paying off. Good salaries attract good judges and good judges provide justice for all the citizens of Iowa.

With regard to products liability, we have seen the emergence of the doctrine of "strict liability". This doctrine in capsule form is that when a manufacturer puts a defective product in the stream of commerce, the manufacturer assumes responsibility for damages caused by the defective product which are reasonably foreseeable. Is this so bad? Critics of the law complain of the high cost of insurance to respond in damages. What can be said on the other side in support of the consumer? First, manufacturers are becoming more responsible and careful of the products they sell and distribute. Faulty designs that are dangerous are corrected. Quality of products is monitored and controlled. Secondly, the crises is not real. In a

forty-eight page memo to the White House, Product Safety Letter reported, the Commerce Department—sponsored task force said there is a lack of facts to assess the nature and degree of the problem. "Our study does not suggest that there is no nationwide multi-industry product liability 'crisis.'" The study did recognize that a number of smaller business are having a difficult choice as to whether to go without product liability insurance or to purchase it at a sharply increased premium. The task force called for avoiding specific legislative recommendations until additional studies are completed and all information is carefully evaluated. Consumer advocate Ralph Nader told a Senate committee that he believes the insurance industry is inflating estimates of products liability because it is "trying to stampede state legislatures into a vast curtailment of product liability rights" of consumers. I trust you will not let this happen in Iowa and that new legislation in this modern field of law will be approached with caution and care and with regard for the public interest and at the same time recognizing that a just solution must be found for the makers of products.

Please accept my remarks as those of a lawyer and a Pioneer Lawmaker who still believes in the public interest and the solid future of our great state. Iowa must and will rise to the challenge of helping to feed a hungry world and to keep a favorable balance of trade for the United States of America.

President Neu then presented the Honorable Edward J. McManus, Chief Judge, Northern District of Iowa and former Lieutenant Governor, who addressed the joint convention, as follows:

Members of the Sixty-seventh General Assembly, fellow Pioneer Lawmakers and friends:

Some time ago when Wendell asked me to say a few words I immediately accepted with pleasure for a number of reasons.

1. Hopefully it would be my first opportunity in some time to hear a lawyer say something nice about a judge.

2. It was a chance to escape briefly from my judicial white tower and mingle with old friends and real people.

3. Finally, for the honor and joy of returning after almost 20 years to these hallowed chambers and visiting with the Iowa legislature that I so dearly revere, admire and love.

Rest assured my affection for this body is not a summer romance — both my grandfather and great grandfather also served in these halls.

Forgive me for staring—after my experience here in the 50's, my old eyes didn't believe they'd ever have the pleasure of seeing what a Democratic majority looked like.

Every session seems to pick up a nickname—we've had the colored oleo session, the mourning dove session—from what I've read recently in the Register and Gazette the Sixty-seventh will be known as the "Fun with Dick and Art" session. Your good humor has been refreshing.

I'd like to leave a thought or two with you this p.m. about this business we're all in together; the law business. You the legislators are in manufacturing, you make the law. The practicing lawyers are in sales—selling their particular versions of the law. My colleagues and I in the judiciary are in purchasing, we buy that version of the law that seems most consonant with a fair and just interpretation of what you intended the law to be.

There is one aspect of our law business perhaps worthy of comment and for which I have no answer. It is the flood of new laws and court decisions with which all citizens must cope.

You have heard the old expression: "We are a government of laws not men". You had better believe it. Our ships of state float on a sea of laws. And we citizens are all swimming (and hopefully not drowning) in that sea of laws.

I don't like statistics any better than most people but a few might illustrate this aspect of our law business. Take the Code of Iowa, for example, - in 1968 there were 2600 pages in the Code of Iowa; in 1975, not quite twenty years later, there are 3600 pages in the Code of Iowa. So you can see, in this brief period, we have added 1,000 pages to the Code of Iowa.

The Federal Supplement in 1932 started with Volume 1; in 1962 the number was 200; and today after fifteen years on the bench, and I don't attribute this all to my activities, the number is 426. This is more than double and beside that the volumes have gotten thicker each year. The Federal 2d Reports started with Volume 1 in 1925; in 1962 they were at Volume 300; today in 1977 they are at Volume 550.

There used to be a little pamphlet around the legislature that was given to freshman legislators and school children called "How a Bill Becomes a Law". When we contemplate the impact of all these laws on our people and their purses, perhaps a second edition might be in order entitled "How a Law Becomes a Bill".

Recently Chief Justice Burger of the Supreme Court in a little different context called on Congress to adopt a "Judicial Impact Statement" prior to passage of legislation to determine its impact on the judiciary as an added workload. Maybe a "Public Impact Statement" might be adopted by all

legislative bodies prior to legislating to determine the impact of new laws on the public. Perhaps fewer and shorter sessions — computers — I have no answer to this problem of our law business, but let's not lose sight of it.

While I have you as a captive audience I thought I'd exercise my right of petition and ask you for a small favor for the federal courts in Iowa. We are confronted with a recurring problem of having to decide novel questions of Iowa law that have not been settled by the Iowa Supreme Court. Federal judges have no special expertise in this area and in truth engage in refined guesswork often at the delay, expense and confusion of the litigants. Since 1961, thirteen states have adopted a procedure called certification of questions of law which helps solve this problem. This procedure enables the federal courts to ask the state supreme courts for final answers to these uncertain questions of state law. In fact in a 1974 case, the U.S. Supreme Court in a unanimous opinion by Justice Douglas (which is quite a feat in itself) warmly endorsed this procedure by saying: "It does, of course, in the long run save time, energy and resources and helps build a cooperative judicial federalism".

If you get the time, we'd greatly appreciate it.

Finally, I want to pass on to you a law that should be invoked more frequently by all of us in the executive, legislative and judicial branches of government and especially by after luncheon speakers. I came across it in a headline in a newspaper in Greece last year while my wife and I were there on a visit. The news article was a dispatch from the United Nations giving an account of the remarks of the presiding officer at the opening of the Third International Conference on the Law of the Sea. He called for an end to long-winded speeches and dreary monologues and to get on with negotiations. The headline in the Athens paper was: "First Sea Law: Cut Out the Bull—".

In deference to this profound legal principle I say thank you and 'till we meet again.

Fitzgerald of Webster moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Cochran in the chair.

MEMORIAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following members to serve on the memorial committee in accordance with

House Concurrent Resolution 17: the Honorable Rollin K. Howell, chair; the Honorable Julia Gentleman, the Honorable Opal Miller and the Honorable Horace Daggett.

ADOPTION OF HOUSE RESOLUTION 14

Pursuant to House Rule 26, the Speaker announced that House Resolution 14, filed on March 23, 1977, and found on pages 984 and 985 of the House Journal, was adopted by unanimous consent.

BUSINESS PENDING

The House resumed consideration of House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations.

Miller of Buchanan offered the following amendment H-3582 filed by him from the floor and moved its adoption:

H-3582

- 1 Amend House File 354 as follows:
- 2 1. Page 9, by inserting after line 20 the following
- 3 new subsection:
- 4 "— This subsection shall apply when a hospital
- 5 applies for a certificate of need for any new or
- 6 changed institutional health service to be financed
- 7 in whole or in part by funds derived by taxation,
- 8 or by sale of bonds to be retired by taxation or which
- 9 are guaranteed by the state or any of its political
- 10 subdivisions, and that hospital shares with one or
- 11 more other hospitals the same or a substantially
- 12 similar appropriate geographic service area, as
- 13 determined in accordance with uniform criteria
- 14 established in rules promulgated by the department.

15 In such cases, and notwithstanding the other criteria
 16 required by this section, a certificate of need shall
 17 be approved only if the application is accompanied
 18 by a statement, signed by the administrators of each
 19 of the hospitals serving the area in question, that
 20 the hospitals are agreed that the proposed new or
 21 changed institutional health service will not be
 22 injurious to any of them."

Amendment H-3582 lost.

Krause of Palo Alto called up for consideration the motion to reconsider amendment H-3410 to House File 354, filed on March 28, 1977 and moved to reconsider the vote by which amendment H-3410 failed to be adopted by the House on March 28, 1977.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 36, nays 48.

The motion lost, placing amendment H-3488, to amendment H-3410, filed by Hargrave of Johnson on April 4, 1977, out of order.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 354)

The ayes were, 56:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Clark, B.J.
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Griffee	Hargrave
Harvey	Howell	Husak	Jochum

Krause	Krewson	Lageschulte	Lipsky
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Poncy	Rinas
Schroeder	Shimanek	Small	Spear
Svoboda	Thompson	Tofte	Varley
Walter	Wells	Woods	Mr. Speaker

The nays were, 35:

Baker	Bennett	Branstad	Brockett
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Den Herder	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Horn
Junker	Koogler	Lindeen	Menke
Millen	Nielsen	Pellett	Pelton
Perkins	Scheelhaase	Schneklath	Smalley
Spencer	Stephens	Stromer	Tauke
West	Wulff	Wyckoff	

Absent or not voting, 9:

Byerly	Gilson	Harper	Higgins
Hines	Hullinger	Jesse	O'Halloran
Welden			

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

REGULAR CALENDAR

House File 252, a bill for an act relating to the experience requirement for licensing of nursing home administrators, was taken up for consideration.

Monroe of Des Moines offered the following amendment H-3318 filed by him. Division was requested as follows:

H-3318

1 Amend House File 252 as follows:

H-3318A

2 1. Page 1, line 14, by inserting after the word
3 "home," the words "The board shall maintain a list"

- 4 of each educational institution or program in the
5 state which offers a course of instruction meeting
6 the requirements prescribed by the board under this
7 subsection, and shall make a copy of the list available
8 to any person upon request."

H-3318B

- 9 2. Page 1, by striking lines 22, 23 and 24 and
10 inserting in lieu thereof the words "publication in
11 The Hawk Eye, a newspaper published in Burlington,
12 Iowa, and in The Leon Journal-Reporter, a newspaper
13 published in Leon, Iowa."

Monroe of Des Moines moved the adoption of amendment
H-3318A.

Amendment H-3318A was adopted.

Monroe of Des Moines moved the adoption of amendment
H-3318B.

A non-record roll call was requested.

The ayes were 45, nays 23.

Amendment H-3318B was adopted.

Miller of Buchanan offered the following amendment H-3125
filed by him and moved its adoption:

H-3125

- 1 Amend House File 252 as follows:
2 1. Page 1, by inserting after line 19 the following
3 new section:
4 "Sec. Chapter one hundred thirty-five E
5 (135E), Code 1977, is amended by adding the following
6 new section:
7 **NEW SECTION. ADMINISTRATORS IN CHARGE OF TWO**
8 **FACILITIES.** Neither the board nor the department
9 of health shall adopt, maintain or enforce any rule
10 which prohibits the same individual, if properly
11 licensed, from serving as administrator of two health
12 care facilities, or as administrator of a health care

- 13 facility and a hospital, so long as the two
 14 institutions for which the administrator is responsible
 15 are located in the same city or are otherwise within
 16 reasonable proximity of each other.”
 17 2. Title, line 2, by inserting after the word
 18 “of” the words “, and prohibiting certain restrictions
 19 upon.”.

Amendment H—3125 was adopted.

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

Rule 69 was invoked.

On the question “Shall the bill pass?” (H.F. 252)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Griffee	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 2:

Cusack

Schroeder

Absent or not voting, 11:

Byerly
Harper
O'Halloran

Dyrland
Higgins
Svoboda

Gilson
Hines
Welden

Halvorson
Jesse

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

HOUSE FILE 124 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 124 from further consideration by the House.

OBJECTION TO IMMEDIATE MESSAGE (House File 354)

Hargrave of Johnson asked for unanimous consent that House File 354 be immediately messaged to the Senate.

Objection was raised.

House File 437, a bill for an act to permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions, was taken up for consideration.

Wyckoff of Benton asked for unanimous consent to amend the bill by striking line 19, page 1.

Objection was raised.

Wyckoff of Benton moved that the rules be suspended for the consideration of the following amendment H-3590 filed by him from the floor:

H-3590

- 1 Amend House File 437 as follows:
- 2 1. Page 1, by striking line 19.

A non-record roll call was requested.

The ayes were 56, nays 16.

The motion prevailed and the rules were suspended.

Wyckoff of Benton moved the adoption of amendment H-3590.

A non-record roll call was requested.

The ayes were 62, nays 17.

Amendment H-3590 was adopted.

Junker of Woodbury asked for unanimous consent that action on House File 437 be temporarily deferred.

Objection was raised.

Junker of Woodbury moved that action on House File 437 be temporarily deferred.

Junker of Woodbury asked and received unanimous consent to withdraw his motion to defer.

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

On the question "Shall the bill pass?" (H.F. 437)

The ayes were, 74:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilloon	Griffee	Halvorson
Hansen	Harbor	Harvey	Hinkhouse

Hoffmann	Howell	Hullinger	Husak
Jochum	Krause	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Newhard	Norland	Oxley
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 14:

Den Herder	Gentleman	Horn	Jesse
Junker	Koogler	Krewson	Loneragan
Millen	Nielsen	Pavich	Schroeder
Shimanek	Walter		

Absent or not voting, 12:

Byerly	Gilson	Hargrave	Harper
Higgins	Hines	Monroe	O'Halloran
Patchett	Rinas	Stromer	Welden

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

MOTION TO RECONSIDER (House File 354)

I move to reconsider the vote by which House File 354 passed the House on April 14, 1977.

MILLER of Buchanan

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gilson of Guthrie for the afternoon session on request of Patchett of Johnson.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 464

H-3589

1 Amend House File 464 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. There is appropriated from the general
6 fund of the state for the fiscal year beginning July
7 1, 1977 and ending June 30, 1978 to the department
8 of social services, the following amounts, or so much
9 thereof as may be necessary, to be used for the
10 purposes designated:

	1977-1978
	<u>Fiscal Year</u>
11	
12	
13 1. District Administration	
14 For the administration of district	
15 and local offices including salaries	
16 and support	\$ 10,250,000
17 2. State Administration	
18 a. For salaries, support, maintenance	
19 and miscellaneous purposes.....	\$ 4,375,000
20 3. Medicaid Management Information	
21 System (MMIS)	
22 For start up costs at ninety percent	
23 federal match	\$ 140,000

24 Sec. 2. There is appropriated from the general
25 fund of the state for the fiscal year beginning July
26 1, 1977 and ending June 30, 1978 to the department
27 of social services, the following amounts, or so much
28 thereof as may be necessary, to be used for the
29 purposes designated:

	1977-1978
	<u>Fiscal Year</u>

30
31
32 FAMILY AND CHILDREN SERVICES:

- 33 For the operation of the following
 34 institutions:
- | | | |
|----|--|--------------|
| 35 | 1. State juvenile home at Toledo..... | \$1,275,000 |
| 36 | 2. Boy's training school at Eldora ... | \$3,100,000 |
| 37 | 3. Girl's training school at | |
| 38 | Mitchellville..... | \$ 1,000,000 |
| 39 | 4. Iowa veterans home at | |
| 40 | Marshalltown | \$ 7,520,000 |
| 41 | 5. Juvenile community based | |
| 42 | corrections | \$ 80,000 |
- 43 Sec. 3. Acts of the Sixty-sixth General Assembly,
 44 1976 Session, chapter one thousand one hundred thirty-
 45 two (1132), section two (2), subsection six (6),
 46 paragraph a, is amended to read as follows:
- 47 a. For contracting with local
 48 public or private nonprofit organi-
 49 zations for community based juvenile
 50 corrections programs and juvenile

Page 2

1 interim detention facilities and
 2 shelter care facilities \$ 160,000
 3 Notwithstanding section eight point thirty-three
 4 (8.33) of the Code, unencumbered or unobligated funds
 5 appropriated by this paragraph shall not revert to
 6 the general fund until June 30, 1978. The state youth
 7 coordinator shall submit during the 1978 Session of
 8 the general assembly to the budget committees of the
 9 house and senate a report detailing the manner in
 10 which funds appropriated by this paragraph have been
 11 expended. In addition the report shall contain such
 12 information as will be useful in determining the value
 13 of the community-based juvenile correction program.

14 Sec. 4. There is appropriated from the general
 15 fund of the state for the fiscal year beginning July
 16 1, 1977 and ending June 30, 1978 to the department
 17 of social services, the following amounts, or so much
 18 thereof as may be necessary, to be used for the
 19 purposes designated:

1977 -1978
Fiscal Year

ADULT CORRECTIONAL SERVICES:

- 22 1. Community based corrections\$ 6,401,582
 23 2. Luster Heights camp
 24

25	at McGregor	\$ 140,000
26	3. Iowa state penitentiary	
27	at Fort Madison	\$ 7,900,000
28	4. Men's reformatory	
29	at Anamosa	\$ 5,300,000
30	5. Women's reformatory at	
31	Rockwell City	\$ 725,000
32	6. Iowa security medical facility	
33	at Oakdale	\$ 2,275,000
34	7. Riverview release center	
35	at Newton	\$ 800,000
36	8. Medium security facility	
37	at Mt. Pleasant	\$ 1,500,000
38	9. Parole services.....	\$ 783,000

39 Sec. 5. It is the intent of the general assembly
40 that a mental health institute shall not accept
41 physical custody of children alleged to be children
42 in need of assistance on the grounds stated in section
43 two hundred thirty-two point two (232.2), subsection
44 thirteen (13), paragraphs i and j, of the Code, on
45 guest status or otherwise, for more than twenty days.

46 It is also the intent of the general assembly that
47 children found to be children in need of assistance
48 on the grounds stated in section two hundred thirty-
49 two point two (232.2), subsection thirteen (13),
50 paragraphs i and j, of the Code shall not be placed

Page 3

1 in a mental health institute on the basis of that
2 adjudication.

3 The court may, however, order a commitment to a
4 mental health institute or other appropriate secure
5 facility for the purposes of treatment of a mental
6 or emotional condition only after making findings
7 pursuant to the standards set out for involuntary
8 commitment in chapter two hundred twenty-nine (229)
9 of the Code.

10 Sec. 6. There is appropriated from the general
11 fund of the state for the fiscal year beginning July
12 1, 1977 and ending June 30, 1978 to the department
13 of social services, the following amounts, or so much
14 thereof as may be necessary, to be used for the
15 purposes designated:

16
17

1977-1978
Fiscal Year

18 MENTAL HEALTH SERVICES:

- 19 1. For the mental health
 20 institute at Cherokee \$ 6,000,000
 21 2. For the mental health
 22 institute at Clarinda \$ 4,950,000
 23 3. For the mental health institute at
 24 Independence..... \$ 6,200,000
 25 4. For the mental health institute at Mount
 26 Pleasant \$ 4,800,000

27 The state mental health institutes daily per diem
 28 as determined pursuant to section two hundred thirty
 29 point twenty (230.20) of the Code shall be billed
 30 at eighty percent for the fiscal year.

31 Sec. 7. The department of social services with
 32 the approval of the governor and the state comptroller
 33 may transfer funds appropriated by this section from
 34 any subsection of this section for a purpose specified
 35 by any other subsection of this section.

36 Sec. 8. There is appropriated from the general
 37 fund of the state for the fiscal year beginning July
 38 1, 1977 and ending June 30, 1978 to the department
 39 of social services, the following amounts, or so much
 40 thereof as may be necessary, to be used for the
 41 purposes designated:

42 1977-1978

43 Fiscal Year

44 MENTAL RETARDATION SERVICES:

- 45 1. For the Glenwood state
 46 hospital-school \$ 9,800,000
 47 2. For the Woodward state
 48 hospital-school..... \$10,100,000
 49 3. Hospital-school charges to counties.
 50 a. The state hospital-schools' per-patient-per-

Page 4

1 day cost as determined pursuant to section two hundred
 2 twenty-two point seventy-three (222.73) of the Code
 3 shall be billed at eighty percent for the fiscal year,
 4 except as otherwise provided by this subsection.
 5 b. If more than twenty percent of the cost of
 6 a patient's care is initially paid from any source
 7 other than state-appropriated funds, the amount so
 8 paid shall be subtracted from the per-patient-per-
 9 day cost of that patient's care computed pursuant
 10 to section two hundred twenty-two point seventy-three
 11 (222.73) of the Code and the patient's county of legal
 12 settlement shall be billed for the full balance of

13 the cost so computed.

14 Sec. 9. There is appropriated from the general
15 fund of the state for the fiscal year beginning July
16 1, 1977 and ending June 30, 1978 to the department
17 of social services, the following amounts, or so much
18 thereof as may be necessary, to be used for the
19 purposes designated:

	1977—1978
	<u>Fiscal Year</u>
22 SPECIAL PROGRAMS DIVISION:	
23 1. For aid to the blind	\$ 20,000
24 2. For aid to the	
25 dependent children	\$47,000,000
26 3. For aid to Indians residing on a	
27 settlement	\$ 48,000
28 4. For medical assistance	\$74,000,000
29 5. For contractual services—	
30 medical carrier	\$ 950,000
31 6. For foster care	\$ 7,800,000
32 7. For subsidized adoptions	\$ 240,000
33 8. For work and training	
34 programs	\$ 420,000
35 9. For adult and children services.....	\$ 1,280,000
36 10. For homemaker services.....	\$ 420,000
37 11. For state supplementary	
38 assistance.....	\$ 3,800,000
39 12. For state supplementary assistance for	
40 the blind	\$ 275,000
41 13. For the governor's youth opportunity	
42 program	\$ 750,000
43 14. For child support recoveries	\$ 283,000
44 15. Assistance to child care	
45 centers	\$ 250,000

46 Sec. 10. It is the intent of the general assembly,
47 in consideration of the Iowa state university of
48 science and technology aid to families with dependent
49 children study, that the schedule of living costs
50 and the payments for persons on the aid to families

Page 5

- 1 with dependent children program shall be set as
2 follows:
- | | |
|---|-----------------|
| 3 a. 2 person family | \$257 per month |
| 4 b. 3 person family | \$318 per month |
| 5 c. 4 person family | \$369 per month |
| 6 d. All other family sizes shall be set at | |

7 their present payment level.

8 Sec. 11. It is the intent of the general assembly
9 in making the appropriation in section five (5)
10 paragraph two (2) of this Act that each six month
11 certification of ADC recipients over the age of 18
12 shall include verification by the Income Maintenance
13 Worker that the recipient is attending school on a
14 full-time basis.

15 Sec. 12. Unless otherwise provided in this Act,
16 all institutional receipts of the department of social
17 services shall be deposited in the general fund except
18 rentals charged to employees or others for room,
19 apartment, or house and meals, which shall be available
20 to the institutions, and except for receipts from
21 farm products which shall be used for necessary farm
22 expenses and repair.

23 Sec. 13. Each hospital-school shall, upon receipt
24 of any payment made under chapter two hundred forty-
25 nine A (249A) of the Code for the care of any patient,
26 segregate an amount equal to that portion of the
27 payment which is required by law to be made from
28 nonfederal funds. The money segregated shall be
29 deposited in the medical assistance fund of the
30 department of social services.

31 Sec. 14.

32 1. It is the intent of the general assembly that
33 the activities and services provided by the department
34 of social services at the riverview release center
35 at Newton shall be phased out during the 1977-1978
36 fiscal year. The budget for the work release halfway
37 houses funded through the riverview release center
38 shall not be reduced and shall be transferred to
39 community-based corrections for administrative purposes
40 at such time as is appropriate.

41 2. The special needs program of the aid to families
42 with dependent children program shall be continued.

43 3. It is the intent of the general assembly to
44 fully fund the addition to the aid to families with
45 dependent children program as it applies to dependent
46 children under the age of twenty years. If funds
47 appropriated by this Act are insufficient to carry
48 out this intent, it is the intent of the general
49 assembly that a supplemental appropriation will be
50 made by the general assembly meeting in the year 1978

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1 to fund the program as intended.

2 Sec. 15. The department of social services shall

3 encourage voluntary participation of families in
4 paying for a portion of the care delivered to a
5 relative/resident in an intermediate care facility.
6 Facility administrators and appropriate department
7 personnel, both state and county, will be advised
8 as to the proper method of implementing family
9 participation.

10 Sec. 16. There is appropriated from the general
11 fund of the state to the department of social services
12 for the fiscal period commencing July 1, 1977 the
13 sum of one million (1,000,000) dollars, or so much
14 thereof as is necessary, to be used for capital
15 improvement projects deemed necessary by the department
16 for institutions under its jurisdiction or for
17 maintenance of such institutions.

18 Sec. 17. There is appropriated from the general
19 fund of the state to the department of social services
20 for the fiscal period beginning July 1, 1977 the sum
21 of four million five hundred thousand (4,500,000)
22 dollars, such moneys to be deposited in the hospital-
23 schools revolving fund. Funds appropriated by this
24 section shall revert to the general fund in the same
25 manner as other funds deposited in the hospital-schools
26 revolving fund.

27 Sec. 18. There is appropriated from the general
28 fund of the state to the department of social services
29 for the fiscal period beginning July 1, 1977 the sum
30 of two million five hundred thousand (2,500,000)
31 dollars, or so much as is necessary, for construction
32 of a one hundred eighty bed nursing facility and for
33 renovation of the Sheeler health care facility of
34 the Iowa veterans home.

35 Sec. 19.

36 1. There is appropriated from the general fund
37 of the state to the department of social services
38 for the fiscal period beginning July 1, 1977, the
39 sum of one million two hundred fifty-five thousand
40 one hundred (1,255,100) dollars, or so much thereof
41 as is necessary, for the purpose of carrying out
42 capital improvements at the Iowa state penitentiary
43 at Fort Madison and the men's reformatory at Anamosa
44 pursuant to the specific recommendations of the
45 advisory commission on corrections relief supplemental
46 report submitted to the general assembly subsequent
47 to April 1, 1977.

48 2. Notwithstanding the provisions of chapter one
49 thousand forty-three (1043) of the Acts of the Sixty-
50 sixth General Assembly, 1976 Session, funds

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1 appropriated by section one (1), subsection four (4)
2 of such chapter remaining unexpended on the effective
3 date of this Act shall be used for the conversion
4 of the existing minimum security dormitory located
5 outside the walls of the Fort Madison penitentiary
6 to a minimum security facility. The conversion shall
7 provide for making necessary repairs and separating
8 the upper floor of this minimum security dormitory
9 into rooms.

10 Sec. 20. Funds appropriated by subsection one
11 (1) of section nineteen (19) of this Act, and federal
12 funds which may become available, shall be used for
13 improvements at Fort Madison and Anamosa pursuant
14 to the report of the advisory commission on corrections
15 relief. The improvements include but are not
16 necessarily limited to the following:

17 1. FORT MADISON. To unitize cellhouses eighteen
18 and nineteen, to make necessary repairs to cellhouse
19 seventeen, to complete work now in progress, make
20 further necessary repairs, and also install a
21 horizontal partition in cellhouse twenty, and to
22 convert the upper floor of the existing minimum
23 security dormitory located outside the walls to a
24 minimum security facility with separate sleeping rooms
25 of not less than eighty square feet each. The
26 improvements to these cellhouses shall be completed
27 in the sequence and manner specifically recommended
28 by the advisory commission on corrections relief in
29 its supplemental report submitted to the general
30 assembly subsequent to April 1, 1977. As used in
31 this subsection "unitize" means the subdivision of
32 cellhouses into smaller units in order to deliver
33 correctional services on a more individualized basis.

34 2. FORT MADISON. To relocate laundry equipment
35 in building fifty-nine and upgrade the electrical
36 system in that building, demolish building thirty-
37 eight, upgrade priority operation and service
38 facilities in building seventy-five and cellhouse
39 ninety-seven, repair the heating distribution system,
40 construct outside separation structures, and repair
41 the electrical distribution system.

42 3. ANAMOSA. To unitize cellhouse one, install
43 forty-four rooms in the north cellhouse, and create
44 one hundred seven housing units in the old hospital.

45 As used in this subsection "unitize" means the
46 subdivision of a cellhouse into smaller units in order
47 to deliver correctional services on a more
48 individualized basis.

49 Sec. 21. Unobligated or unencumbered funds
50 remaining on June 30, 1981 from funds appropriated

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1 by sections sixteen (16) through nineteen (19) of this
2 Act shall revert to the general fund of the state
3 on September 30, 1981. However, if federal funds
4 in an amount of at least three million (3,000,000)
5 dollars do not become available during the fiscal
6 year beginning July 1, 1977 for the purpose of matching
7 funds appropriated by subsection one (1) of section
8 nineteen (19) of this Act, the unobligated funds
9 appropriated by subsection one (1) of section nineteen
10 (19) of this Act remaining on June 30, 1978 shall
11 revert to the general fund on July 1, 1978. In no
12 event, however, shall such funds be used for
13 construction or alteration of physical structures
14 prior to March 1, 1978, except for seventy-five
15 thousand dollars which shall be used for the planning
16 of projects provided for in this Act including the
17 employment of architects.

18 Sec. 22. All federal grants to and the federal
19 receipts of the agencies appropriated funds under
20 this Act are appropriated for the purposes set forth
21 in such federal grants or receipts except the veterans
22 per diem payable for veterans at the veterans home
23 shall be deposited in the general fund.

24 Sec. 23. Funds appropriated by sections one (1)
25 through ten (10) of this Act shall not be used for
26 capital improvements.

27 EXPLANATION

28 The appropriations contained in this Act to the
29 department of social services for the 1977-1978 fiscal
30 year are intended to provide for the continuation
31 of current programs with exceptions as indicated by
32 specific provisions contained in this Act.

33 1. The general assembly intends that the department
34 of social services shall prepare and submit to the
35 joint budget subcommittee on social services an
36 analysis of the three juvenile institutions at Eldora,
37 Mitchellville, and Toledo and a proposal to combine
38 these three institutions into two shall be made.
39 It is intended that the department shall consider
40 the report and recommendations of the Advisory
41 Commission on Correctional Relief in preparing its
42 analysis and proposal.

43 2. It is the intent of this bill that during
44 fiscal year 1977-1978 the Clarinda Mental Health
45 Institute shall begin to modify its focus to emphasize

46 the following two goals:

47 a. Provide comprehensive in-patient mental health
48 care for a residential population of approximately
49 200, reflecting an estimated decrease in in-patient
50 population.

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1 b. Promote development of community-based services
2 through mental health centers in southwest Iowa.

3 There may be changes in personnel requirements
4 and financial arrangements, and it is intended that
5 the department shall submit a cost estimate to the
6 joint budget subcommittee on social services by January
7 15, 1978 on any necessary changes in funding to
8 implement the new goals.

9 3. It is the intent of this bill, in consideration
10 of the Iowa State University ADC study, that payments
11 for persons on the aid to families with dependent
12 children program shall be set as follows:

13 a. 2 person family \$257

14 b. 3 person family \$318

15 c. 4 person family \$369

16 d. All other cash grants are continued at their
17 present levels including special needs.

18 It is provided in this bill that the AFCD program
19 shall no longer include children 18 years of age or
20 older.

21 4. It is the intent of this bill that the
22 department shall increase the maximum allowable
23 reimbursement for ICF services under medicaid from
24 \$19.00 to \$19.50, and that the department shall
25 increase the fee paid to pharmacists under medicaid
26 from \$2.15 to \$2.55.

27 5. It is the intent of this bill that the
28 department shall resist the implementation of the
29 federal government spouse income regulation
30 which would allow spouse income under certain circumstances
31 to be excluded from the determination of income for
32 ICF medicaid eligibility purposes."

33 2. Title page, line 3, by inserting after the
34 word "services" the words "and to fund capital
35 improvement projects including capital improvement
36 projects recommended by the advisory commission on
37 corrections relief".

PRESENTATION OF VISITORS

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

Sixty—three fifth grade students from McKinley Elementary School, Muscatine, Iowa, accompanied by Mrs. Lick. By Hoffmann of Muscatine.

Twenty—two seniors from Nesco Junior—Senior High School, Zearing, Iowa, accompanied by Jack Robert. By Egenes of Story and West of Marshall.

Ninety students from Rudd—Rockford—Marble Rock Community School, Rockford, Iowa, accompanied by Denny Haller. By Howell of Floyd.

Sixty—five students from St. Josephs School, Bode, Iowa, accompanied by Mrs. Pospischil, Mr. Frienders, Sister Therese and Father Hogan. By Krause of Kossuth.

Forty—five students from Washington Junior High School, Washington, Iowa, accompanied by Gerry Schmidt and Gene Zeck. By Dunton of Keokuk.

Fifty—five students from Stratford Middle and High School, Stratford, Iowa, accompanied by Kay Klaver, Betty Anderson, and Al Delay, Principal. By Lonergan of Boone.

Seventy—five ninth grade students from Algona High School, Algona, Iowa, accompanied by Steve King, Ray Johnson, Ada Knobloch and Liz Rosonke. By Krause of Kossuth.

Seventy—nine sixth grade students from Dunkerton Elementary School, Dunkerton, Iowa, accompanied by Joann Scott. By Miller of Buchanan.

Thirty—one seniors from Fremont Mills Junior—Senior High School, Tabor, Iowa, accompanied by Mr. Reinders. By Harbor of Mills and Schroeder of Pottawattamie.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 12, 1977. Had I been present I would have voted "aye" on House File 449 and Senate File 243; "nay" on House File 163.

HOWELL of Floyd

SPONSOR ADDED (House Resolution 18)

Connors of Polk requested to be added as a sponsor of House Resolution 18.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 239 State Government

Relating to the duties of the fire marshal and making an appropriation.

S.B. 240 Labor and Industrial Relations

Amending Chapter ninety-six of the Iowa Code, relating to unemployment benefits.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 7:00 p.m., April 6, 1977

Convened: 7:00 p.m.

Adjourned: 7:08 p.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: None.

Approved the Conservation Commission bill. Discussed an amendment on S.F. 161.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., April 13, 1977

Convened: 8:13 a.m.

Adjourned: 9:08 a.m.

Present: Connors, chair; Jochum, vice-chair; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Pavich, Poncy and Wells.

Absent: Smalley (arrived 8:30 a.m.), Thompson (arrived 8:19 a.m.), Egenes, Hines, Horn, Lageschulte and Small.

Study Bill 222, a bill for an act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

Recommended AMEND AND DO PASS.

Aye: Connors, Jochum, Branstad, Brockett, Chiodo, Gilloon, Halvorson, Pavich, Poncy, Smalley, Thompson and Wells.

Nay: None.

Absent or Not Voting: Egenes, Crabb, Hines, Horn, Lageschulte and Small.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., April 13, 1977

Convened: 9:11 a.m.

Adjourned: 10:05 a.m.

Present: Bina, chair; Clark of Lee, ranking member; Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Krewson, Newhard, Pavich, Schnekloth, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Hines (arrived 9:46 a.m.), Connors (arrived 9:13 a.m.), Perkins (arrived 9:24 a.m.), Rinas (arrived 9:40 a.m.) and Nielsen.

Study Bill 142(2), a bill for an act imposing a state tax on the renting of hotel and motel rooms and providing for the revenue to be returned to the cities and counties.

Recommended DO PASS.

Aye: Bina, Hines, Clark of Lee, Connors, Gentleman, Hargrave, Hoffmann, Krewson, Newhard, Rinas, Smalley and Spear.

Nay: Koogler, Pavich, Perkins, Schneklath, Stephens, Tofte and Wulff.

Absent or Not Voting: Dunton and Nielsen.

Assigned bills to subcommittee.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., April 13, 1977

Convened: 9:15 a.m.

Adjourned: 10:15 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Absent: Griffee, Higgins, Junker and Stromer.

Senate File 28, a bill for an act to commemorate the birthday of Dr. Martin Luther King, Jr.

Recommended DO PASS.

Aye: Monroe, Woods, Brandt, Crawford, Hansen, Jesse, Middleswart, Poncy, Shimanek, Tauke and Walter.

Nay: Harvey, Dieleman and West.

Absent or Not Voting: Avenson, Griffee, Higgins, Junker, Patchett and Stromer.

Study Bill 196, a bill for an act to allow a school district to appoint a secretary and a treasurer of the school board who may also be other employees of the board, but shall not be teachers.

Recommended AMEND AND DO PASS.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Hansen, Middleswart, Poncy, Shimanek, Tauke and West.

Nay: None.

Absent or Not Voting: Avenson, Griffee, Higgins, Jesse, Junker, Patchett, Stromer and Walter.

House File 191, pari-mutuel betting failed to pass.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., April 13, 1977

Convened: 1:13 p.m.

Adjourned: 2:30 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Davitt, Dieleman, Gilloon, Harbor, Harvey, Hines, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Schnekloth, Svoboda, Thompson, Varley and Wyckoff.

Absent: Anderson (arrived 1:44 p.m.), Daggett (arrived 1:18 p.m.), Den Herder (arrived 1:15 p.m.), Egenes (arrived 2:03 p.m.), Horn (arrived 1:18 p.m.), Rinas (arrived 1:20 p.m.), Spencer (arrived 1:23 p.m.), Wells (arrived 1:28 p.m.), Wulff (arrived 1:43 p.m.), Cusack and Dunton.

Senate File 314, a bill for an act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

Recommended DO PASS.

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Harbor, Harvey, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or Not Voting: Anderson, Cusack, Dunton, Egenes, Gilloon, O'Halloran and Wulff.

Discussed Study Bill 157.

AMENDMENTS FILED

H-3586	H.F. 246	Crabb of Crawford
H-3588	S.F. 167	Millen of Van Buren
H-3591	H.C.R. 26	Schroeder of Pottawattamie

On motion by Fitzgerald of Webster the House adjourned at 4:22 p.m., until 9:00 a.m., Friday, April 15, 1977.

JOURNAL OF THE HOUSE

Ninety—sixth Calendar Day -- Sixty—sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 15, 1977

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

Prayer was offered by the Honorable Opal Miller, State Representative from Calhoun County.

The Journal of Thursday, April 14, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Sr., Pocahontas, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Varley of Adair and Harbor of Mills on request of Avenson of Fayette.

PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk from four hundred thirty—four Iowa residents opposing House File 341, relating to the requirement for unemployment compensation.

By Krause of Kossuth from thirty—one students from Nashua, Iowa, favoring the returnable bottle and can bill, but opposing the litter bill; thirty-seven constituents from Algona opposing the legalization of pari-mutuel betting in Iowa.

By Varley of Adair from seventy—nine constituents urging the Legislature to rescind the ratification of the equal rights amendment.

INTRODUCTION OF BILLS

HOUSE FILE 541, by Tauke and Gentleman, a bill for an act to establish standards for lobbying members of the general assembly and to prescribe penalties.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 542, by Jochum, Brandt, Higgins, Walter and Gentleman, a bill for an act relating to the use of polygraph examinations as a condition of employment.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 543, by Byerly, a bill for an act to provide reimbursement for the enrollment of senior citizens in certain courses offered by area schools and to make an appropriation.

Read first time and referred to committee on EDUCATION.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 328, a bill for an act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

KEVIN LIGHT, Assistant Secretary of the Senate

SENATE MESSAGES CONSIDERED

SENATE FILE 42, a bill for an act relating to county health centers.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE FILE 308, a bill for an act to allow the governor to accept offers made by the United States of America to retrocede property to the state.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 340, a bill for an act appropriating funds from the military service tax credit fund to the general fund.

Read first time and referred to committee on BUDGET.

SENATE FILE 341, a bill for an act making an appropriation to the moneys and credits replacement fund.

Read first time and referred to committee on BUDGET.

SENATE FILE 343, a bill for an act appropriating funds to the sewage works construction fund.

Read first time and referred to committee on BUDGET.

SENATE FILE 344, a bill for an act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment.

Read first time and referred to committee on BUDGET.

REREFERRED TO COMMITTEE ON BUDGET
(House File 207)

The Speaker announced that House File 207, previously referred to the committee on judiciary and law enforcement, was rereferred to the committee on budget.

CONSIDERATION OF BILLS

Budget Calendar

Senate File 161, a bill for an act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research, with report of committee recommending amendment and passage was taken up for consideration.

Perkins of Greene offered amendment H-3552 filed by the committee on budget on April 7, 1977 and found on pages 1311 and 1312 of the House Journal. Division was requested as follows:

H-3552A, lines 2 through 11, page 1.

H-3552B, lines 12 through 15, page 1.

H-3552C, lines 16 through 33, page 1.

H-3552D, lines 34 and 35, page 1.

H-3552E, lines 36 through 49, page 1.

H-3552F, line 50, page 1 and line 1, page 2.

H-3552G, lines 2 through 14, page 2.

Perkins of Greene moved the adoption of amendment H-3552A.

Amendment H-3552A was adopted.

Scheelhaase of Woodbury offered amendment H-3592, to amendment H-3552, filed by him and Perkins of Greene from the floor and requested division as follows:

H-3592

- 1 Amend amendment H-3552, to Senate File 161 as
- 2 passed by the Senate, as follows:

H-3592A

- 3 1. Page 1, line 14, by striking the word "to"
4 and inserting in lieu thereof the word "on".

H-3592B

- 5 2. Page 1, line 27, by striking the word
6 "state-owned" and inserting in lieu thereof the
7 words "publicly owned".

On motion by Scheelhaase of Woodbury amendment H-3592A, to amendment H-3552B, was adopted.

Perkins of Greene moved the adoption of amendment H-3552B, as amended.

Amendment H-3552B, as amended, was adopted.

Scheelhaase of Woodbury moved the adoption of amendment H-3592B, to amendment H-3552C.

Amendment H-3592B was adopted.

Perkins of Greene moved the adoption of amendment H-3552C, as amended.

Amendment H-3552C, as amended, was adopted.

Perkins of Greene moved the adoption of amendment H-3552D.

Amendment H-3552D was adopted.

Further action on amendment H-3552 was temporarily deferred.

Perkins of Greene offered the following amendment H-3593 filed by him from the floor:

H-3593

- 1 Amend Senate File 161, as passed by the Senate,
2 as follows:

- 3 1. Page 7, line 26, by inserting after the
 4 word "purposes" the following: "including thirteen
 5 full-time positions which are federally-funded and
 6 which will be discontinued if federal funds are
 7 terminated".

Nielsen of Polk in the chair at 9:50 a.m.

Perkins of Greene moved the adoption of amendment H-3593.

Amendment H-3593 was adopted.

Crawford of Story offered the following amendment H-3594 filed by him and Hinkhouse of Cedar from the floor and moved its adoption:

H-3594

- 1 Amend Senate File 161 as follows:
 2 1. Page 7, line 22, by inserting before the word
 3 "For" the number "1."
 4 2. Page 7, by inserting after line 26 the follow-
 5 ing:
 6 "2. To assist solid waste recovery
 7 units with operating and capital ex-
 8 penses.....\$100,000"

Roll call was requested by Harvey of Scott and Crawford of Story.

Rule 69 was invoked.

On the question "Shall amendment H-3594 be adopted?"

The ayes were, 34:

Brockett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Egenes
Evans	Gentleman	Hansen	Harvey
Hinkhouse	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Millen	Pellett
Pelton	Schroeder	Shimanek	Smalley

Stephens	Tauke	Thompson	Tofte
Welden	West		

The nays were, 50:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Cochran	Connors	Cusack	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Giloon	Gilson	Griffee	Halvorson
Hargrave	Horn	Howell	Hullinger
Jochum	Koogler	Krause	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Norland
O'Halloran	Oxley	Pavich	Perkins
Schneklath	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Wyckoff	Mr. Speaker (Nielsen)		

Absent or not voting, 16:

Bennett	Branstad	Byerly	Harbor
Harper	Higgins	Hines	Jesse
Newhard	Patchett	Poncy	Rinas
Scheelhaase	Stromer	Varley	Wulff

Amendment H-3594 lost.

The House resumed consideration of amendment H-3552E.

On motion by Perkins of Greene, amendment H-3552E was adopted.

On motion by Perkins of Greene, amendment H-3552F was adopted.

On motion by Perkins of Greene, amendment H-3552G was adopted.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 161)

The ayes were, 86:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 2:

Danker Schroeder

Absent or not voting, 12:

Branstad	Byerly	Harbor	Harper
Higgins	Hines	Jesse	Newhard
Scheelhaase	Stromer	Varley	Wulff

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

Speaker Cochran in the chair at 10:48 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie for the remainder of the day on request of Pellett of Cass; Byerly of Polk on request of Baker of Beuna Vista.

REGULAR CALENDAR

House File 392, a bill for an act to require disclosure of certain information by trustees, directors, and officers of nonprofit hospitals and nonprofit health care facilities, with report of committee recommending amendment and passage was taken up for consideration.

Hargrave of Johnson offered the following amendment H-3416 filed by the committee on human resources and moved its adoption:

H-3416

- 1 Amend House File 392 as follows:
- 2 1. Page 1, line 6, by striking the word
- 3 "nonprofit".
- 4 2. Page 1, line 7, by striking the word
- 5 "nonprofit".
- 6 3. Amend the title page, line 2, by striking
- 7 the word "nonprofit".
- 8 4. Amend the title page, line 3, by striking
- 9 the word "nonprofit".

Amendment H-3416 was adopted.

Schroeder of Pottawattamie moved that House File 392 be tabled.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 47, nays 39.

The motion, having failed to receive a constitutional majority, lost.

Fitzgerald of Webster asked and received unanimous consent that House File 392 be deferred and that the bill retain its place on the weekly debate calendar.

SENATE AMENDMENT CONSIDERED

Rinas of Linn called up for consideration House File 327, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense, amended by the Senate as follows:

H-3339

- 1 Amend House File 327 as amended and passed by the
- 2 House as follows:
- 3 Page 8, line 14, by striking the word and figure
- 4, "five (5),".

Welden of Hardin offered the following amendment H-3378, to the Senate amendment H-3339, filed by him and moved its adoption:

H-3378

- 1 Amend Senate amendment H-3339 to House File 327
- 2 as amended and passed by the House as follows:
- 3 1. By striking lines 3 and 4 and inserting in
- 4 lieu thereof the following:
- 5 "Page 8, line 20, by inserting after the word
- 6 "projects" the following:
- 7 "except that the construction of one demonstra-
- 8 tion motorcycle park may be completed from adminis-
- 9 trative funds".

Amendment H-3378 was adopted.

Gilloon of Dubuque asked and received unanimous consent to withdraw amendment H-3381 filed by him on March 22, 1977.

Rinas of Linn moved that the House concur in the Senate amendment H-3339, as amended.

The motion prevailed and the House concurred in the Senate amendment H-3339, as amended.

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

On the question "Shall the bill pass?" (H.F. 327)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hargrave
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleward	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Wells	West	Woods	Wyckoff
			Mr. Speaker

The nays were, none:

Absent or not voting, 11:

Byerly	Danker	Harbor	Harper
Harvey	Higgins	Hines	Nielsen
Varley	Welden	Wulff	

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

IMMEDIATE MESSAGE

(House File 327)

Rinas of Linn asked and received unanimous consent that House File 327 be immediately messaged to the Senate.

**SPONSORS ADDED
(House Resolution 18)**

Gentleman, Krewson, Smalley and Thompson of Polk requested to be added as sponsors of House Resolution 18.

PRESENTATION OF VISITORS

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

Thirty-two fifth grade students from Franklin Elementary School, Ottumwa, Iowa, accompanied by Annette Smith and Willis Ahren. By Harper of Davis and Poncy of Wapello.

Forty students from Bunger Junior High School, Waterloo, Iowa, accompanied by Robert White. By Garrison of Black Hawk.

Fifty students from Norwoodville Elementary School, Des Moines, Iowa, accompanied by Miss Fulk, Mrs. Stoll and Mrs. Evans. By Nielsen of Polk.

Seventy students from East Elementary School, Ankeny, Iowa, accompanied by Anna Nelson. By Byerly of Polk.

Fifty-eight fifth grade students from Clegg Park Elementary School, West Des Moines, Iowa, accompanied by Mrs. True and Mrs. Lemke. By Thompson of Polk.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 8:00 a.m., April 14, 1977

Convened: 8:16 a.m.

Adjourned: 8:30 a.m.

Present: Small, chair; Lonergan, vice-chair; Bina, Chiodo, Dieleman, Halvorson, Koogler, Schroeder and Welden.

Absent: Brockett, Anderson, Brunow, Den Herder, Evans, Jochum, Krause, Tauke, Walter and West.

Assigned bills.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., April 14, 1977

Convened: 8:06 a.m.

Adjourned: 8:55 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Wells and Wyckoff.

Absent: Baker (arrived 8:12 a.m.), Pellett (arrived 8:08 a.m.), Stephens (arrived 8:15 a.m.), Stromer (arrived 8:09 a.m.) and Clark of Lee.

Excused: Byerly.

House File 79, a bill for an act relating to the withdrawal of a city from a county library district.

Recommend AMEND AND DO PASS.

H-3584

- 1 Amend House File 79 as follows:
- 2 1. Page 1, line 6, by striking the words " at the
- 3 request of" and inserting in lieu thereof the words
- 4 "on a motion by".
- 5 2. Page 1, line 7, by inserting after the word
- 6 "council." the words "~~The election shall be held~~
- 7 ~~simultaneously with a general or city election.~~"
- 8 3. Page 1, by striking line 13.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: Oxley.

Absent or not voting: Byerly and Clark of Lee.

Senate File 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

Recommended AMEND AND DO PASS.

H-3585

- 1 Amend Senate File 7 as follows:
- 2 1. Page 1, line 9, by striking the word "three"
- 3 and inserting in lieu thereof the word "two"
- 4 2. Page 2, by striking all of line 8.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or not voting: Byerly and Clark of Lee.

Senate File 279, a bill for an act relating to the appointment and the duties of a county weed commissioner.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens and Wyckoff.

Nay: Stromer and Wells.

Absent or not voting: Byerly and Clark of Lee.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 8:00 a.m., April 14, 1977

Convened: 8:20 a.m.

Adjourned: 9:00 a.m.

Present: Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: Jesse (arrived 8:30 a.m.), Dyrland (arrived 8:30 a.m.), Garrison (arrived at 8:35 a.m.), Nielsen and Patchett.

Excused: Higgins

House File 207, a bill for an act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation.

Recommended DO PASS.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Pelton, Scheelhaase, and Shimanek.

Nay: Branstad, Conlon, Smalley, Spencer and Woods.

Absent or not voting: Higgins, Nielsen and Patchett.

Assigned bills to subcommittee. Deferred action on House File 304.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., April 14, 1977

Convened: 9:07 a.m.

Adjourned: 10:00 a.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Chiodo, Evans, Garrison, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Avenson, Griffee and Jesse.

Excused: O'Halloran.

House File 426, a bill for an act relating to the inspection of land and water craft registered with the Iowa state conservation commission.

Recommended AMEND AND DO PASS.

H-3583

1 Amend House File 426 as follows:

- 2 1. Page 1, line 32 by inserting after the
- 3 word "highways," the word "public".
- 4 2. Page 2, line 16, by inserting after the
- 5 word "highways," the word "public".

Aye: Middleswart, Spencer, Halvorson, Bennett, Chiodo, Evans, Miller of Buchanan, Pelton, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: Garrison.

Absent or not voting: Avenson, Griffee, Jesse, O'Halloran and Perkins.

Assignment of bills. Presentation of Sierra Club by Larry Ladin.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., April 14, 1977

Convened: 9:06 a.m.

Adjourned: 9:35 a.m.

Present: Krause, chair; Binneboese, Clark of Cerro Gordo, Davitt, Doyle, Dunton, Harbor, Hoffmann, Lageschulte, Oxley, Schnekloth and Woods.

Absent: Schroeder (arrived 9:08 a.m.), Egenes (arrived 9:11 a.m.), Hullinger (arrived 9:10 a.m.), Lipsky (arrived 9:08 a.m.), Monroe (arrived 9:10 a.m.), Brunow and Rinas.

Excused: Harper.

House File 63, a bill for an act relating to maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973.

Recommended AMEND AND DO PASS.

H-3587

- 1 Amend House File 63 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. Section eighteen point three (18.3),
- 5 subsection one (1), unnumbered paragraph one (1),
- 6 Code 1977, is amended to read as follows:
- 7 1. Establishing and developing, in cooperation
- 8 with the various state agencies, a system of uniform
- 9 standards and specifications for purchasing. When
- 10 the system is developed, all items of general use

11 shall be purchased through the department, except
 12 items used by the state department of transportation,
 13 the communications division of the department of
 14 public safety or any communication device used by
 15 local law enforcement agencies, institutions under
 16 the control of the board of regents, the commission
 17 for the blind, and any other agencies exempted by
 18 law."

19 2. Page 1, by striking lines 7 through 9 and
 20 inserting in lieu thereof the following: "The Iowa
 21 ~~highway safety patrol department of public safety~~
 22 ~~communications division's base stations and all Iowa~~
 23 ~~highway safety patrol cars assigned to troopers and~~
 24 ~~sergeants with field enforcement responsibilities~~
 25 shall maintain law".

26 3. Page 1, line 12, by striking the words "highway
 27 safety patrol" and inserting in lieu thereof the words
 28 "~~highway safety patrol department of public safety~~
 29 ~~communications division~~".

30 4. Page 1, lines 19 and 20, by striking the words
 31 "~~and the Iowa highway safety patrol cars in use in~~
 32 ~~that base station district~~".

33 5. Page 1, line 22, by striking the words "highway
 34 safety patrol" and inserting in lieu thereof the words
 35 "department of public safety communications division".

Aye: Krause, Schroeder, Binneboese, Clark of Cerro Gordo, Davitt, Doyle, Dunton, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Oxley, Schnekloth and Woods.

Nay: None.

Absent or Not Voting: Harper, Brunow and Rinas.

Study Bill 233, a bill for an act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs.

Recommended DO PASS.

Aye: Krause, Schroeder, Binneboese, Clark of Cerro Gordo, Davitt, Doyle, Dunton, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Oxley, Schnekloth and Woods.

Nay: None.

Absent or Not Voting: Harper, Brunow and Rinas.

COMMITTEE ON COMMERCE

Scheduled: 4:25 p.m., April 14, 1977

Convened: 4:25 p.m.

Adjourned: 4:35 p.m.

Present: Small, chair; Lonergan, vice-chair; Brockett, ranking member; Bina, Den Herder, Dieleman, Evans, Jochum, Koogler, Krause, Schroeder, Tauke and Walter.

Absent: Anderson, Brunow, Chiodo, Halvorson, Welden and West.

House File 369, a bill for an act requiring the identification of charges imposed by public utilities for the late payment of utility service bills.

Recommended DO PASS.

Aye: Small, Lonergan, Brockett, Bina, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Tauke and Walter.

Nay: Schroeder.

Absent or Not Voting: Anderson, Brunow, Chiodo, Welden and West.

House File 336, a bill for an act to provide a maximum statute of limitations for actions for injuries arising out of improvements to real property.

Recommended AMEND AND DO PASS.

H-3595

- 1 Amend House File 336 as follows:
- 2 1. Page 1, lines 3 and 4, by striking
- 3 the words "Except as otherwise provided in
- 4 this section," and inserting in lieu thereof
- 5 the words "In addition to limitations contained
- 6 elsewhere in this section,".

Aye: Small, Lonergan, Brockett, Anderson, Bina, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder and Tauke.

Nay: Walter.

Absent or Not Voting: Brunow, Chiodo, Welden and West.

Senate File 65, a bill for an act relating to the privileges of licensed insurance agents.

Recommended DO PASS.

Aye: Small, Lonergan, Brockett, Anderson, Bina, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke and Walter.

Nay: None.

Absent or Not Voting: Brunow, Chiodo, Welden and West.

Senate File 170, a bill for an act correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa insurance guaranty association.

Recommended DO PASS.

Aye: Small, Lonergan, Brockett, Anderson, Bina, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke and Walter.

Nay: None.

Absent or Not Voting: Brunow, Chiodo, Welden and West.

SUBCOMMITTEE ASSIGNMENTS

House File 166	House File 400	House File 409
Commerce	Commerce	Commerce
Schroeder, chair	Lonergan, chair	Lonergan, chair
Brunow	Dieleman	Anderson
Koogler	Tauke	Den Herder
		Jochum
		Welden
House File 258	House File 404	
Commerce	Commerce	House File 416
Tauke, chair	Brunow, chair	Commerce
Bina	Koogler	Jochum, chair
Dieleman	Schroeder	Anderson
Koogler		Den Herder
Schroeder		Lonergan
	House File 405	Welden
	Commerce	
House File 283	Brunow, chair	House File 428
Cities	Koogler	Commerce
Pavich, chair	Schroeder	Brunow, chair
Hargrave		Evans
Smalley		Koogler
Hoffmann		
Nielsen		

House File 443

Ways and Means
Norland, chair
West
Davitt
Schnekloth
Daggett
Rinas
Husak
Anderson
Wulff
Miller of Buchanan
Brandt

House File 446

Commerce
Brunow, chair
Chiodo
Evans
Koogler
Schroeder
West

House File 448

State Government
Griffee, chair
Jesse
Harvey

House File 451

Commerce
Chiodo, chair
Brunow
Evans
Koogler
Schroeder
West

House File 456

Commerce
Chiodo, chair
Brunow
Evans
Koogler
Schroeder
West

House File 460

Commerce
Welden, chair
Anderson
Den Herder
Jochum
Lonergan

House File 462

Commerce
West, chair
Brunow
Chiodo
Evans
Koogler
Schroeder

House File 466

State Government
West, chair
Higgins
Griffee

House File 467

Commerce
Chiodo, chair
Brunow
Evans
Koogler
Schroeder
West

House File 468

State Government
Shimanek, chair
Middleswart
Walter

House File 471

Commerce
Koogler, chair
Brunow
Schroeder

House File 472

Ways and Means
Anderson, chair
Gilloon
Brandt
Svoboda
Husak
West
Daggett
Schnekloth
Clark of Lee

House File 474

Ways and Means
Jochum, chair
Junker
Howell
Svoboda
Miller of Buchanan
Pavich
Varley
Egenes

House File 476

Ways and Means
Gilloon, chair
Bennett
Harbor
Varley
Bina
Rinas
Brandt
Horn
Wulff

House File 478

State Government
Shimanek, chair
Higgins
Woods

House File 480

County Government
Miller of
Calhoun, chair
Baker
Pellett

House File 485
 Commerce
 Jochum, chair
 Anderson
 Den Herder
 Lonergan
 Welden

House File 496
 Commerce
 Evans, chair
 Koogler
 West

House File 501
 Commerce
 Chiodo, chair
 Brunow
 Evans
 Koogler
 Schroeder
 West

House File 503
 Commerce
 Chiodo, chair
 Brunow
 Evans
 Koogler
 Schroeder
 West

House File 505
 Ways and Means
 Miller of
 Buchanan, chair
 Dieleman
 Pavich
 Spencer
 Menke
 Conlon
 Harvey

House File 506
 Ways and Means
 Svoboda, chair
 Junker
 Egenes
 Pavich
 Jochum

House File 509
 Labor and
 Industrial Relations
 Jochum, chair
 Hines
 Brockett
 Small
 Smalley

House File 524
 Judiciary and Law
 Enforcement
 Patchett, chair
 Lipsky
 Clark of Cerro Gordo

House File 530
 Judiciary and
 Law Enforcement
 Patchett, chair
 Pelton
 Shimanek

House Concurrent
 Resolution 20
 State Government
 Patchett, chair
 Middleswart
 Junker

Senate File 31
 Ways and Means
 Anderson, chair
 Gilloon
 Brandt
 Svoboda
 Husak
 West
 Daggett
 Schneklath

Senate File 66
 Commerce
 Small, chair
 Bina
 Brockett
 Halvorson
 Krause
 Tauke
 Walter

Senate File 74
 Commerce
 Koogler, chair
 Bina
 Dieleman
 Schroeder
 Tauke

Senate File 154
 Cities
 Hines, chair
 Connors
 Gentleman
 Newhard
 Nielsen
 Schneklath
 Smalley

Senate File 180
 Commerce
 Dieleman, chair
 Bina
 Koogler
 Schroeder
 Tauke

Senate File 217
 Judiciary and Law
 Enforcement
 Gentleman, chair
 Clark of Cerro Gordo
 Connors

Senate File 221
 Ways and Means
 Hines, chair
 Harvey
 Rinas
 Wyckoff
 Egenes
 Wells
 Thompson

Senate File 224

Cities
Spear, chair
Bina
Rinas
Smalley
Krewson

Senate File 238

Judiciary and Law
Enforcement
Higgins, chair
Jesse
Lipsky
Patchett
Conlon

Senate File 244

State Government
Harvey, chair
Walter
Monroe

Senate File 317

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

Senate File 319

Judiciary and Law
Enforcement
Doyle, chair
Garrison
Newhard
Clark of Cerro Gordo
Lipsky

AMENDMENTS FILED

H-3596

H-3597

H.F. 354

H.F. 246

Miller of Buchanan
Byerly of Polk
Varley of Adair
Schroeder of Pottawattamie
Perkins of Greene
Husak of Tama
Nielsen of Polk
Woods of Polk
Halvorson of Clayton
Koogler of Mahaska
Horn of Linn
Chiodo of Polk
Wyckoff of Benton
Baker of Buena Vista
Poncy of Wapello
Connors of Polk
Newhard of Jones
Walter of Pottawattamie
Miller of Buchanan
Brandt of Black Hawk
Brunow of Appanoose

H-3598

H.F. 246

Hansen of O'Brien
Harvey of Scott
Monroe of Des Moines
Stromer of Hancock
Avenson of Fayette
Svoboda of Iowa
West of Marshall
Junker of Woodbury
Howell of Floyd
Rinas of Linn

On motion by Fitzgerald of Webster the House adjourned at 11:42 a.m., until 10:00 a.m., Monday, April 18, 1977.

JOURNAL OF THE HOUSE

Ninety—ninth Calendar Day -- Sixty—seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 18, 1977

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

Prayer was offered by the Reverend Willard Cunningham, pastor of the First United Methodist Church, Mason City, Iowa.

The Journal of Friday, April 15, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, Lake City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis for the week of April 18 on request of Speaker Cochran of Webster; Clark of Lee on request of Harvey of Scott; Spencer of Clay on request of Speaker Cochran of Webster; Menke of O'Brien on request of Hansen of O'Brien; Evans of Grundy for the morning session on request of Smalley of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Garrison of Black Hawk from seven hundred fifty constituents supporting an independent credit union agency for John Deere.

By Thompson of Polk from twenty—two constituents in favor of adequately funding human resources programs.

INTRODUCTION OF BILLS

HOUSE FILE 544, by committee on natural resources, a bill for an act relating to snowmobiles.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 545, by committee on commerce, a bill for an act relating to the management of loss and loss exposures of government.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGE CONSIDERED

SENATE FILE 328, a bill for an act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

Read first time and PASSED ON FILE.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 197, a bill for an act relating to certain bikeway and walkway construction projects.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 229, a bill for an act relating to the registration certificates of vessels.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 277, a bill for an act relating to the authority of the Iowa natural resources council.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 281, a bill for an act to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 264, a bill for an act abolishing the World War I, World War II and Korean veteran's bonus funds and the Korean veteran's bonus tax fund and providing for a transfer of funds.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 321, a bill for an act relating to bonded agricultural warehouses.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 329, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill.

Also: That the Senate has on April 14, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 334, a bill for an act relating to registration fees for motor vehicles and making technical changes.

STEVEN C. CROSS, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 1977, he approved and transmitted to the Secretary of State the following bills:

House File 231, an act relating to the authority of the Director of Revenue to sell cigarette stamps through banks.

House File 331, an act relating to meetings of the Board of Parole and the grant or denial of parole.

House File 414, an act making appropriations to the Iowa Civil Rights Commission and the State Department of Health.

UNANIMOUS CONSENT CALENDAR (House Resolution 11)

We hereby respectfully request that House Resolution 11, filed on March 14, 1977 and found on page 810 of the House Journal, be placed on the unanimous consent calendar.

NIELSEN of Polk
WOODS of Polk
ANDERSON of Jasper

CONSIDERATION OF BILLS Regular Calendar

SENATE FILE 328 SUBSTITUTED FOR HOUSE FILE 540

Connors of Polk asked and received unanimous consent to substitute Senate File 328 for House File 540.

Senate File 328, a bill for an act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 328)

The ayes were, 81:

Anderson
Bina

Avenson
Brandt

Baker
Brockett

Bennett
Brunow

Byerly	Clark, B.J.	Conlon	Connors
Crabb	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none:

Absent or not voting, 19:

Binneboese	Branstad	Chiodo	Clark, J.H.
Crawford	Egenes	Evans	Griffee
Hansen	Harper	Horn	Junker
Menke	Newhard	Nielsen	Pellett
Pelton	Small	Spencer	

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

House File 381, a bill for an act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 381)

The ayes were, 58:

Anderson	Avenson	Baker	Bina
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Brandt	Brockett	Brunow	Byerly
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Hargrave	Higgins	Hines
Hinkhouse	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Lageschulte
Lipsky	Lonergan	Middleswart	Miller, K.D.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Rinas
Scheelhaase	Schroeder	Small	Spear
Stromer	Svoboda	Tofte	Varley
Walter	Welden	Wells	Woods
Wulff	Mr. Speaker		

The nays were, 26:

Bennett	Chiodo	Clark, B.J.	Conlon
Crabb	Daggett	Halvorson	Harbor
Harvey	Hoffmann	Horn	Koogler
Krewson	Lindeen	Millen	Miller, O.L.
Pellett	Poncy	Schneklath	Shimanek
Smalley	Stephens	Tauke	Thompson
West	Wyckoff		

Absent or not voting, 16:

Binneboese	Branstad	Clark, J.H.	Connors
Crawford	Egenes	Evans	Griffiee
Hansen	Harper	Junker	Menke
Newhard	Nielsen	Pelton	Spencer

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

House File 287, a bill for an act relating to child custody in dissolution of marriage cases, with report of committee recommending amendment and passage was taken up for consideration.

Krewson of Polk offered the following amendment H-3304 filed by the committee on judiciary and law enforcement and moved its adoption:

H-3304

- 1 Amend House File 287 as follows:
- 2 1. Page 1, line 8, by striking the words "in
- 3 appropriate cases".
- 4 2. Page 1, by striking line 9.

Amendment H-3304 was adopted.

Krewson of Polk offered the following amendment H-3527 filed by him and moved its adoption:

H-3527

- 1 Amend House File 287 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "cases." the words "For the purposes of this section,
- 4 joint custody means custody shared by the parties
- 5 to the dissolution."

A non-record roll call was requested.

The ayes were 61, nays 12.

Amendment H-3527 was adopted.

Patchett of Johnson moved to reconsider the vote by which amendment H-3527 was adopted by the House.

A non-record roll call was requested.

The ayes were 74, nays none.

The motion prevailed and the House reconsidered amendment H-3527.

Krewson of Polk asked and received unanimous consent to withdraw amendment H-3527.

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

On the question "Shall the bill pass?" (H.F. 287)

The ayes were, 75:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Conlon	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lindeen	Lipsky	Lonergan
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimaneck	Small	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	Wulff	Mr. Speaker	

The nays were, 16:

Avenson	Brockett	Chiodo	Crabb
Daggett	Danker	Den Herder	Hansen
Lageschulte	Middleswart	Schroeder	Smalley
Welden	West	Woods	Wyckoff

Absent or not voting, 9:

Clark, J.H.	Crawford	Egenes	Evans
Griffie	Harper	Menke	Nielsen
Spencer			

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

HOUSE FILE 540 WITHDRAWN

Connors of Polk asked and received unanimous consent to withdraw House File 540 from further consideration by the House.

MOTIONS TO RECONSIDER WITHDRAWN
(Senate File 231)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider Senate File 231 filed by him on April 5, 1977.

(Senate File 198)

Harbor of Mills asked and received unanimous consent to withdraw the motion to reconsider Senate File 198 filed by him on April 13, 1977.

MOTION TO RECONSIDER
(House File 354)

Miller of Buchanan called up for consideration the motion to reconsider House File 354, filed on April 14, 1977, and moved to reconsider the vote by which House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, passed the House on April 14, 1977.

A non-record roll call was requested.

The ayes were 55, nays 19.

The motion prevailed and the House reconsidered House File 354.

Miller of Buchanan moved to reconsider the vote by which House File 354 was placed on its last reading, which motion prevailed.

Miller of Buchanan offered the following amendment H-3596 filed by him and moved its adoption:

H-3596

- 1 Amend House File 354 as follows:
 2 1. Page 9, by inserting after line 20 the following
 3 new subsection:
 4 "— This subsection shall apply when a hospital
 5 applies for a certificate of need for any new or
 6 changed institutional health service to be financed
 7 by sale of bonds to be retired by taxation or which
 8 are guaranteed by the state or any of its political
 9 subdivisions, and that hospital shares with one or
 10 more other hospitals the same or a substantially
 11 similar appropriate geographic service area, as
 12 determined in accordance with uniform criteria
 13 established in rules promulgated by the department.
 14 In such cases, and notwithstanding the other criteria
 15 required by this section, a certificate of need shall
 16 be approved only if the application is accompanied
 17 by a statement, signed by the administrators of each
 18 of the hospitals serving the area in question, that
 19 the hospitals are agreed that the proposed new or
 20 changed institutional health service will not be
 21 injurious to any of them."

Amendment H-3596 lost.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 354)

The ayes were, 59:

Anderson	Avenson	Bina	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Connors	Crawford	Cusack	Davitt
Den Herder	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak

Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Middleswart	Miller, O.L.	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Schroeder
Shimanek	Small	Spear	Stromer
Svoboda	Thompson	Varley	Walter
Wells	Woods	Mr. Speaker	

The nays were, 32:

Baker	Bennett	Binneboese	Branstad
Brockett	Conlon	Crabb	Daggett
Danker	Dieleman	Doyle	Halvorson
Hansen	Harbor	Hoffmann	Junker
Lindeen	Millen	Miller, K.D.	Pellett
Pelton	Perkins	Scheelhaase	Schneklath
Smalley	Stephens	Tauke	Tofte
Welden	West	Wulff	Wyckoff

Absent or not voting, 9:

Clark, J.H.	Egenes	Evans	Griffie
Harper	Harvey	Menke	Nielsen
Spencer			

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

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Krause of Kossuth to determine that a quorum was present. Rule 69 was invoked. The vote revealed:

Present, 90:

Avenson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett

Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smallley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

Absent, 10:

Anderson	Clark, J.H.	Connors	Dunton
Harper	Menke	Millen	Rinas
Small	Spencer		

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

The House resumed session, Speaker Cochran in the chair.

SENATE AMENDMENT CONSIDERED

Brunow of Appanoose called up for consideration House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, and the Senate amendment H-3589, received from the Senate on April 14, 1977 and found on pages 1382 through 1391 of the House Journal.

Brunow of Appanoose offered the following amendment H-3605, to the Senate amendment H-3589, filed by Brunow, Hansen, Hargrave, Clark of Cerro Gordo, Doyle, Lindeen, Gilson and Miller of Calhoun from the floor:

H-3605

1 Amend Senate amendment H-3589 to House File 464,
2 as follows:

3 1. Page 1, by inserting after line 16 the follow-
4 ing:

5 "The provisions of subsection nine (9) of section
6 nineteen A point nine (19A.9) of the Code which
7 restricts employment of intermittent employees to
8 not more than a specified number of calendar days
9 in any twelve-month period without examination, shall
10 not apply during the period beginning on July 1, 1977
11 and ending June 30, 1978 for forty-six intermittent
12 employees who are employed in field offices by the
13 department of social services. It is the intent of
14 the general assembly to authorize the continued
15 employment during the 1977-1978 fiscal year of persons
16 employed to assist in meeting the current high demand
17 for income maintenance and related services and to
18 permit the department to avoid the cost of training
19 new employees."

20 2. Page 1, line 19, by striking the figure
21 "4,375,000" and inserting in lieu thereof the figure
22 "4,389,000".

23 3. Page 1, by inserting after line 19 the follow-
24 ing:

25 "Included in this appropriation for state
26 administration is twenty-five thousand (25,000) dollars
27 for one additional prosecutor for the fraud unit.
28 The position of medical consultant to the commissioner
29 is not funded in this appropriation for state
30 administration."

31 4. Page 1, by striking lines 22 and 23 and insert-
32 ing the following:

33 "For development and implementa-
34 tion of medicaid management in-
35 formation system. \$ 140,000"

36 5. Page 1, by inserting after line 42 the follow-
37 ing:

38 "The department shall consult with the advisory
39 commission on corrections and prepare and submit to
40 the house and senate budget subcommittees on social
41 services recommendations concerning the three juvenile
42 institutions at Eldora, Mitchellville and Toledo with
43 a long term recommendation on the care and treatment
44 of juveniles at not more than two institutions. These
45 recommendations shall be submitted on or before
46 December 15, 1977. Members of the budget subcommittees
47 on social services shall visit the three institutions

- 48 during the 1977 interim.”
49 6. Page 2, line 23, by striking the figure
50 “6,401,582” and inserting in lieu thereof the figure

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- 1 “6,500,000”.
2 7. Page 2, line 31, by striking the figure
3 “725,000” and inserting in lieu thereof the figure
4 “735,000”.
5 8. Page 2, line 33, by striking the figure
6 “2,275,000” and inserting in lieu thereof the figure
7 “2,290,000”.
8 9. Page 2, line 37, by striking the figure
9 “1,500,000” and inserting in lieu thereof the figure
10 “1,524,000”.
11 10. Page 3, line 33, by striking the words “this
12 section” and inserting in lieu thereof the words
13 “section six (6) of this Act”.
14 11. Page 4, line 36, by striking the figure
15 “420,000” and inserting in lieu thereof the figure
16 “480,000”.
17 12. Page 4, by striking line 45 and inserting
18 in lieu thereof the following:
19 “centers for nonprofit centers only \$ 250,000
20 Real property shall not be purchased with funds
21 appropriated by this subsection.
22 16. State supplementation to
23 Title. XX \$ 750,000
24 The funds appropriated by this subsection shall
25 be used only for purchase of services to continue
26 current programs.
27 17. Notwithstanding the provisions of section
28 eight point thirty—three (8.33) of the Code,
29 unencumbered or unobligated funds appropriated by
30 Acts of the Sixty—sixth General Assembly, 1976 Session,
31 chapter one thousand one hundred thirty—two (1132),
32 section five (5), subsection two (2), remaining on
33 June 30, 1977 shall be available for expenditure
34 during the fiscal year beginning July 1, 1977 and
35 the unencumbered or unobligated funds remaining on
36 June 30, 1978 shall revert to the general fund on
37 September 30, 1978.”
38 13. Page 5, by striking lines 8 through 14.
39 14. Page 5, line 40, by inserting after the period
40 the words “However, the physical structure and fixtures
41 of the riverview release center shall not be altered
42 except for normal repair and maintenance until such
43 time as the general assembly shall otherwise provide.”

44 15. Page 6, by inserting after line 9 the follow—
45 ing:
46 "Sec. 16. It is the intent that the department
47 of social services shall increase the maximum
48 reimbursement for intermediate care facility services
49 under medicaid from nineteen dollars to nineteen
50 dollars and fifty cents and that the department shall

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1 increase the fee paid to pharmacists under medicaid
2 from two dollars and fifteen cents to two dollars
3 and fifty—five cents.

4 Sec. 17. It is the intent of the general assembly
5 that the department of social services, by July 1,
6 1977, shall repeal every state staffing requirement
7 contained in the conditions of participation for
8 intermediate care facilities participating in the
9 medicaid program that exceeds federal government re—
10 quirements and that these conditions of participation
11 be submitted to the administrative rules review
12 committee.

13 Sec. 18. The department of health shall delay
14 implementation of the December 6, 1976 licensure
15 rules. The department, upon consultation with the
16 health facilities advisory committee, shall review
17 all rules for the purpose of eliminating those rules
18 which exceed the federal Title XIX guidelines for
19 intermediate care facilities. All such modified rules
20 shall be resubmitted to the administrative rules
21 review committee.

22 Sec. 19. It is the intent that the department
23 of social services shall resist the implementation
24 of the federal government spouse income regulation
25 which would allow spouse income under certain
26 circumstances to be excluded from the determination
27 of income for intermediate care facility medicaid
28 eligibility purposes.

29 Sec. 20. It is the intent of the general assembly
30 that funds appropriated for medical assistance shall
31 not be used to pay for radiology services provided
32 by a computerized axial tomographic scanner in the
33 state of Iowa, which has not been approved by the
34 health facilities construction review committee of
35 the state department of health, unless the scanner
36 is placed in operation prior to the effective date
37 of this Act.

38 Sec. 21. Section two hundred twenty—two point
39 eighty—six (222.86), Code 1977, is amended to read
40 as follows:

41 222.86 PAYMENT FOR CARE FROM FUND. Whenever the

42 amount in the account of any patient in the patients'
43 personal deposit fund exceeds the sum of two hundred
44 dollars, the business manager of the hospital—school
45 or special unit may apply any amount of the excess
46 to reimburse the county of legal settlement for
47 liability incurred by such county for the payment
48 of care, support, and maintenance of the patient when
49 billed therefor by the county of legal settlement.
50 ~~Money earned by a patient for work performed in or~~

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1 ~~for a hospital school or special unit shall not be~~
2 ~~subject to this section or to attachment.~~

3 Sec. 22. Unless otherwise provided in this Act,
4 all institutional receipts of the department of social
5 services shall be deposited in the general fund except
6 rentals charged to employees or others for room,
7 apartment, or house and meals, which shall be available
8 to the institutions, and except for receipts from
9 farm products which shall be used for necessary farm
10 expenses and repair.

11 Sec. 23. Each hospital—school shall, upon receipt
12 of any payment made under chapter two hundred forty—
13 nine A (249A) of the Code for the care of any patient,
14 segregate an amount equal to that portion of the
15 payment which is required by law to be made from
16 nonfederal funds. The money segregated shall be
17 deposited in the medical assistance fund of the
18 department of social services.

19 Sec. 24.

20 1. The department of social services shall
21 implement a pilot program in community services
22 districts ten and two requiring mandatory second
23 opinions on elective surgery for medicaid clients.
24 The department shall reimburse board certified surgical
25 specialists to give their opinion on elective surgery
26 prescribed by the client's own physician. If there
27 is a difference in the opinion of the two physicians,
28 the client shall make the final determination. In
29 cases where the client is geographically distant from
30 the specialist, the department shall pay transportation
31 and child care expenses incurred in obtaining the
32 second opinion. The department shall maintain
33 statistical information on this program in community
34 service districts ten and two and on similar groups
35 in community service districts eight and eleven in
36 order to evaluate the impact of this program on the
37 costs of the medicaid program.

38 2. There is appropriated from the general fund
39 of the state to the department of social services
40 for the fiscal year beginning July 1, 1977 the sum
41 of fifty thousand (50,000) dollars, or so much thereof
42 as may be necessary, for the administration of the
43 pilot program mandated by this section, and for the
44 payment of evaluation costs, consultant fees and
45 client expenses incurred in connection therewith."

46 16. Page 6, by striking lines 45, 46 and 47 and
47 inserting the following: "advisory commission on
48 corrections relief submitted to the general assembly
49 subsequent to April 1, 1977. Funds appropriated by
50 this subsection may be used to match federal funds

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1 including federal funds received from the law
2 enforcement assistance administration if such funds
3 become available to the state. The construction of
4 the capital improvements shall not commence prior
5 to March 1, 1978 except as provided in section thirty
6 (30) of this Act."

7 17. Page 7, by striking lines 49 through 50.

8 18. Page 8, by striking lines 1 through 17 and
9 inserting in lieu thereof the following:

10 "Sec. 30. Unobligated or unencumbered funds
11 remaining on June 30, 1981 from funds appropriated
12 by sections twenty-five (25) through twenty-eight
13 (28) of this Act shall revert to the general fund
14 of the state on September 30, 1981. If federal funds
15 do not become available to match the funds appropriated
16 by subsection one (1) of section twenty-eight (28)
17 of this Act, the funds, except seventy-five thousand
18 dollars, shall be used for planning the projects
19 provided for in this Act including the employment
20 of architects. In no event shall such funds, except
21 the seventy-five thousand dollars provided for in
22 this section, be used for construction or alteration
23 of physical structures prior to March 1, 1978. The
24 seventy-five thousand dollars excepted from the
25 planning shall be used to complete the work in
26 progress, make further necessary repairs, and install
27 a horizontal partition in cellhouse twenty at Fort
28 Madison as provided in subsection one (1) of section
29 twenty-nine (29) of this Act."

30 19. Page 8, by inserting after line 17 the follow-
31 ing new sections:

32 "Sec. 31. Effective March 31, 1978, building
33 twenty at the mental health institute at Mount Pleasant

34 shall revert to and become a part of the mental health
35 institute, and the director of the division of mental
36 health resources of the department of social services
37 shall thereafter have primary authority and
38 responsibility for its operation and control.

39 Sec. 32. Chapter two hundred twenty-six (226),
40 Code 1977, is amended by adding the following new
41 section:

42 **NEW SECTION. SPECIAL TREATMENT UNIT FOR CORRECTIONS**
43 **INMATES.**

44 1. Beginning April 1, 1978, there shall be
45 maintained at the Mount Pleasant mental health
46 institute, as a part of that institute, a secure
47 facility for the treatment of inmates of adult
48 corrections institutions who exhibit treatable
49 personality disorders, with or without accompanying
50 history of drug or alcohol abuse. Such inmates may

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1 apply for and upon their application may be selected
2 for treatment by the staff of the mental health
3 institute at Mount Pleasant in accordance with section
4 two hundred eighteen point ninety (218.90) of the
5 Code.

6 2. The division of mental health of the department
7 of social services shall coordinate with the state
8 psychiatric hospital at Iowa City in the creation,
9 staffing, and operation of a research and treatment
10 program directed at the class of disorders described
11 in subsection one (1) of this section which program
12 shall be that operated at the mental health institute
13 at Mount Pleasant.

14 3. The final decision regarding admission and
15 discharge of patients shall rest with the
16 superintendent of the mental health institute not
17 withstanding section two hundred eighteen point ninety
18 (218.90) of the Code. Upon discharge patients shall
19 be returned to the direction of the division of adult
20 corrections.

21 Sec. 33. Section two hundred twenty-three point
22 eight (223.8), Code 1977, is amended by striking the
23 section and inserting in lieu thereof the following:

24 223.8 COSTS AND CHARGES. Chapter two hundred
25 thirty (230), Code 1977, shall govern the determination
26 of costs and charges for the care and treatment of
27 mentally ill patients admitted to the Iowa security
28 medical facility, except that charges for the care
29 and treatment of any person transferred to the security
30 medical facility from an adult correctional institution

31 or from a state training school shall be paid entirely
32 from state funds. Charges for all other patients
33 at the security medical facility shall be billed to
34 the respective counties at the same ratio as for
35 patients at state hospitals for the mentally ill,
36 under section two hundred thirty point twenty (230.20)
37 of the Code.

38 Sec. 34. The department of social services shall
39 report to the budget social services subcommittees
40 of the committees on budget of the house and senate
41 by February 1, 1978 the cost and description of the
42 construction necessary to make building twenty at
43 Mount Pleasant mental health institute an internally
44 secure structure, including but not limited to
45 providing escape—proof doors and windows, air
46 conditioning, and electronic surveillance and security
47 equipment which will exceed the standards in the
48 existing plans.

49 Sec. 35. There is hereby appropriated from the
50 general fund of the state to the legislative council

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1 the sum of twenty thousand (20,000) dollars, or so
2 much thereof as may be necessary, which shall be used
3 by the joint senate—house budget subcommittees on
4 social services to conduct a study of the requirements
5 for and restrictions upon use of federal funds
6 allocated to Iowa under Title twenty (XX) of the
7 United States social security Act, the manner in which
8 the state and persons representing political
9 subdivisions of the state and other local interests
10 and organizations have planned for and acted in use
11 of these funds, the effect upon these efforts and
12 subsequent decisions by the department of social
13 services affecting the allocation and use of Title
14 twenty (XX) funds, and the effect of any joint funding
15 of programs with both money appropriated by or
16 allocated to the state for the medical assistance
17 program maintained pursuant to Title nineteen (XIX)
18 of the United States social security Act and Title
19 twenty (XX) money. The subcommittees shall make the
20 necessary arrangements for the conduct and supervision
21 of the study, including the hiring of any necessary
22 staff, and for formulation of recommendations based
23 upon the findings of the study. The report of the
24 study and the recommendations based thereon shall
25 be submitted to the Sixty—seventh General Assembly on
26 or before the date it convenes for its regular session

- 27 in the year 1978. The secretary of the senate and
28 the chief clerk of the house, in consultation with
29 the legislative council, shall provide administrative
30 services for the administration of funds appropriated
31 by this section.”
32 20. By renumbering sections of and correcting
33 internal references in the amendment in accordance
34 with the foregoing amendments.

Schroeder of Pottawattamie offered the following amendment H-3612, to amendment H-3605, filed by him from the floor and moved its adoption:

H-3612

- 1 Amend amendment H-3605 to amendment H-3589 to
- 2 House File 464 as follows:
- 3 1. Page 1, by striking all of lines 28, 29,
- 4 and 30.

A non-record roll call was requested.

The ayes were 29, nays 44.

Amendment H-3612 lost.

Stromer of Hancock offered amendment H-3608, to amendment H-3605, filed by him from the floor and requested division as follows:

H-3608

- 1 Amend H-3605 to the Senate amendment H-3589 to
- 2 House File 464 as amended, passed and reprinted by the
- 3 House as follows:

H-3608A

- 4 1. Page 2, by striking from lines 49 and 50 the
- 5 words “nineteen dollars and fifty cents” and inserting
- 6 in lieu thereof the words “twenty dollars and twenty-
- 7 five cents”.

H-3608B

- 8 2. Page 4, by striking lines 19 through 45.

Stromer of Hancock moved the adoption of amendment H-3608A, to amendment H-3605.

Amendment H-3608A lost.

O'Halloran of Black Hawk in the chair at 4:40 p.m.

Stromer of Hancock moved the adoption of amendment H-3608B, to amendment H-3605.

A non-record roll call was requested.

The ayes were 27, nays 50.

Amendment H-3608B lost.

Gentleman of Polk offered the following amendment H-3616, to amendment H-3605, filed by her from the floor and moved its adoption:

H-3616

- 1 Amend amendment H-3605 to Senate amendment H-3589
- 2 to House File 464 as passed by the House and reprinted
- 3 as follows:
- 4 1. Page 2, line 4, by striking the figure
- 5 "735,000" and inserting in lieu thereof the figure
- 6 "775,000".

A non-record roll call was requested.

The ayes were 25, nays 45.

Amendment H-3616 lost.

Svoboda of Iowa offered the following amendment H-3613, to amendment H-3605, filed by Svoboda, Hargrave, Krewson, Patchett and Higgins from the floor:

H-3613

- 1 Amend amendment H-3605 to Senate amendment H-3589
- 2 to House File 464 as passed by the House and reprinted
- 3 as follows:
- 4 1. Page 3, by striking lines 4 through 21.

Fitzgerald of Webster moved the previous question on House File 464, with respect to the filing of amendments only.

Roll call was requested by Gilloon of Dubuque and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the previous question motion prevail?"

The ayes were, 49:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Cochran	Cusack	Davitt	Dieleman
Doyle	Dunton	Fitzgerald	Gilloon
Gilson	Griffiee	Hargrave	Higgins
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Norland
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Svoboda
Walter	Wells	Woods	Wyckoff
			Ms. Speaker (O'Halloran)

The nays were, 38:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Millen
Pellett	Pelton	Schneklouth	Schroeder
Shimanek	Smalley	Stephens	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff		

Absent or not voting, 13:

Chiodo	Clark, J.H.	Connors	Dyrland
Garrison	Harper	Menke	Newhard
Nielsen	Oxley	Patchett	Spencer
Stromer			

The motion having failed to receive a constitutional majority, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gentleman of Polk for the remainder of the day on request of Krewson of Polk; Dyrland of Clayton and Connors of Polk, both for the remainder of the day, on request of Jochum of Dubuque.

Svoboda of Iowa moved the adoption of amendment H-3613, to amendment H-3605.

Roll call was requested by Higgins of Scott and Svoboda of Iowa.

On the question "Shall amendment H-3613, to amendment H-3605, be adopted?"

The ayes were, 34:

Avenson	Bina	Binneboese	Brandt
Byerly	Clark, B.J.	Crawford	Cusack
Davitt	Fitzgerald	Gilloon	Griffee
Hargrave	Higgins	Hines	Hoffmann
Jesse	Jochum	Krause	Krewson
Lipsky	Lonergan	Monroe	Pavich
Pelton	Rinas	Shimanek	Small
Spear	Svoboda	Tauke	Thompson
Walter	Ms. Speaker (O'Halloran)		

The nays were, 50:

Anderson	Baker	Bennett	Branstad
Brunow	Cochran	Conlon	Crabb
Daggett	Danker	Den Herder	Dieleman
Doyle	Dunton	Egenes	Evans

Gilson	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Howell	Hullinger
Husak	Junker	Koogler	Lageschulte
Lindeen	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Norland	Pellet	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Smalley	Stephens	Stromer	Tofte
Varley	Welden	West	Woods
Wulff	Wyckoff		

Absent or not voting, 16:

Brockett	Chiodo	Clark, J.H.	Connors
Dyrland	Garrison	Gentleman	Harper
Horn	Menke	Newhard	Nielsen
Oxley	Patchett	Spencer	Wells

Amendment H-3613 lost.

(House File 464 and amendment H-3605, to the Senate amendment H-3589, pending at adjournment.)

MOTIONS TO RECONSIDER (House File 381)

I move to reconsider the vote by which House File 381 passed the House on April 18, 1977.

HARGRAVE of Johnson

(House File 381)

I move to reconsider the vote by which House File 381 passed the House on April 18, 1977.

HULLINGER of Decatur

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following change in the classification, grade or step of the listed employee to be effective on the date indicated:

House Clerk

Shari S. Fitzgerald

Step 1 to Step 2
on 4/1/77

WELLS of Linn, Chair

PRESENTATION OF VISITORS

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

Sixty students from Peet Junior High School, Cedar Falls, Iowa, accompanied by Carolyn Haureen and Jane Patton. By Brandt of Black Hawk and O'Halloran of Black Hawk.

Fifty-five eighth grade students from Holy Trinity School, Des Moines, Iowa, accompanied by Sandy Rouse. By Krewson of Polk and Smalley of Polk.

Thirty-five students from Kingway Christian Academy, Des Moines, Iowa, accompanied by Joyce Waterman. By Connors of Polk.

Fifty students from Webster Elementary School, Perry, Iowa, accompanied by Lois Seeley and Susan Leslie. By Varley of Adair.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 14, 1977. Had I been present I would have voted "aye" on House Files 252, 254, 354 and 437; "nay" on amendment H-3576 to House File 354.

O'HALLORAN of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 241 County Government

Relating to limits on county liability coverage for employees.

S.B. 242 State Government

To provide an exemption from the required coverage of certain employees under the Iowa public employees' retirement system.

S. B. 243 State Government

To authorize registration of voters on election day and to otherwise revise Iowa's registration laws and certain related sections of the Code, and providing a penalty.

S. B. 244 Natural Resources

Relating to the issuance and expiration of waterworks or waste waterworks operators' certificates.

COMMUNICATION FROM TREASURER OF STATE

A copy of the Treasurer of State Biennial Report for the Biennium ending June 30, 1976, including the Vocational Education report, submitted in accordance with Chapters 12.17, 17.3, and 258.12 of the Code of Iowa 1977, has been received and placed on file in the office of the Chief Clerk.

AMENDMENTS FILED

H-3599	H.F. 488	Welden of Hardin
H-3600	H.F. 246	Brandt of Black Hawk
H-3601	H.F. 246	Hansen of O'Brien
H-3602	H.F. 246	Svoboda of Iowa
H-3603	H.F. 248	Pelton of Clinton
H-3604	H.F. 248	Pelton of Clinton
H-3607	S.F. 318	Schroeder of Pottawattamie
H-3609	H.F. 464	Stromer of Hancock
H-3610	H.F. 464	Welden of Hardin
H-3611	H.F. 464	Schroeder of Pottawattamie
H-3614	H.F. 464	Spear of Lee
H-3615	H.F. 464	Svoboda of Iowa
		Krewson of Polk
		Higgins of Scott

H-3617	H.F. 246	Crabb of Crawford
H-3618	H.F. 464	Lipsky of Linn
H-3619	H.F. 464	Lipsky of Linn
H-3620	H.F. 187	Wyckoff of Benton
H-3621	H.F. 518	Schroeder of Pottawattamie
H-3622	S.F. 185	Monroe of Des Moines
H-3623	H.F. 57	Junker of Woodbury Tauke of Dubuque
H-3624	H.F. 464	Schroeder of Pottawattamie

On motion by Fitzgerald of Webster the House adjourned at 5:52 p.m., until 9:00 a.m., Tuesday, April 19, 1977.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day -- Sixty—eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 19, 1977

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

Prayer was offered by the Reverend Sylvan Williams, pastor of the First Presbyterian Church, Oskaloosa, Iowa.

The Journal of Monday, April 18, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. S. M. Haughland, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Newhard of Jones for the morning session on request of Patchett of Johnson; Higgins of Scott for the morning session on request of Small of Johnson.

PETITIONS FILED

The following petitions were received and placed on file:

By Brandt of Black Hawk from twenty—eight citizens of Iowa supporting the passage of House File 285, an act prohibiting smoking in certain public areas.

By Monroe of Des Moines from three hundred four Iowa residents supporting adoption of legislation to provide \$3.00 per month per year of service to public employees who retired under the Iowa Public Employees' Retirement System prior to January 1, 1976.

INTRODUCTION OF BILLS

HOUSE FILE 546, by committee on transportation, a bill for an act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 547, by Byerly, a bill for an act relating to birth certificates for adopted persons not born in Iowa.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 548, by Thompson, a bill for an act relating to filling vacancies in certain elective and appointive offices.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 549, by Small, a bill for an act relating to certain vocational requirements for certification by the board of educational examiners.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 550, by Small, a bill for an act to permit persons other than certificated teachers to qualify as driver education instructors.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 551, by Svoboda, Hines, Monroe, Small, Jesse, Krause, Jochum, Griffiee, Cusack, Patchett, Binneboese, Newhard, Rinas, Bina, Anderson and Dyrland, a bill for an act requiring the existence of an operational method of high-level nuclear waste disposal before the issuance of a certificate for the construction of a nuclear fission thermal power plant.

Read first time and referred to committee on ENERGY.

HOUSE FILE 552, by Cusack, a bill for an act to allow renewal of operator and chauffeur licenses by mail.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 553, by Cusack, a bill for an act prohibiting certain public utilities from charging customers who are sixty-five years of age or older a penalty for late payment of a bill.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 554, by Hinkhouse and Hansen, a bill for an act relating to exemptions from the Iowa uniform securities Act for cooperative associations, cooperative housing corporations, and mutual or cooperative organizations.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 555, by Husak, a bill for an act to provide for the implementation of a pilot project to provide railroad passenger service in this state by the state department of transportation and making an appropriation.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 556, by Wyckoff, Poncy, Wells, Koogler, Daggett, Tofte, Husak, Miller of Calhoun, Hinkhouse, Millen, Hansen and Newhard, a bill for an act relating to the licensing and regulation of detection of deception examiners and providing penalties for violation.

Read first time and referred to committee on HUMAN RESOURCES.

INTRODUCTION OF HOUSE JOINT RESOLUTION

HOUSE JOINT RESOLUTION 11, by Spear, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the duties of the lieutenant governor.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE MESSAGES CONSIDERED

SENATE FILE 264, a bill for an act abolishing the World War I, World War II and Korean veteran's bonus funds and the Korean veteran's bonus tax fund and providing for the transfer of funds.

Read first time and referred to committee on BUDGET.

SENATE FILE 321, a bill for an act relating to bonded agricultural warehouses.

Read first time and referred to committee on AGRICULTURE.

SENATE FILE 329, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE FILE 334, a bill for an act relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of

trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a five or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes.

Read first time and referred to committee on TRANSPORTATION.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 74, a bill for an act to provide recreational program activities for residents of county care facilities.

Also: That the Senate has on April 15, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 101, a bill for an act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

Also: That the Senate has on April 15, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 185, a bill for an act making appropriations to the department of justice.

Also: That the Senate has on March 28, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 222, a bill for an act relating to the selection and appointment of the directors of the state fair board.

Also: That the Senate has on April 15, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 251, a bill for an act amending the criminal code revision to allow museums to possess offensive weapons solely as relics.

Also: That the Senate has on April 15, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 280, a bill for an act relating to the disposition of a decedent's property.

Also: That the Senate has on April 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 310, a bill for an act relating to the applicability of provisions of the state building code relating to smoke and fire detection systems.

Also: That the Senate has on April 15, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 342, a bill for an act making appropriations to the municipal assistance fund and county government assistance fund.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 74

H-3638

- 1 Amend House File 74, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, by striking from lines 8 through
- 4 12 the words "The board of supervisors of the
- 5 committee may provide recreational program activities
- 6 for residents of the county care facility and provide
- 7 for the cost of the activities to be included in the
- 8 county care facility's budget" and inserting in lieu
- 9 thereof the words "The board of supervisors or the
- 10 committee shall provide an activities program for
- 11 residents of the county care facility and provide for
- 12 the costs of the activities to be included in the
- 13 county care facility's budget. Any such activities
- 14 program shall include a recreational program, and the
- 15 board or committee shall employ an activities director
- 16 who may be the administrator of the county care
- 17 facility or his or her designee, and whose responsibility
- 18 it will be to oversee these programs".

SENATE AMENDMENT TO
HOUSE FILE 101

H-3637

- 1 Amend House File 101 by striking all after the
2 enacting clause and inserting in lieu thereof the
3 following:
4 "Section 1. Section three hundred fifty-six point
5 five (356.5), subsection six (6), Code 1977, is amended
6 by striking the subsection and inserting in lieu
7 thereof the following:
8 6. Keep a matron on the jail premises at all times
9 during the incarceration of one or more female
10 prisoners; keep either a jailer or matron on the
11 premises at all times during the incarceration of
12 one or more male prisoners, and make nighttime
13 inspections while any prisoners are confined, or
14 provide for incarceration in a jail which conforms
15 to the provisions of this subsection."

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 1977, he approved and transmitted to the Secretary of State the following bills:

Senate File 36, an act correcting an erroneous correlating amendment contained in Chapter Twelve Hundred Forty-one (1241) of the Acts of the Sixty-sixth General Assembly.

Senate File 71, an act to abolish the State Board of Eugenics.

SPECIAL ORDER

(House File 246)

The hour of 9:30 a.m. having arrived, the Speaker announced the special order of business for the consideration of House File 246, a bill for an act to establish a legislative auditor's office by transferring the duties of the legislative fiscal bureau, transferring the duty of the auditor of state to audit state agencies, and establishing a duty of conducting performance audits.

Crabb of Crawford asked for unanimous consent to withdraw the following amendment H-3586 filed by him:

H-3586

- 1 Amend House File 246 as follows:
- 2 1. By striking the enacting clause.

Objection was raised.

Crabb of Crawford moved to withdraw amendment H-3586.

Crabb of Crawford asked for unanimous consent to withdraw his motion to withdraw amendment H-3586.

Objection was raised.

On the motion by Crabb of Crawford to withdraw amendment H-3586, roll call was requested by Brandt of Black Hawk and Nielsen of Polk.

On the question "Shall the motion to withdraw amendment H-3586 prevail?"

The ayes were, 36:

Avenson	Binneboese	Brandt	Brunow
Crabb	Cusack	Dieleman	Doyle
Dunton	Garrison	Gilson	Griffie
Hansen	Hargrave	Harvey	Hinkhouse
Howell	Hullinger	Husak	Jochum
Junker	Lindeen	Loneragan	Middleswart
Miller, O.L.	Monroe	O'Halloran	Oxley
Patchett	Pavich	Small	Spencer
Stromer	Svoboda	Wells	Mr. Speaker

The nays were, 57:

Anderson	Baker	Bennett	Bina
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Daggett	Danker	Davitt	Den Herder
Dyrland	Egenes	Evans	Gentleman
Gilloon	Halvorson	Harbor	Hines
Hoffmann	Horn	Jesse	Koogler

Krause	Krewson	Lageschulte	Lipsky
Menke	Millen	Miller, K.D.	Nielsen
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Welden	West	Woods	Wulff
Wyckoff			

Absent or not voting, 7:

Crawford	Fitzgerald	Harper	Higgins
Newhard	Norland	Scheelhaase	

The motion lost and the House considered amendment H-3586.

Byerly of Polk offered the following amendment H-3597, to amendment H-3586, filed by Byerly, et al., and moved its adoption:

H-3597

- 1 Amend H-3586 amending House File 246 as follows:
- 2 1. Page 1, line 2, by striking the words "the
- 3 enacting clause." and inserting in lieu thereof the
- 4 words "everything after the enacting clause and
- 5 inserting in lieu thereof the following:
- 6 "Section 1. **NEW SECTION. PERFORMANCE AUDIT AND**
- 7 **EVALUATION DIVISION OF THE LEGISLATIVE FISCAL BUREAU-**
- 8 **-APPOINTMENT AND REMOVAL OF PERFORMANCE AUDITOR.**
- 9 1. There is established a performance audit and
- 10 evaluation division of the legislative fiscal bureau
- 11 which shall operate under the direction and control
- 12 of the fiscal and performance audit committee and
- 13 which shall be placed under the administrative
- 14 supervision of the director of the legislative fiscal
- 15 bureau.
- 16 2. The administrative head of the performance
- 17 audit and evaluation division shall be the performance
- 18 auditor. The performance auditor shall be appointed
- 19 as provided in section two point fifty (2.50) of the
- 20 Code.
- 21 3. The employment of the performance auditor may
- 22 be terminated upon recommendation of the legislative
- 23 fiscal director and by a majority vote of the members

24 of the fiscal and performance audit committee. An
25 appeal of the termination decision may be taken to
26 the legislative council which shall affirm or reject
27 the termination action by a majority vote of its
28 members.

29 **Sec. 2. NEW SECTION. DUTIES RELATING TO THE PER-**
30 **FORMANCE AUDIT AND EVALUATION DIVISION.**

31 1. The fiscal and performance audit committee
32 shall prepare and recommend a list of state agencies
33 for performance audit and evaluation to the legislative
34 council. The legislative council shall establish
35 a priority ranking for the list and return the approved
36 list to the committee. A state agency may be removed
37 from the list by the legislative council by a two-
38 thirds vote of its members.

39 2. Subject to subsection one (1) of this section,
40 the fiscal and performance audit committee may make
41 performance audits and reviews of operations of state
42 agencies to ascertain that sums appropriated have
43 been, or are being expended for the purposes for which
44 such appropriations were made and to evaluate the
45 effectiveness of programs in accomplishing legislative
46 intent. The committee may direct the performance
47 audit and evaluation of a state agency out of the
48 order of its priority on the list as staff, time,
49 and budgetary limitations may require. Audits may
50 be made by teams consisting of staff members of both

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1 the fiscal division and the performance audit division.

2 3. The fiscal and performance audit committee
3 may study on a continuing basis the operations,
4 practices and duties of state agencies, as they relate
5 to efficiency in the utilization of space, personnel,
6 equipment and facilities.

7 4. The fiscal and performance audit committee
8 may make such special studies and reports of the
9 operations, costs, and functions of state agencies
10 as it deems appropriate and as may be requested by
11 the general assembly.

12 5. The fiscal and performance audit committee
13 may make such reports on its findings and
14 recommendations at such time and in such manner as
15 the committee deems proper submitting such reports
16 to the state agencies concerned, to the governor and
17 to the general assembly. Such reports as are submitted
18 shall relate to the following matters:

- 19 a. Ways in which the state agencies may operate
20 more economically and efficiently;
- 21 b. Ways in which state agencies can provide better
22 services to the state and the public; and
- 23 c. Areas in which functions of state agencies
24 are duplicative, overlapping, or failing to accomplish
25 legislative objectives or for any other reason should
26 be redefined or redistributed.
- 27 d. Before such reports are issued, the state
28 agency affected shall be given an opportunity to
29 review it and submit written comments or rebuttal
30 to the report. The comments or rebuttal shall be
31 included in the final report.
- 32 e. A report shall not be issued until the fiscal
33 and performance audit committee has approved the
34 report.

35 6. As used in this section, "state agency" means
36 any state office, department, board, bureau, commission
37 or other public or private agency supported in whole
38 or in part by state appropriations.

39 **Sec. 3. NEW SECTION. DUTIES OF THE PERFORMANCE**
40 **AUDITOR.** Under the administrative supervision of
41 the legislative fiscal director, the performance
42 auditor shall:

- 43 1. Recommend for employment and supervise employees
44 of the performance audit division in such positions
45 and at such salaries as shall be authorized by the
46 fiscal and performance audit committee and approved
47 by the legislative council.
- 48 2. Supervise expenditures of the performance audit
49 and evaluation division under the direction of the
50 fiscal and performance audit committee and subject

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- 1 to the approval of the legislative council.
- 2 3. Carry out the duties prescribed in section
3 two (2) of this Act pursuant to the directions of
4 the fiscal and performance audit committee.
- 5 **Sec. 4. NEW SECTION. ACCESS TO STATE OFFICES**
6 **AND DEPARTMENTS—COOPERATION WITH STATE AGENCIES—**
7 **SUBPOENA POWER.**
- 8 1. The performance auditor and employees of the
9 performance audit and evaluation division shall at
10 all times have access to any state agency as defined
11 in section two (2), subsection six (6) of this Act,
12 and to all books, records, and other instrumentalities
13 and properties used in the performance of statutory
14 duties. However, the fiscal and performance audit

15 committee and employees of the division shall not
16 have access to confidential records unless they are
17 data or records from which individual identities are
18 not ascertainable or data or records which have been
19 masked so that individual identities are not
20 ascertainable. Such state agency shall cooperate
21 with the performance auditor in the performance of
22 the auditor's duties and shall make available to the
23 performance auditor such books, records,
24 instrumentalities, and property that may be requested
25 by the performance auditor.

26 2. The performance auditor shall cooperate with
27 the auditor of state and may request information from
28 the auditor of state who shall provide such information
29 as provided in subsection one (1) of this section.

30 3. a. The performance auditor shall, in all
31 matters pertaining to the auditor's duties, have power
32 with the approval of the fiscal and performance audit
33 committee to issue subpoenas of all kinds, administer
34 oaths and examine witnesses, either orally or in
35 writing. Expenses incurred in carrying out such
36 powers shall be paid as in the case of other expenses
37 of the legislative fiscal bureau.

38 b. In case any witness subpoenaed refuses to
39 attend, or produce documents, books, and papers, or
40 shall attend and refuse to make oath, or being sworn
41 refuses to testify, the performance auditor may apply
42 to the district court for the enforcement of attendance
43 and answers to questions as provided by law in the
44 matter of taking depositions.

45 Sec. 5. Section two point forty-two (2.42), Code
46 1977, is amended by striking subsection twelve (12).

47 Sec. 6. Section two point forty-four (2.44),
48 unnumbered paragraph two (2), Code 1977, is amended
49 to read as follows:

50 Members of special interim study committees which

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1 may from time to time be created and members of the
2 legislative fiscal and performance audit committee
3 who are not members of the legislative council shall
4 be entitled to receive the same expenses and
5 compensation provided for the members of the
6 legislative council.

7 Sec. 7. Section two point forty-five (2.45), Code
8 1977, is amended by striking subsection two (2) and
9 inserting in lieu thereof the following:

10 2. The fiscal and performance audit committee

11 shall be composed of the chairpersons and the ranking
12 minority party members of the committees on budget
13 of the house and senate, three members of the house
14 of representatives appointed by the speaker of the
15 house and three members of the senate appointed by
16 the president of the senate. The chairpersons of
17 the budget subcommittees of the house of
18 representatives and the senate may participate as
19 ex officio members of the committee when performance
20 audits and evaluations are conducted on state agencies
21 or programs which are the responsibility of the
22 respective subcommittees. Of the three members
23 appointed by the president of the senate and the
24 speaker of the house, two from each house shall be
25 appointed from the majority party and one from each
26 house shall be appointed from the minority party.
27 Each member of the committee shall serve a two-year
28 term of office commencing with the fourth Monday of
29 January in each odd-numbered year and ending December
30 thirty-first of each even-numbered year. Vacancies
31 in membership shall be filled by the speaker of the
32 house in the case of house members, and the president
33 of the senate in the case of senate members, for the
34 remainder of the unexpired term. To the extent
35 possible, upon appointment of the members of the
36 fiscal and performance audit committee during the
37 first regular session of the general assembly, at
38 least two members of the committee from each house
39 shall be reappointed.

40 The fiscal and performance audit committee shall
41 determine policies for the legislative fiscal bureau
42 and its divisions and shall direct the administration
43 of performance audits in accordance with rules adopted
44 by the committee and approved by the legislative
45 council. A performance audit shall not be commenced
46 until the rules have been approved by the legislative
47 council and disseminated to affected state agencies.
48 Rules and actions of the committee shall be exempt
49 from chapter seventeen A (17A) of the Code. The
50 fiscal and performance audit committee may coordinate

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1 the work of the staff of the legislative fiscal bureau
2 and its divisions. When authorized by the committee,
3 the legislative fiscal director may transfer the staff
4 of the fiscal division to the performance audit and
5 evaluation division of the legislative fiscal bureau
6 on a temporary basis to assist in conducting

7 performance audits.

8 Sec. 8. Section two point forty-six (2.46),
9 unnumbered paragraph one (1), Code 1977, is amended
10 to read as follows:

11 The legislative fiscal and performance audit
12 committee may, ~~subject to the approval of the~~
13 ~~legislative council:~~

14 Sec. 9. Section two point forty-six (2.46), sub-
15 section one (1), Code 1977, is amended by adding the
16 following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The committee shall
18 implement procedures for budgets for the fiscal year
19 beginning July 1, 1978 and thereafter which will
20 direct state agencies to submit budgets to the general
21 assembly developed on a performance basis specifying
22 the purposes and objectives for which funds are
23 requested, the costs of the programs proposed for
24 achieving these objectives and quantitative data
25 measuring the accomplishments and work performed under
26 each program.

27 Sec. 10. Section two point forty-six (2.46), Code
28 1977, is amended by striking subsection four (4).

29 Sec. 11. Section two point forty-seven (2.47),
30 Code 1977, is amended by striking the section and
31 inserting in lieu thereof the following:

32 2.47 ELECTION OF CHAIRPERSON—PROCEDURES. The
33 fiscal and performance audit committee shall hold
34 its initial meeting before the first of February of
35 each odd-numbered year upon notification by the
36 legislative fiscal director. The committee shall
37 organize by electing a chairperson and vice chairperson
38 and adopting rules of procedure. Thereafter the
39 committee shall meet at the call of the chairperson
40 or at such other time as may be decided by rule.
41 The committee shall keep a record of its proceedings
42 which shall be open to public inspection, and it shall
43 inform the legislative council in advance concerning
44 the dates of meetings of the committee.

45 Sec. 12. Section two point forty-eight (2.48),
46 Code 1977, is amended to read as follows:

47 2.48 LEGISLATIVE FISCAL BUREAU ESTABLISHED. There
48 is established a legislative fiscal bureau which shall
49 operate under the direction and control of the
50 legislative fiscal and performance audit committee.

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1 subject to the approval of the legislative council.

2. The legislative fiscal bureau shall be administratively

3 divided into two divisions; the performance audit
4 and evaluation division and the fiscal division.
5 The administrative head of the legislative fiscal
6 bureau shall be the legislative fiscal director.
7 The administrator of the performance audit and
8 evaluation division shall be the performance auditor
9 appointed as provided in section one (1) of this Act
10 and subject to the administrative supervision of the
11 legislative fiscal director. The legislative fiscal
12 bureau shall co-operate with and serve all members
13 of the general assembly, the legislative fiscal and
14 performance audit committee, and committees of the
15 general assembly.

16 The legislative fiscal director shall be appointed
17 by the legislative council, upon recommendation of
18 the legislative fiscal and performance audit committee.
19 His compensation, and the compensation of employees
20 of the legislative fiscal bureau, shall be fixed by
21 the legislative council.

22 Sec. 13. Section two point forty-nine (2.49),
23 subsection one (1), Code 1977, is amended by adding
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. Recommend to the fiscal
26 and performance audit committee no later than August
27 1, 1977 procedures for the implementation of
28 performance budgeting as defined in section two point
29 forty-six (2.46), subsection one (1), of the Code.

30 Sec. 14. Section two point forty-nine (2.49),
31 subsection two (2), Code 1977, is amended to read
32 as follows:

33 2. Report to the legislative fiscal and performance
34 audit committee as required by the legislative fiscal
35 and performance audit committee and the legislative
36 council and to the general assembly after the convening
37 of each legislative session of a general assembly
38 and make such other reports as may be required by
39 either the legislative council or the general assembly.

40 Sec. 15. Section two point fifty-one (2.51), Code
41 1977, is amended to read as follows:

42 2.51 VISITATIONS. The legislative fiscal and
43 performance audit committee, with the approval upon
44 direction of the legislative council, may shall direct
45 a subcommittee, which shall be composed of the chairmen
46 chairpersons and minority party ranking members of
47 the appropriate subcommittees of the committees on
48 appropriations budget of the senate and the house
49 of representatives and the chairmen chairpersons of
50 the appropriate standing committees of the general

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1 assembly, as determined by the legislative council,
2 to visit the offices and facilities of any state
3 office, department, agency, board, bureau, or
4 commission to review programs authorized by the general
5 assembly and the administration of the programs.
6 ~~When the legislative fiscal committee visits the~~
7 ~~offices and facilities of any state office, department,~~
8 ~~agency, board, bureau, or commission to review programs~~
9 ~~authorized by the general assembly and the~~
10 ~~administration of the programs, there shall be included~~
11 ~~the chairmen and minority party ranking members of~~
12 ~~the appropriate subcommittees of the committees on~~
13 ~~appropriations of the senate and the house of~~
14 ~~representatives. The visitation subcommittee and~~
15 ~~the legislative fiscal committee shall be provided~~
16 ~~with information by the appropriate division of the~~
17 ~~legislative fiscal bureau concerning budgets, programs,~~
18 ~~and legislation authorizing programs prior to any~~
19 ~~visitation. Members of a committee subcommittee shall~~
20 ~~be compensated pursuant to section 2.10, subsection~~
21 ~~6. The subcommittee shall make reports and~~
22 ~~recommendations as required by the legislative fiscal~~
23 ~~committee council.~~

24 Sec. 16. There is appropriated from the general
25 fund of the state to the legislative fiscal bureau
26 for the fiscal year beginning July 1, 1977 and ending
27 June 30, 1978 the sum of fifty thousand (50,000)
28 dollars, or so much thereof as is necessary to carry
29 out the purposes of this Act and for salaries, support,
30 maintenance, and miscellaneous purposes.

31 Sec. 17. This Act, except sections nine (9) and
32 thirteen (13) of this Act which shall be effective
33 July 1, 1977, shall be effective January 1, 1978.””

34 2. Page 2, by inserting after line 2 the follow-
35 ing:

36 “2. Amend the title, by striking lines 1 through
37 5 and inserting in lieu thereof the following:

38 “An Act creating a performance audit and evalua-
39 tion division within the legislative fiscal bureau
40 and a fiscal and performance audit committee, providing
41 for their respective powers and duties and making
42 an appropriation.”

Roll call was requested by Harbor of Mills and Varley of Adair.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3597, to amendment H-3586, be adopted?"

The ayes were, 44:

Baker	Bennett	Bina	Binneboese
Branstad	Byerly	Clark, J.H.	Conlon
Connors	Daggett	Danker	Egenes
Halvorson	Harbor	Hines	Hoffmann
Horn	Husak	Jesse	Junker
Koogler	Lageschulte	Lipsky	Menke
Millen	Miller, K.D.	Nielsen	Pellett
Pelton	Perkins	Poncy	Schneklath
Schroeder	Spear	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Welden	Woods	Wulff	Wyckoff

The nays were, 52:

Anderson	Avenson	Brandt	Brockett
Brunow	Chiodo	Clark, B.J.	Crabb
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Hansen	Hargrave
Harvey	Hinkhouse	Howell	Hullinger
Jochum	Krause	Krewson	Lindeen
Loneragan	Middleswart	Miller, O.L.	Monroe
Norland	O'Halloran	Oxley	Patchett
Pavich	Rinas	Scheelhaase	Shimanek
Small	Smalley	Spencer	Stromer
Svoboda	Wells	West	Mr. Speaker

Absent or not voting, 4:

Crawford	Harper	Higgins	Newhard
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Amendment H-3597 lost.

Crabb of Crawford moved the adoption of amendment H-3586.

A non-record roll call was requested.

The ayes were 28, nays 52.

Amendment H-3586 lost.

Brandt of Black Hawk offered the following amendment H-3598 filed by Brandt, et al.:

H-3598

1 Amend House File 246 as follows:

2 1. By striking all after the enacting clause and
3 inserting in lieu thereof the following:

4 "Section 1. **NEW SECTION. INTENT.** It is the
5 intent of the general assembly to establish in the
6 legislative branch of government the capability to
7 independently and intensively review the performance
8 of agencies in operating their programs, to evaluate
9 their efficiency and effectiveness and to recommend
10 alternatives which may improve the benefits of a
11 program or reduce its costs to the citizens. The
12 bureau established by this Act is intended to provide
13 the technical and professional support for the general
14 assembly's oversight responsibility.

15 Sec. 2. **NEW SECTION. PERFORMANCE AUDIT BUREAU.**

16 1. There is established the performance audit
17 bureau. The administrative head of the performance
18 audit bureau shall be the performance auditor.

19 2. The performance auditor shall be appointed
20 upon the nomination of the legislative council and
21 the confirmation of that nomination by two-thirds
22 of the members of each house of the general assembly.
23 When a vacancy in the office of the performance auditor
24 occurs during the legislative interim, the nomination
25 shall be submitted to the general assembly within
26 thirty days of its convening and shall be acted upon
27 by each house within sixty days of its submission.
28 When a vacancy occurs during the legislative session,
29 the nomination shall be submitted within sixty days
30 of the occurrence of the vacancy and shall be acted
31 upon by each house within sixty days of its submission
32 unless the general assembly adjourns prior to the
33 expiration of this schedule. If the general assembly
34 adjourns prior to the expiration of this schedule,
35 a nomination shall be submitted as though the vacancy
36 occurred during the legislative interim. The
37 performance auditor may be removed from office for
38 just cause by a vote of two-thirds of the members
39 of each house of the general assembly. Each

40 performance auditor shall be appointed to a term of
41 five years. A person nominated by the legislative
42 council may serve as an acting performance auditor
43 until the nomination is confirmed or rejected by the
44 general assembly.

45 **Sec. 3. NEW SECTION. DUTIES OF THE PERFORMANCE**
46 **AUDITOR.** The performance auditor shall have the
47 following powers and duties:

48 1. The performance auditor shall employ and
49 supervise the employees of the performance audit
50 bureau at such salaries and in such positions and

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1 professional disciplines as are within the limits
2 of its appropriation.

3 2. The performance auditor shall establish policies
4 and procedures for the operations of the performance
5 audit bureau.

6 3. The performance auditor shall direct the
7 performance audit bureau to examine an agency or
8 program of the state government and its political
9 subdivisions upon the request of the standing committee
10 or budget subcommittee of the general assembly. The
11 performance auditor may direct the performance audit
12 bureau to examine an agency or program of the state
13 government upon the request of a member of the general
14 assembly or upon his or her own initiative.

15 4. The performance auditor shall determine the
16 priorities and allocate the workload of the performance
17 audit bureau.

18 5. The performance auditor shall make an annual
19 report to the general assembly on the examinations
20 conducted by and the condition of the performance
21 audit bureau.

22 6. The performance auditor shall maintain as a
23 public record an index of all performance audit and
24 program evaluation requests, including those of the
25 performance auditor's initiative showing the requesting
26 party, the subject agency, the date the request was
27 made, and the estimated date this work will commence.

28 7. The performance auditor may employ such
29 technical assistance as may be necessary to conduct
30 the assignments of the performance audit bureau.

31 **Sec. 4. NEW SECTION. ACCESS TO RECORDS.** The
32 performance auditor and the agents and employees of
33 the performance audit bureau shall at all times have
34 access to all offices, departments, agencies, boards,
35 bureaus, and commissions of the state, its political

36 subdivisions and private organizations providing
37 services to individuals under a contract with a state
38 agency, and to the books, records, and other
39 instrumentalities and properties used in the
40 performance of their statutory duties, and all offices,
41 departments, agencies, boards, bureaus, and commissions
42 of the state, its political subdivisions and such
43 private organizations shall cooperate with the
44 performance auditor in the performance of the foregoing
45 duty, and shall make available such books, records,
46 instrumentalities, and property.

47 The performance auditor shall have the power to
48 issue subpoenas for production of any records, books,
49 or papers to which the performance auditor is
50 authorized to have access. If any person subpoenaed

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1 refuses to produce the records, books, or papers,
2 the performance auditor may apply to the district
3 court having jurisdiction over that person for the
4 enforcement of the subpoena.

5 If the information sought by the performance audit
6 bureau is required by law to be kept confidential,
7 the performance audit bureau shall have access to
8 the information, but shall maintain the confidentiality
9 of the information and shall be subject to the same
10 penalties for dissemination of the information. The
11 performance auditor shall inform the administrative
12 head of the agency or political subdivision as to
13 the reason for the investigation of its confidential
14 records.

15 **Sec. 5. NEW SECTION. DUTIES OF THE PERFORMANCE**
16 **AUDIT BUREAU.** The performance audit bureau at the
17 direction of the performance auditor shall
18 independently examine agencies and programs to
19 determine the following:

20 1. Whether the agency or program is managing or
21 using its resources in a legal, efficient and
22 economical manner and whether the causes of any
23 inefficient or uneconomical practices have been
24 determined.

25 2. Whether the desired results or benefits are
26 being achieved, whether the objectives established
27 by the general assembly are being met, and whether
28 alternatives which might produce the desired results
29 at a lower cost have been considered.

30 3. Whether administrative or statutory changes
31 are needed to achieve the intent of the general

32 assembly.

33 4. Other criteria determined by the performance
34 auditor.

35 The performance auditor after consulting with the
36 responsible official and the requesting party, if
37 any, shall determine the goals of the agency or program
38 for the purpose of the performance audit or program
39 evaluation. The legislative service bureau,
40 legislative fiscal bureau, auditor of state, state
41 comptroller, and citizens' aide shall cooperate with
42 the performance audit bureau in providing information
43 which they may have concerning the agency or program
44 to be evaluated. Employees of the legislative fiscal
45 bureau may be interchanged with the performance audit
46 bureau pursuant to chapter twenty-eight D (28D) of
47 the Code. The performance audit bureau shall not
48 require an agency to collect any information unless
49 that agency has statutory authority to collect such
50 information. The performance audit bureau shall only

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1 require information which an agency is presently
2 collecting unless the performance auditor determines
3 that additional information is essential to the
4 performance audit.

5 The performance auditor shall not require any
6 broadcasting facility under the control of the state
7 board of regents, the board of directors of a merged
8 area or the state educational radio and television
9 facility board to do any act which would be contrary
10 to the rules of the federal communications commission
11 nor shall the performance auditor conduct an
12 examination of the programming of such a broadcasting
13 facility. The performance auditor shall not do any
14 act which would be contrary to the academic freedom
15 or academic integrity of institutions under the state
16 board of regents nor shall the performance auditor
17 conduct an examination of instruction or research
18 methods or of the contents of the curricula of said
19 institutions.

20 **Sec. 6. NEW SECTION. REPORTS OF THE PERFORMANCE**
21 **AUDIT BUREAU.** At the conclusion of an audit or
22 evaluation, the performance auditor shall provide
23 copies to the official whose office is the subject
24 of the audit or evaluation. The official shall be
25 given a period of not less than twenty days nor more
26 than sixty days by the performance auditor to respond
27 to the findings and recommendations of the audit or

28 evaluation, and the response shall be included in
29 the report. A brief summary of the findings and
30 recommendations shall accompany each report. A report
31 of an audit or evaluation shall be released for
32 publication upon its completion. The report shall
33 be regarded as confidential by all persons properly
34 having custody of it until the report is released
35 as provided by this section. Release of the report
36 in violation of the provisions of this section shall
37 be a simple misdemeanor. Upon the release of the report,
38 the performance auditor shall provide a copy to the
39 governor and copies to the presiding officer of each
40 house of the general assembly for referral to the
41 appropriate standing committee and budget subcommittee.

42 Sec. 7. Section two point forty-two (2.42), Code
43 1977, is amended by adding the following new
44 subsection:

45 NEW SUBSECTION. To fix the compensation of the
46 performance auditor.

47 Sec. 8. Section two point forty-six (2.46), Code
48 1977, is amended by striking subsection four (4).

49 Sec. 9. This Act, being deemed of immediate
50 importance, shall take effect and be in force from

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1 and after its publication in The Waterloo Courier,
2 a newspaper published in Waterloo, Iowa, and in the
3 Bettendorf News, a newspaper published in Bettendorf,
4 Iowa."

5 2. Amend the title, by striking lines 1 through
6 5 and inserting in lieu thereof the following: "An
7 Act creating a performance audit bureau under the
8 direction of a performance auditor and specifying
9 its powers and duties."

Crabb of Crawford offered the following amendment H-3617,
to amendment H-3598, filed by him and moved its adoption:

H-3617

1 Amend amendment H-3598, to House File 246, as
2 follows:

3 1. Page 1, by striking all of lines 4 through
4 50 and inserting in lieu thereof the following:
5 "Section. 1. Section eleven point four (11.4),
6 Code 1977, is amended by adding the following new
7 subsection:

8 NEW SUBSECTION. Conduct a performance audit
9 and evaluation of an agency or program of the state
10 government and its political subdivisions, either
11 upon the direction of the general assembly by resolu-
12 tion or by the legislative council during interims
13 between sessions.

14 Performance auditing is an extension of the
15 auditing function which examines the operating,
16 managerial or administrative performance of
17 selected aspects of an activity or organization
18 to identify opportunities for greater efficiency and
19 economy or for improved effectiveness in carrying
20 out procedures or operations in relation to the
21 goals of the organizations."

22 2. By striking all of pages 2, 3, and 4.

23 3. Page 5, by striking lines 1 through 9
24 and inserting in lieu thereof the following:

25 "2. Amend the title by striking all of lines 1
26 through 5 and inserting in lieu thereof the follow-
27 ing:

28 "An Act relating to performance auditing and
29 evaluation by the auditor of state."

Roll call was requested by Crabb of Crawford and Danker of Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H-3617, to amendment H-3598, be adopted?"

The ayes were, 35:

Bennett	Branstad	Brockett	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Den Herder	Egenes	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Stephens
Tauke	Thompson	Tofte	Varley
Welden	Wulff	Wyckoff	

The nays were, 51:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Clark, B.J.	Connors	Cusack	Davitt

Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffie	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krewson	Lonergan	Monroe
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Small	Smalley
Spear	Spencer	Svoboda	Walter
Wells	West	Mr. Speaker	

Absent or not voting, 14:

Baker	Crawford	Harper	Higgins
Krause	Middleswart	Miller, O.L.	Newhard
Nielsen	Norland	O'Halloran	Perkins
Stromer	Woods		

Amendment H-3617 lost.

Tauke of Dubuque offered the following amendment H-3633, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3633

- 1 Amend H-3598 amending House File 246 as follows:
- 2 1. By striking page 1, line 4 through page 5,
- 3 line 4 and inserting in lieu thereof the following:
- 4 "Section 1. **NEW SECTION. PERFORMANCE AUDITS.**
- 5 The auditor of state shall conduct performance audits
- 6 of those agencies and programs subject to financial
- 7 audits by the auditor of state when requested by the
- 8 governor or the legislative council or when deemed
- 9 necessary by the auditor of state. To the extent
- 10 possible, the conducting of the performance audit
- 11 shall coincide with the conducting of the financial
- 12 audit of the agency or program.
- 13 Sec. 2. **NEW SECTION. EVALUATIONS.** In the conduct
- 14 of a performance audit, the auditor of state may
- 15 evaluate the following:
- 16 1. The organizational framework of the agency,
- 17 its adequacy and relationship to the overall structure
- 18 of the state government.
- 19 2. Areas in which significant inconsistency,
- 20 duplication, or overlapping of activities or programs
- 21 occur either within the agency or with respect to
- 22 other agencies or programs.

- 23 3. Statewide or interagency coordinating or
24 administration practices and their impact upon specific
25 programs or agencies.
- 26 4. Whether the program under the agency's
27 jurisdiction could be more effective if consolidated
28 with another program, transferred to another agency,
29 modified or abolished.
- 30 5. The productivity of the agency's operations
31 measured in terms of cost-benefit relationships or
32 other accepted measures of effectiveness.
- 33 6. The agency's attainment of or progress toward
34 identifiable goals established by statute, specific
35 legislative intent, the budget, the governor, or a
36 long range plan.
- 37 7. Agency and statewide management systems and
38 housekeeping functions including accounting procedures,
39 personnel practices, planning activities, reporting
40 and recordkeeping applications, staff qualifications,
41 employment ratios, budget controls, purchasing
42 transactions, communications patterns, public
43 relations, and other related functions.
- 44 8. Agency or statewide administrative or program
45 delivery techniques which are innovative, novel,
46 experimental or unique in achieving greater efficiency,
47 reduced costs, improved use of resources or increased
48 responsiveness to expressed or anticipated needs.
- 49 9. Agency or statewide state-federal relationships,
50 financial exchanges, program coordination, administra-

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- 1 tion and other joint activities.
- 2 10. Agency and program relationships between the
3 state and its political subdivisions analyzing
4 significant areas of state and local government contact
5 and identifying mutual or opposing program directions
6 and areas of duplicatory or overlapping programs.
- 7 11. The agency's or program's adherence to
8 statutory requirements and diligence in executing
9 functions assigned by law or policies established
10 by the governor.
- 11 12. The agency's or program's responsiveness
12 to anticipated public attitudes, citizen needs, or
13 state problems.
- 14 13. The statewide, agency or program regulatory,
15 reporting or recordkeeping requirements and the bur-
16 dens imposed upon the general public, political sub-
17 divisions, commercial enterprise or other entities
18 in the state.
- 19 14. Any other area designated to measure the effi-

- 20 ciency or economic quotient of state or local govern-
21 ment operations.
- 22 Sec. 3. NEW SECTION. RECOMMENDATIONS AND RE-
23 PORTS.
- 24 1. Each performance audit report by the auditor
25 of state shall relate the positive achievements of
26 the agency or program being examined during the period
27 covered by the audit and shall make specific
28 recommendations directed toward the following:
- 29 a. Eliminating duplication or conflict between
30 agencies or among programs.
- 31 b. Increasing efficiency in operations or
32 management.
- 33 c. Reducing budget requirements or eliminating
34 unnecessary costs.
- 35 d. Improving the quality of administration or
36 services.
- 37 e. Simplifying procedures or practices.
- 38 f. Improving the responsiveness to public concerns.
- 39 g. Needed statutory, regulatory or administrative
40 changes.
- 41 h. Any other related issues.
- 42 2. The auditor of state shall allow the state
43 comptroller and the officials of the agency or program
44 being examined reasonable opportunity to review and
45 comment on the findings of the performance audit.
46 The comments shall be included in the performance
47 audit report. Copies of the report shall be furnished
48 to the governor and the members of the legislative
49 council prior to its release for publication.
- 50 3. All performance audits shall be conducted in

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- 1 accordance with generally recognized auditing standards
2 issued by the general accounting office of the United
3 States or the american institute of certified public
4 accountants.
- 5 Sec. 4. Chapter eight (8), Code 1977, is amended
6 by adding the following new section:
- 7 NEW SECTION. RESPONSE TO PERFORMANCE AUDITS.
- 8 1. Each department and establishment of government
9 shall report on forms prepared by the state comptroller
10 accompanying the expenditure requirements estimate
11 any action taken in response to a finding or
12 recommendation of a performance audit report affecting
13 the department or establishment. The state comptroller
14 shall report annually to the legislative council,
15 governor, and auditor of state on the progress made
16 in implementing the findings and recommendations of

- 17 the performance audit reports.
 18 2. The state comptroller shall assist in
 19 effectuating the recommendations of performance audit
 20 reports by establishing procedures to develop the
 21 following:
 22 a. Common statewide and interagency definitions
 23 of programs, subprograms, and activities.
 24 b. Long and short range agency goals and ob-
 25 jectives.
 26 c. Uniform units of agency and program performance
 27 and effectiveness.
 28 d. Identification of proposed methods of increas-
 29 ing state government efficiency and of resources
 30 needed to implement performance audit recommendations.
 31 e. Identification of housekeeping changes in
 32 statutes.
 33 Sec. 5. This Act is effective January 1, 1978."
 34 2. Page 5, by striking lines 7 through 9 and
 35 inserting in lieu thereof the following: "Act to
 36 provide standards and procedures for the auditor of
 37 state and state comptroller for the conducting and
 38 implementing of performance audits."

Roll call was requested by Tauke of Dubuque and Harvey of Scott.

On the question "Shall amendment H-3633, to amendment H-3598, be adopted?"

The ayes were, 36:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Den Herder	Egenes	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Junker	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Stephens	Tauke	Thompson
Tofte	Varley	Welden	Wulff

The nays were, 46:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Connors
Cusack	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Giloon	Gilson	Griffee	Hargrave

Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Krewson	Loneragan	Miller, K.D.	Miller, O.L.
Monroe	Oxley	Patchett	Pavich
Perkins	Poncy	Smalley	Spear
Spencer	Svoboda	Walter	Wells
Wyckoff	Mr. Speaker		

Absent or not voting, 18:

Baker	Byerly	Crawford	Doyle
Gentleman	Harper	Higgins	Koogler
Krause	Middleswart	Newhard	Nielsen
Norland	O'Halloran	Rinas	Stromer
West	Woods		

Amendment H-3633 lost.

Hansen of O'Brien offered the following amendment H-3601, to amendment H-3598, filed by him and moved its adoption:

H-3601

- 1 Amend amendment H-3598, to House File 246, as
- 2 follows:
- 3 1. Page 1, line 20, by striking the words
- 4 "the legislative council" and inserting in lieu
- 5 thereof the following: "a committee composed of
- 6 the majority and minority leaders of each house
- 7 of the general assembly".

A non-record roll call was requested.

The ayes were 28, nays 48.

Amendment H-3601 lost.

(House File 246 and amendment H-3598 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rinas of Linn for the remainder of the day and April 20 on request of Krause of Kossuth; Lindeen of Henry for the remainder of the day on request of Stephens of Plymouth.

QUORUM CALL

Roll call was requested by Krause of Kossuth and Schroeder of Pottawattamie to determine that a quorum was present. Rule 69 was invoked. The vote revealed:

Present, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lipsky	Lonergan	Menke
Millen	Miller, O.L.	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

Absent, 12:

Clark, J.H.	Hargrave	Harper	Lindeen
Middleswart	Miller, K.D.	Newhard	Nielsen
Rinas	Scheelhaase	Woods	Wulff

BUSINESS PENDING

The House resumed consideration of House File 246, a bill for an act to establish a legislative auditor's office by transferring the duties of the legislative fiscal bureau, transferring the duty of the auditor of state to audit state agencies, and establishing a duty of conducting performance audits, and amendment H-3598 filed by Brandt, et al.

Miller of Buchanan offered the following amendment H-3643, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3643

- 1 Amend the amendment H-3598 to House File 246
- 2 as follows:
- 3 1. Page 1, line 39, by striking the word "each"
- 4 and inserting in lieu thereof the word "either".

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 57, nays 32.

Amendment H-3643 was adopted.

Stromer of Hancock offered the following amendment H-3641, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3641

- 1 Amend the amendment H-3598 to House File 246
- 2 as follows:
- 3 1. Page 1, line 40, by striking the words "a
- 4 term of".
- 5 2. Page 1, line 41, by striking the words
- 6 "five years" and inserting in lieu thereof the words
- 7 "an indefinite term".

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 42, nays 49.

Amendment H-3641 lost.

Svoboda of Iowa offered the following amendment H-3602, to amendment H-3598, filed by her and moved its adoption:

H-3602

- 1 Amend amendment H-3598 to House File 246 as
- 2 follows:
- 3 1. Page 1, line 41, by striking the word "five"
- 4 and inserting in lieu thereof the word "nine".

A non-record roll call was requested.

The ayes were 19, nays 54.

Amendment H-3602 lost.

Evans of Grundy offered the following amendment H-3648, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3648

- 1 Amend amendment H-3598 to House File 246 as
- 2 follows:
- 3 1. Page 1, line 44, by inserting after the word
- 4 "assembly." the following:
- 5 "A person shall not become a candidate for any
- 6 elective state office while serving as performance
- 7 auditor or acting performance auditor, and any person
- 8 who becomes a candidate contrary to this provision.
- 9 shall thereby be deemed to have resigned from the
- 10 office of auditor."

Amendment H-3648 was adopted.

Crabb of Crawford offered the following amendment H-3627, to amendment H-3598, filed by him from the floor:

H-3627

- 1 Amend amendment H-3598, to House File 246, as
 2 follows:
 3 1. Page 2, by striking lines 6 through 14
 4 and inserting in lieu thereof the following:
 5 "3. The legislative auditor shall direct the
 6 performance audit division to examine an agency or
 7 program of the state government and its political
 8 subdivisions when directed by a joint resolution
 9 passed by a constitutional majority of both houses
 10 of the general assembly while in session or by a
 11 majority vote of the legislative council in the in-
 12 terim between sessions of the general assembly."

By unanimous consent the following amendment H-3666, to amendment H-3627 (to amendment H-3598), filed by Crabb of Crawford from the floor was adopted:

H-3666

- 1 Amend the amendment H-3627 to amendment H-3598
 2 to page 2 of House File 246 as follows:
 3 1. Page 1, line 5, by striking the word
 4 "legislative" and inserting in lieu thereof the
 5 word "performance".

Crabb of Crawford moved the adoption of amendment H-3627, as amended, to amendment H-3598.

Roll call was requested by Crabb of Crawford and Harbor of Mills.

Rule 70 was invoked.

On the question "Shall amendment H-3627, as amended, to amendment H-3598 be adopted?"

The ayes were, 38:

Bennett	Brockett	Byerly	Clark, J.H.
Crabb	Daggett	Danker	Den Herder
Egenes	Evans	Halvorson	Hansen
Harbor	Hoffmann	Husak	Junker
Lipsky	Menke	Millen	Miller, K.D.

Nielsen	Pellett	Pelton	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Stephens	Tauke	Thompson	Tofte
Varley	Walter	Welden	Woods
Wulff	Wyckoff		

The nays were, 53:

Anderson	Avenson	Bina	Binneboese
Brandt	Branstad	Brunow	Clark, B.J.
Conlon	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Krewson	Lageschulte	Lonergan
Middleswart	Miller, O.L.	Monroe	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Scheelhaase	Small	Spencer
Stromer	Svoboda	Wells	West
			Mr. Speaker

Absent or not voting, 9:

Baker	Chiodo	Harper	Koogler
Krause	Lindeen	Newhard	Norland
Rinas			

Amendment H-3627 lost.

Harvey of Scott offered the following amendment H-3630, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3630

- 1 Amend H-3598 to House File 246 as follows:
- 2 1. Page 2, lines 8 and 9, by striking the words
- 3 "and its political subdivisions".

Roll call was requested by Harvey of Scott and Tauke of Dubuque.

On the question "Shall amendment H-3630, to amendment H-3598, be adopted?"

The ayes were, 63:

Avenson	Bennett	Bina	Binneboese
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Cusack	Daggett	Den Herder	Dunton
Egeres	Evans	Gentleman	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lipsky	Lonergan	Menke	Millen
Miller, K.D.	Miller, O.L.	Norland	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Schneklath	Schroeder
Shimanek	Smalley	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wulff	Wyckoff	

The nays were, 26:

Brandt	Connors	Crabb	Danker
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Garrison	Hargrave	Higgins
Hines	Horn	Howell	Jesse
Jochum	Krause	Middleswart	Monroe
Nielsen	O'Halloran	Scheelhaase	Spear
Spencer	Mr. Speaker		

Absent or not voting, 11:

Anderson	Baker	Chiodo	Harper
Hullinger	Koogler	Lindeen	Newhard
Rinas	Small	Wells	

Amendment H-3630 was adopted.

Brandt of Black Hawk offered the following amendment H-3625, to amendment H-3598, filed by her from the floor and moved its adoption:

H-3625

- 1 Amend H-3598 amending House File 246 as follows:
- 2 1. Page 2, line 10, by striking the word "The".
- 3 2. Page 2, by striking lines 11 through 14.

- 4 3. Page 2, lines 24 and 25, by striking the words
5 “, including those of the performance auditor’s
6 initiative”.

Amendment H-3625 was adopted, placing amendment H-3640 (to amendment H-3598) filed by Harvey of Scott from the floor out of order.

Crabb of Crawford offered the following amendment H-3628, to amendment H-3598, filed by him from the floor:

H-3628

- 1 Amend amendment H-3598, to House File 246, as
2 follows:
3 1. Page 3, by striking lines 5 through 14.

Action on amendment H-3628 was temporarily deferred.

Harvey of Scott offered the following amendment H-3639, to amendment H-3598, filed by him and Tauke of Dubuque from the floor and moved its adoption:

H-3639

- 1 Amend H-3598 amending House File 246 as follows:
2 1. Page 3, by inserting after line 19 the
3 following:
4 “1. The organizational framework of the agency,
5 its adequacy and relationship to the overall structure
6 of the state government.
7 2. Areas in which significant inconsistency,
8 duplication, or overlapping of activities or programs
9 occur either within the agency or with respect to
10 other agencies or programs.
11 3. Statewide or interagency coordinating or
12 administration practices and their impact upon
13 specific programs or agencies.
14 4. Whether the program under the agency’s
15 jurisdiction could be more effective if consolidated
16 with another program, transferred to another agency,
17 modified or abolished.
18 5. The productivity of the agency’s operations
19 measured in terms of cost-benefit relationships or
20 other accepted measures of effectiveness.
21 6. The agency’s attainment of or progress toward

- 22 identifiable goals established by statute, specific
23 legislative intent, the budget, the governor, or a
24 long range plan.
- 25 7. Agency and statewide management systems and
26 housekeeping functions including accounting procedures,
27 personnel practices, planning activities, reporting
28 and recordkeeping applications, staff qualifications,
29 employment ratios, budget controls, purchasing
30 transactions, communications patterns, public
31 relations, and other related functions.
- 32 8. Agency or statewide administrative or program
33 delivery techniques which are innovative, novel,
34 experimental or unique in achieving greater efficiency,
35 reduced costs, improved use of resources or increased
36 responsiveness to expressed or anticipated needs.
- 37 9. Agency or statewide state—federal relationships,
38 financial exchanges, program coordination, administra-
39 tion and other joint activities.
- 40 10. Agency and program relationships between the
41 state and its political subdivisions analyzing
42 significant areas of state and local government contact
43 and identifying mutual or opposing program directions
44 and areas of duplicatory or overlapping programs.
- 45 11. The agency's or program's adherence to
46 statutory requirements and diligence in executing
47 functions assigned by law or policies established by
48 the governor.
- 49 12. The agency's or program's responsiveness
50 to anticipated public attitudes, citizen needs, or

Page 2

- 1 state problems.
- 2 13. The statewide, agency or program regulatory,
3 reporting or recordkeeping requirements and the
4 burdens imposed upon the general public, political
5 subdivisions, commercial enterprise or other entities
6 in the state."

A non-record roll call was requested.

The ayes were 83, nays 2.

Amendment H-3639 was adopted.

Small of Johnson offered the following amendment H-3662, to amendment H-3598, filed by him from the floor:

H-3662

- 1 Amend amendment H-3598 to House File
- 2 246 as follows:
- 3 1. Page 3, line 7, by inserting
- 4 after the word "shall" the word "not".
- 5 2. Page 3, by striking lines 8,
- 6 9 and 10 and inserting in lieu thereof
- 7 the following: "the information. The".
- 8 3. Page 3, line 13, by striking the
- 9 word "confidential".

Brandt of Black Hawk asked and received unanimous consent that action on amendment H-3662 be temporarily deferred.

Lipsky of Linn offered the following amendment H-3636, to amendment H-3598, filed by her from the floor and moved its adoption:

H-3636

- 1 Amend the amendment H-3598 to House File 246
- 2 as follows:
- 3 1. Page 3, by striking line 50 and inserting
- 4 in lieu thereof the following: "information."
- 5 2. Page 4, by striking lines 1 through 4.

A non-record roll call was requested.

The ayes were 21, nays 48.

Amendment H-3636 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wulff of Black Hawk for the remainder of the day on request of Branstad of Winnebago.

Stromer of Hancock offered the following amendment H-3631, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3631

- 1 Amend the amendment H-3598 to House File 246
- 2 as follows:
- 3 1. Page 4, line 15, by striking the words "or
- 4 academic integrity".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 65, nays 15.

Amendment H-3631 was adopted.

Tauke of Dubuque offered the following amendment H-3634, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3634

- 1 Amend amendment H-3598 to House File 246 as
- 2 follows:
- 3 1. Page 4, line 23, by inserting after the word
- 4 "to" the words "the Governor and".

Roll call was requested by Tauke of Dubuque and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-3634, to amendment H-3598, be adopted?"

The ayes were, 40:

Bennett	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Junker	Krewson	Lageschulte	Lipsky
Menke	Millen	Pellett	Pelton

Schnekloth	ShimaneK	Small	Smalley
Stephens	Stromer	Thompson	Tofte
Varley	Walter	Welden	West

The nays were, 50:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Scheelhaase	Spear
Spencer	Svoboda	Tauke	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 10:

Harper	Higgins	Krause	Lindeen
Newhard	Nielsen	Rinas	Schroeder
Wells	Wulff		

Amendment H-3634 lost.

Crabb of Crawford offered the following amendment H-3626, to amendment H-3598, filed by him from the floor:

H-3626

- 1 Amend amendment H-3598, to House File 246, as
- 2 follows:
- 3 1. Page 4, by inserting after line 41 the
- 4 following:
- 5 "At the conclusion of an audit or evaluation,
- 6 the legislative auditor shall report the total costs
- 7 of conducting each audit including the total costs
- 8 to the agency or program being audited as a part of
- 9 the audit report."

By unanimous consent the following amendment H-3672, to amendment H-3626 (to amendment H-3598) filed by him from the floor was adopted:

H-3672

- 1 Amend amendment H-3626 to amendment H-3598,
- 2 to House File 246, as follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "legislative" and inserting in lieu thereof the
- 5 word "performance".

Crabb of Crawford moved the adoption of amendment H-3626, as amended, to amendment H-3598.

A non-record roll call was requested.

The ayes were 79, nays 1:

Amendment H-3626, as amended, was adopted.

Harvey of Scott offered the following amendment H-3632, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3632

- 1 Amend H-3598 amending House File 246 as follows:
- 2 1. Page 4, by inserting after line 48 the
- 3 following:
- 4 "Sec. ____ This Act is repealed January 1, 1986."
- 5 2. Renumber the sections to conform with this
- 6 amendment.

Amendment H-3632 was adopted.

Small of Johnson offered the following amendment H-3670 filed by him from the floor:

H-3670

- 1 Amend amendment H-3598 to House File
- 2 246 as follows:
- 3 1. Page 3, line 7, by inserting
- 4 after the word "shall" the word "not".
- 5 2. Page 3, by striking lines 8,
- 6 9 and 10 and inserting in lieu thereof
- 7 the following: "the information, unless
- 8 that information contains data or

- 9 records from which individual identities are
10 not ascertainable or the data or records
11 have been masked so that the individual identities
12 are not ascertainable. The”.
13 3. Page 3, line 13, by striking the
14 word “confidential”.

Schroeder of Pottawattamie asked and received unanimous consent that action on amendment H-3670 be deferred for the consideration of amendment H-3662 and the House resumed consideration of amendment H-3662.

Small of Johnson moved the adoption of amendment H-3662, to amendment H-3598.

A non-record roll call was requested.

The ayes were 25, nays 53.

Amendment H-3662 lost.

(House File 246 and amendment H-3598, as amended, pending at adjournment.)

MOTIONS TO RECONSIDER

(Amendment H-3630 to House File 246)

I move to reconsider the vote by which amendment H-3630, to amendment H-3598, to House File 246 was adopted by the House on April 19, 1977.

PATCHETT of Johnson

(Amendment H-3634 to House File 246)

I move to reconsider the vote by which amendment H-3634, to amendment H-3598, to House File 246 failed to be adopted by the House on April 19, 1977.

TAUKE of Dubuque

(Amendment H-3597 to House File 246)

I move to reconsider the vote by which amendment H-3597, to amendment H-3586, failed to be adopted by the House on April 19, 1977.

CHIODO of Polk

PRESENTATIONS OF VISITORS

Small of Johnson presented to the House the Honorable Harold Houston, former member of the House during the Fifty-eighth and Sixty-first General Assemblies representing Crawford County.

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

Sixty juniors and seniors from Norwalk High School, Norwalk, Iowa, accompanied by Mrs. McNeeley. By Davitt of Warren.

Forty-two students from Centennial Elementary, Altoona, Iowa, accompanied by Mrs. Bragg and Mr. Dykstra. By Nielsen of Polk.

Thirty Camp Fire girls from Cedar Rapids, Iowa, accompanied by Betty Gilbertson, Renee Ohsman, Marcie Page, Sandy Fletcher, JoAnn Bryant and Jo O'Brien. By Lipsky of Linn.

Twenty-six eighth grade students from Lytton Elementary School, Lytton, Iowa, accompanied by Tom Sawyer. By Bennett of Ida.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 245 Human Resources

Relating to revisions in Chapter 239, aid to dependent children.

S.B. 246 Human Resources

Relating to granting an easement at the Woodward Hospital-School.

S.B. 247 Human Resources

Relating to management of institutions under the department of social services.

S.B. 248 Human Resources

Relating to the use of proceeds from the lease of agricultural property and the sale of livestock or agricultural products by an institution under the control of the department of social services.

S.B. 249 Human Resources

Relating to work release programs for inmates of institutions.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 19th day of April, 1977:

House File 367

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 8:00 a.m., April 13, 1977.

Convened: 8:10 a.m.

Adjourned: 9:50 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett and Varley.

Absent: Doyle (arrived 8:55 a.m.), Pelton (arrived 8:18 a.m.), Svoboda (arrived 8:18 a.m.), Griffee, Norland and Perkins.

Study Bill 235, a bill for an act requiring existing residential dwellings or portions of existing structures used therefore to meet certain thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan.

Recommended AMEND AND DO PASS.

Aye: O'Halloran, Howell, Binneboese, Danker, Doyle, Evans, Hullinger, Pelton, Svoboda and Varley.

Nay: Hinkhouse and Pellett.

Absent or Not Voting: Welden, Daggett, Griffee, Lindeen, Middleswart, Norland and Perkins.

Demonstration of direct spark ignition system as an alternative to continuous pilot lights.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 2:00 p.m., April 18, 1977

Convened: 2:00 p.m.

Adjourned: 2:55 p.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Schroeder and Tofte.

Absent: Cusack, Miller of Buchanan and Newhard.

House File 442, a bill for an act relating to the conformity of buildings to standards and specifications for handicapped persons.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Baker, Brunow, Clark of Cerro Gordo, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan and Schroeder.

Nay: Dyrland.

Absent or Not Voting: Cusack, Miller of Buchanan, Newhard and Tofte.

Senate File 112, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

Recommended AMEND AND DO PASS.

H-3642

- 1 Amend Senate File 112 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 20 the following
4 new subsections:
5 "6. "Project" means a locally functioning part
6 of a community-based correctional program, officed
7 and operating in a physical location separate from
8 the offices of the district department.
9 7. "Project advisory committee" means a committee
10 of no more than seven persons which shall act in an
11 advisory capacity to the director on matters pertaining
12 to the planning, operation and other pertinent
13 functions of each project in the judicial district.
14 The members of the project advisory committee for
15 each such project shall be initially appointed by
16 the director from among the general public. No member
17 of the project advisory committee shall hold public
18 office or public employment during membership on such
19 committee. The terms of the initial members of the
20 project advisory committee shall be staggered to
21 permit the terms of just over half of the members
22 to expire in two years and those of the remaining
23 members to expire in one year. Subsequent appointments
24 to the project advisory committee shall be by vote
25 of a majority of the whole project advisory committee
26 for two-year terms."
27 2. Page 1, by striking lines 34 and 35 and
28 inserting in lieu thereof the following:
29 "1. The board of directors of each district
30 department shall be composed as follows:"

- 31 3. Page 2, by striking lines 1 through 35 and
32 inserting in lieu thereof the following:
- 33' "a. One member shall be chosen from and by the
34 board of supervisors of each county in the judicial
35 district and shall be so designated annually by the
36 respective boards of supervisors at the organiza-
37 tional meetings held under section three hundred
38 thirty-one point thirteen (331.13) of the Code.
- 39 b. One member shall be chosen from each of the
40 project advisory committees within the judicial
41 district, which person shall be designated annually,
42 no later than January fifteenth by and from the project
43 advisory committee.
- 44 c. A number of members equal to the number of
45 authorized board members from project advisory
46 committees shall be appointed by the judges of the
47 judicial district no later than January fifteenth
48 of each year.
- 49 Within thirty days after the members of the district
50 board have been so designated for the year, the

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- 1 district board shall organize by election of a
2 chairperson, a vice chairperson and members of the
3 executive committee as required by subsection two
4 (2) of this section. The district board shall meet
5 at least quarterly during the calendar year but may
6 meet more frequently upon the call of the chairperson
7 or upon a call signed by a majority, determined by
8 weighted vote computed as in subsection four (4) of
9 this section hereinafter, of the members of the board.
- 10 2. Each district board shall have an executive
11 committee consisting of the chairperson and vice
12 chairperson and at least one but no more than five
13 other members of the district board. Either the
14 chairperson or the vice chairperson shall be a
15 supervisor, and the remaining representation on the
16 executive committee shall be divided as equally as
17 possible among supervisor members, project advisory
18 committee members, and judicially-appointed members.
19 The executive committee may exercise all of the powers
20 and discharge all of the duties of the district board,
21 as prescribed by this Act, except those specifically
22 withheld from the executive committee by action of
23 the district board.
- 24 3. The members of the district board and of the
25 executive committee shall be reimbursed from funds

26 of the district department for travel and other
27 expenses necessarily incurred in attending meetings
28 of those bodies, or while otherwise engaged on business
29 of the district department.

30 4. Each member of the district board shall have
31 one vote on the board. However, upon the request
32 of any supervisory member, the vote on any matter
33 before the board shall be taken by weighted vote.
34 In each such case, the vote of the supervisor
35 representative of the least populous county in the
36 judicial district shall have a weight of one unit,
37 and the vote of each of the other supervisor members
38 shall have a weight which bears the same proportion
39 to one unit as the population of the county that
40 supervisor member represents bears to the population
41 of the least populous county in the district. In
42 the event of weighted vote, the vote of each member
43 appointed from a project advisory committee and each
44 judicially appointed member shall have a weight of
45 one unit."

46 4. Page 3, by striking line 1.

47 5. Page 3, line 12, by inserting after the period
48 the words "For purposes of collective bargaining under
49 chapter twenty (20) of the Code, employees of the
50 district board who are not exempt from chapter twenty

Page 3

1 (20) of the Code shall be employees of the state,
2 and the employees of all of the district boards shall
3 be included within one collective bargaining unit."

4 6. Page 3, line 18, by striking the words
5 "reimbursement of" and inserting in lieu thereof the
6 words "advancement of funds to".

7 7. Page 4, line 13, by inserting after the word
8 "acceptable," the words "and with approval of the
9 director of the division of adult corrections of the
10 department of social services or that director's
11 designee".

12 8. Page 4, line 35, by inserting after the period
13 the words "Funds appropriated pursuant to the budget
14 requests of the respective district departments shall
15 be allocated on a quarterly basis, and the state
16 comptroller shall authorize advancement of the funds
17 so allocated to each district department's
18 administrative agent at the beginning of each fiscal
19 quarter."

20 9. Page 5, lines 1 and 2, by striking the words

- 21 "included but not limited to" and inserting in lieu
22 thereof the words "other than".

Aye: Higgins, Crawford, Baker, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Krewson, Lipsky, Schroeder and Tofte.

Nay: Anderson and Lonergan.

Absent or Not Voting: Walter, Cusack, Hargrave, Miller of Buchanan and Newhard.

Study Bill 246, a bill for an act relating to granting an easement at the Woodward Hospital—School.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Baker, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan and Schroeder.

Nay: None.

Absent or Not Voting: Cusack, Miller of Buchanan, Newhard and Tofte.

Study Bill 249, a bill for an act relating to work release programs for inmates of institutions.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan and Schroeder.

Nay: None.

Absent or Not Voting: Baker, Cusack, Miller of Buchanan, Newhard and Tofte.

Senate File 35, a bill for an act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code.

Recommended AMEND AND DO PASS.

H-3667

- 1 Amend Senate File 35 as follows:
- 2 1. Page 1, by inserting after line 22 the follow-
- 3 ing:

4 "Sec. 2. Section two hundred thirty point twenty—
5 five (230.25), subsection two (2), Code 1977, is
6 amended to read as follows:

7 2. All liens created under section 230.25, as
8 that section appeared in the Code of 1975 and prior
9 editions of the Code, are abolished effective January
10 1, 1977, except as otherwise provided by subsection
11 1. The board of supervisors of each county shall,
12 as soon as practicable after July 1, 1976, review
13 all liens resulting from the operation of said section
14 230.25, Code 1975, and make a determination as to
15 the ability of the person against whom the lien exists
16 to pay the charges represented by the lien, and if
17 they find that the person is able to pay those charges
18 they shall direct the county attorney of that county
19 to take immediate action to enforce the lien. If
20 action is commenced under this section on any lien
21 prior to the effective date of the abolition thereof,
22 that lien shall not be abolished but shall continue
23 until the action is completed. The board of
24 supervisors shall release any such lien when the
25 charge on which the lien is based is fully paid or
26 is compromised and settled by the board in such manner
27 as its members deem to be in the best interest of
28 the county, or when the estate affected by the lien
29 has been probated and the proceeds allowable have
30 been applied on the lien.

31 Sec. 3. Section three hundred fifty—one point
32 nineteen (351.19), Code 1977, is repealed."

33 2. Title, line 2, by inserting after the word
34 "Code" the words ", clarifying the basis for release
35 of certain liens held by counties under section two
36 hundred thirty point twenty—five (230.25), subsection
37 two (2), of the Code, and repealing the requirement
38 that unpaid dog license fees be entered as a tax by
39 the county treasurer".

Aye: Higgins, Walter, Crawford, Anderson, Brunow, Clark of Cerro
Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky,
Loneragan and Schroeder.

Nay: Baker

Absent or not voting: Cusack, Miller of Buchanan, Newhard and Tofte.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 2:00 p.m., April 18, 1977

Convened: 2:05 p.m.

Adjourned: 3:05 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Gilloon, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: Chiodo (arrived 2:10 p.m.), Hines (arrived 2:10 p.m.), Halvorson and Horn.

Discussed rewriting Study Bill 240 relating to unemployment compensation.

AMENDMENTS FILED

H-3635	H.F. 464	Welden of Hardin
H-3645	H.F. 464	Schroeder of Pottawattamie
H-3646	S.F. 329	Middleswart of Warren
H-3647	H.F. 426	Wyckoff of Benton
		Junker of Woodbury
H-3649	H.F. 356	Avenson of Fayette
H-3650	H.F. 248	Pelton of Clinton
H-3651	H.F. 248	Conlon of Muscatine
H-3652	H.F. 248	Conlon of Muscatine
H-3653	H.F. 248	Conlon of Muscatine
H-3654	H.F. 248	Conlon of Muscatine
H-3655	H.F. 248	Conlon of Muscatine
H-3656	H.F. 248	Conlon of Muscatine
H-3657	H.F. 248	Conlon of Muscatine
H-3658	H.F. 248	Conlon of Muscatine
H-3659	H.F. 248	Conlon of Muscatine
H-3660	H.F. 248	Bennett of Ida
H-3661	H.F. 248	Conlon of Muscatine
H-3663	H.F. 248	Bennett of Ida
H-3664	H.F. 248	Branstad of Winnebago
H-3665	H.F. 248	Branstad of Winnebago
H-3668	H.F. 90	Koogler of Mahaska
H-3669	H.F. 246	Patchett of Johnson
		Monroe of Des Moines
		Cusack of Scott

H-3671

H.F. 248

Branstad of Winnebago

On motion by Fitzgerald of Webster the House adjourned at 5:48 p.m., until 9:00 a.m., Wednesday, April 20, 1977.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day -- Sixty--ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 20, 1977

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

Prayer was offered by the Reverend Larry Laskie, pastor of the United Church of Christ, Garner, Iowa.

The Journal of Tuesday, April 19, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Zoutendam, Sheldon, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk on request of O'Halloran of Black Hawk; Nielsen of Polk on request of Byerly of Polk; Wulff of Black Hawk on request of Clark of Cerro Gordo.

PETITIONS FILED

The following petitions were received and placed on file:

By Husak of Tama from two hundred sixteen constituents supporting a mandatory refund value on beverage containers and banning "pull-tab" cans.

By Thompson of Polk from twenty--six constituents supporting strong programs for the blind of Iowa, particularly the rehabilitation program conducted by the Iowa Commission for the Blind and other projects of the Iowa Lions Sight Conservation Foundation.

By Nielsen of Polk from one hundred four constituents to adequately fund human resources programs.

By Brandt of Black Hawk from seven hundred eighty-two members of the John Deere Employees Credit Union supporting legislation to create a separate state agency to exercise regulatory control over Iowa's 408 state-chartered credit unions.

INTRODUCTION OF BILLS

HOUSE FILE 557, by Fitzgerald, Baker, Avenson, Anderson, Svoboda, Poncy, Hargrave, Husak, Davitt, Gilson, Newhard, Binneboese, Jesse, Hines, Horn, Hinkhouse, Millen, Oxley, Koogler, Scheelhaase, Spear, Gilloon, Dyrland, Perkins, Miller of Buchanan, Varley, Krause, Middleswart, Griffee, Patchett, Dunton, Spencer, Hansen, Miller of Calhoun, Dieleman, Howell, Rinas, Small, Halvorson, Wyckoff, Krewson, Wells, Jochum, Lonergan, Higgins, Pavich, Tofte, Walter, Clark of Cerro Gordo, Woods, Lindeen, Garrison, Chiodo, Menke, Cusack and Thompson, a bill for an act relating to a community development program and making an appropriation.

Read first time and referred to committee on CITIES.

HOUSE FILE 558, by committee on budget, a bill for an act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members.

Read first time and PLACED ON THE BUDGET CALENDAR.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 292, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

SENATE FILE 185, a bill for an act making appropriations to the department of justice.

Read first time and referred to committee on BUDGET.

SENATE FILE 222, a bill for an act relating to the selection and appointment of the directors of the state fair board.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 251, a bill for an act amending the criminal code revision to allow museums to possess offensive weapons solely as relics.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 280, a bill for an act relating to the disposition of a decedent's property.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 292, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act.

Read first time and referred to committee on WAYS AND MEANS.

SENATE FILE 310, a bill for an act relating to the applicability of provisions of the state building code relating to smoke and fire detection systems.

Read first time and referred to committee on ENERGY.

SENATE FILE 342, a bill for an act making appropriations to

the municipal assistance fund and county government assistance fund.

Read first time and referred to committee on BUDGET.

HOUSE CONCURRENT RESOLUTION 28

By Tauke, Gentleman, Dyrland
and Howell

1 *Whereas*, pursuant to section sixty—eight B point ten
2 (68B.10) of the Code the respective ethics committees of
3 the house of representatives and of the senate each
4 prepare a proposed code of ethics and proposed rules rela—
5 tive to lobbyists for consideration by each new general
6 assembly early in its first session; and
7 *Whereas*, much time may be consumed in the debate upon
8 and the adoption of the code of ethics and the rules relating
9 to lobbyists; and
10 *Whereas*, the code of ethics and the rules relating to
11 lobbyists adopted by the house and those adopted by the
12 senate have differed in significant respects; *Now Therefore*,
13 *Be It Resolved by the House of Representatives, the*
14 *Senate Concurring*, That the legislative council is requested
15 to establish an interim study committee or to authorize
16 creation of a joint interim subcommittee of the appropriate
17 standing committees of the house and senate to conduct
18 during the 1977 legislative interim such study as it may
19 deem necessary and thereafter to develop a draft bill or
20 bills to establish in statute a permanent code of ethics
21 for all members of the general assembly, and permanent
22 provisions governing lobbying activities in the general
23 assembly. The study committee or joint interim subcommittee
24 shall make such progress reports as the legislative council
25 may direct, and shall submit its final report to the legis—
26 lative council prior to the convening of the 1978 session
27 of the Sixty—seventh General Assembly.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 29

By Husak, West, Wyckoff, Svoboda,
Brockett and Wells

1 *Whereas*, the department of transportation
2 presently has before it a plan for relocation of

3 highway 30; and

4 *Whereas*, the plan of the department of transporta—
5 tion provides for relocating highway 30 in such a
6 manner that the present right-of-way will not be
7 used to a maximum degree; and

8 *Whereas*, the plan of the department of transporta—
9 tion provides for very large median strips some of
10 which will be 300 feet in width the result of which
11 is a great taking of prime agricultural land and the
12 disruption of farms and urban communities starting at
13 highway 330 and ending at Cedar Rapids; and

14 *Whereas*, it would be in the best interest of the
15 state, and the cities and citizens who live along the
16 proposed new route for the plan of the department of
17 transportation to be revised; *Now Therefore*,

18 *Be It Resolved by the House of Representatives, the*
19 *Senate Concurring*, That the general assembly states its
20 opposition to the present plan of the department of
21 transportation in regard to the relocation of highway
22 30 and that the general assembly directs the department
23 of transportation to revise its plan to provide for
24 following the present right-of-way for highway 30 and
25 reduce the size of median strips in both rural and urban
26 areas, or in the alternative merely resurface highway 30
27 and provide passing lanes on hills and use minimum sized
28 medians in urban areas.

Referred to committee on TRANSPORTATION.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of House File 246, a bill for an act to establish a legislative auditor's office by transferring the duties of the legislative fiscal bureau, transferring the duty of the auditor of state to audit state agencies, and establishing a duty of conducting performance audits, amendment H-3598, as amended, filed by Brandt, et al., (found on pages 1465 through 1469 of the House Journal) and amendment H-3670, to amendment H-3598, (found on pages 1487 and 1488 of the House Journal).

Small of Johnson moved the adoption of amendment H-3670, to amendment H-3598.

A non-record roll call was requested.

The ayes were 16, nays 68.

Amendment H-3670 lost.

The House resumed consideration of amendment H-3628, to amendment H-3598, found on page 1482 of the House Journal.

Crabb of Crawford asked for unanimous consent to withdraw amendment H-3628 filed by him.

Objection was raised.

Crabb of Crawford moved the adoption of amendment H-3628, to amendment H-3598.

A non-record roll call was requested.

The ayes were 23, nays 48.

Amendment H-3628 lost.

Patchett of Johnson offered the following amendment H-3669, to amendment H-3598, filed by Patchett, et al.:

H-3669

- 1 Amend amendment H-3598, to House File 246, as
- 2 follows:
- 3 1. Page 2, line 8, by inserting after the word
- 4 "government" the following: ", area education
- 5 agencies established in chapter two hundred seventy-
- 6 three (273), of the Code, public school districts
- 7 provided for in chapter two hundred seventy-four
- 8 (274), of the Code, and area vocational schools and
- 9 community colleges defined in chapter two hundred
- 10 eighty A (280A), of the Code."

Menke of O'Brien rose on a point of order that amendment H-3669 was not in order as the subject matter had been previously considered.

The Speaker ruled the point not well taken and amendment H-3669 in order.

Patchett of Johnson moved the adoption of amendment H-3669, to amendment H-3598.

Roll call was requested by Patchett of Johnson and Walter of Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H-3669, to amendment H-3598, be adopted?"

The ayes were, 46:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Clark, B.J.
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Gentleman
Gilloon	Gilson	Hargrave	Hines
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lonergan	Miller, K.D.	Miller, O.L.	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Small	Spear
Spencer	Svoboda	Walter	Wells
Wyckoff	Mr. Speaker		

The nays were, 44:

Bennett	Branstad	Brockett	Byerly
Chiodo	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Egenes	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Horn
Junker	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Millen	Pellett
Pelton	Perkins	Scheelhaase	Schneklloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Woods

Absent or not voting, 10:

Connors	Evans	Garrison	Griffee
Harper	Higgins	Monroe	Nielsen
Rinas	Wulff		

Admendment H-3669 was adopted.

Jesse of Polk offered the following amendment H-3673, to amendment H-3598, filed by him from the floor and moved its adoption:

H-3673

- 1 Amend H-3598 to House File 246 as follows:
- 2 1. Page 4, line 15, by inserting after the word
- 3 "of" the words "area community colleges and",

Amendment H-3673 was adopted.

Brandt of Black Hawk offered the following amendment H-3600, to amendment H-3598, filed by her and moved its adoption:

H-3600

- 1 Amend H-3598 amending House File 246 as follows:
- 2 1. Page 5, line 8, by striking the word "and"
- 3 and inserting in lieu thereof a comma.
- 4 2. Page 5, line 9, by inserting after the word
- 5 "duties" the words ", and providing a penalty".

Amendment H-3600 was adopted.

Patchett of Johnson asked and received unanimous consent to withdraw his motion to reconsider amendment H-3630 filed by him on April 19, 1977.

Tauke of Dubuque called up for consideration his motion to reconsider amendment H-3634, to amendment H-3598, filed by him on April 19, 1977, and moved to reconsider the vote by which amendment H-3634 failed to be adopted by the House on April 19, 1977.

A non-record roll call was requested.

The ayes were 62, nays 16.

The motion prevailed and the House reconsidered amendment H-3634.

Tauke of Dubuque moved the adoption of amendment H-3634, to amendment H-3598.

Amendment H-3634 was adopted.

Clark of Cerro Gordo moved to reconsider the vote by which amendment H-3669, to amendment H-3598, was adopted by the House on April 20, 1977.

Roll call was requested by Schroeder of Pottawattamie and Stromer of Hancock.

Rule 70 was invoked.

On the question "Shall amendment H-3669, to amendment H-3598, be reconsidered?"

The ayes were, 36:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Den Herder
Egenes	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Husak
Junker	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	West	Wyckoff

The nays were, 54:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Gentleman	Gilloon	Gilson	Hargrave
Hines	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Krewson
Loneragan	Middleswart	Miller, K.D.	Miller, O.L.
Newhard	Norland	O'Halloran	Oxley

Patchett	Pavich	Perkins	Poncy
Scheelhaase	Small	Smalley	Spear
Svoboda	Varley	Walter	Wells
Woods	Mr. Speaker		

Absent or not voting, 10:

Evans	Garrison	Griffie	Harper
Higgins	Horn	Monroe	Nielsen
Rinas	Wulff		

The motion lost.

Perkins of Greene moved that the rules be suspended to reconsider amendment H-3669 and the vote by which amendment H-3669 was adopted by the House.

Millen of Van Buren rose on a point of order that the motion was not in order.

The Speaker ruled the point not well taken and the motion in order.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 44, nays 43.

The motion, having failed to receive a constitutional majority, lost, placing out of order amendment H-3676 filed by Gilson of Guthrie and Perkins of Greene from the floor.

Brandt of Black Hawk moved the adoption of amendment H-3598, as amended.

Roll call was requested by Brunow of Appanoose and Junker of Woodbury.

Rule 69 was invoked.

On the question "Shall amendment H-3598, as amended, be adopted?"

The ayes were, 51:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Clark, B.J.	Connors
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Howell	Hullinger
Jesse	Jochum	Krause	Krewson
Lageschulte	Lonergan	Middleswart	Miller, O.L.
Monroe	O'Halloran	Oxley	Patchett
Pavich	Perkins	Scheelhaase	Small
Spear	Spencer	Stromer	Svoboda
Wells	West	Mr. Speaker	

The nays were, 42:

Baker	Bennett	Branstad	Brockett
Byerly	Chiodo	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Halvorson	Harbor	Hoffmann
Horn	Husak	Junker	Koogler
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Newhard	Pellett	Pelton
Poncy	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Tauke	Thompson
Tofte	Varley	Walter	Welden
Woods	Wyckoff		

Absent or not voting, 7:

Garrison	Harper	Higgins	Nielsen
Norland	Rinas	Wulff	

Amendment H-3598, as amended, was adopted.

Chiodo of Polk asked and received unanimous consent to withdraw the motion to reconsider amendment H-3597, to amendment H-3586, filed by him on April 19, 1977.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 246)

The ayes were, 64:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Clark, B.J.	Connors
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffie	Hansen	Hargrave
Harvey	Hines	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Scheelhaase	Small	Spear	Spencer
Stromer	Svoboda	Tofte	Walter
Wells	West	Wyckoff	Mr. Speaker

The nays were, 28:

Baker	Bennett	Branstad	Brockett
Chiodo	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Halvorson
Harbor	Hinkhouse	Hoffmann	Menke
Millen	Pellett	Pelton	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Tauke	Thompson	Varley	Welden

Absent or not voting, 8:

Byerly	Garrison	Harper	Higgins
Nielsen	Rinas	Woods	Wulff

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

MOTION TO RECONSIDER LOST

Brandt of Black Hawk asked for unanimous consent that House File 246 be immediately messaged to the Senate.

Objection was raised.

Brandt of Black Hawk moved to reconsider the vote by which House File 246 passed the House and that the motion to reconsider be tabled.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 48, nays 42.

The motion to table, having failed to receive a constitutional majority, lost.

On the motion to reconsider House File 246, a non-record roll call was requested.

The ayes were 37, nays 45.

The motion to reconsider lost.

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Cusack of Scott and Bina of Scott to determine that a quorum was present. Rule 70 was invoked. The vote revealed:

Present, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dyrland	Egenes	Evans
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Walden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent, 12:

Dunton	Fitzgerald	Garrison	Harper
Higgins	Nielsen	O'Halloran	Oxley
Rinas	Small	Varley	Wulff

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 209, a bill for an act making technical amendments to the statutes relating to school districts.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 209

H-3692

1 Amend House File 209, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 19 the following
4 section:

5 "Sec. ___ Section two hundred ninety-one point
6 two (291.2), Code 1977, is amended to read as follows:
7 291.2 BONDS OF SECRETARY AND TREASURER. The
8 secretary and treasurer shall give bond to the school
9 corporation in such penalty as the board may require,
10 and with sureties to be approved by it, which bond shall
11 be filed with the president, conditioned for the faith-
12 ful performance of his the official duties of office, but in
13 no case less than five hundred dollars. ~~The secretary and~~
14 ~~treasurer may give bond under a single blanket bond covering~~
15 ~~other employees of the district."~~

16 2. Amend the title, line 5, by inserting after the
17 word "by" the words "permitting a single blanket bond for
18 all employees including the secretary and treasurer of a
19 school district, by".

20 3. By numbering and renumbering sections as
21 necessary.

BUSINESS PENDING

Senate Amendment Further Considered

The House resumed consideration of House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, and amendment H-3605, found on pages 1433 through 1440 of the House Journal, to the Senate amendment H-3589, found on pages 1382 through 1391 of the House Journal.

Brunow of Appanoose asked and received unanimous consent that action on amendments H-3635, H-3610 and H-3615, all to amendment H-3605, be temporarily deferred.

Schroeder of Pottawattamie offered the following amendment H-3611, to amendment H-3605, filed by him and requested division as follows:

H-3611

- 1 Amend amendment H-3605 to amendment H-3589 to
- 2 House File 464 as follows:

H-3611A

- 3 1. Page 3, by striking all of lines 29 through
- 4 37.

H-3611B

- 5 2. Page 4, by striking all of lines 19 through
- 6 45.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3611B.

Schroeder of Pottawattamie moved the adoption of amendment H-3611A.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 39, nays 44.

Amendment H-3611A lost.

Lipsky of Linn offered the following amendment H-3619, to amendment H-3605, filed by her and moved its adoption:

H-3619

- 1 Amend amendment H-3605 to amendment H-3589 to
- 2 House File 464 as follows:
- 3 1. Page 5, line 32 by striking the figure
- 4 "1978" and inserting in lieu thereof the figure
- 5 "1979".
- 6 2. Page 5, by striking lines 39 through 50.
- 7 3. Page 6, by striking lines 1 through 20.

Amendment H-3619 lost.

Lipsky of Linn offered the following amendment H-3618, to amendment H-3605, filed by her and moved its adoption:

H-3618

- 1 Amend amendment H-3605 to amendment H-3589 to
- 2 House File 464 as follows:
- 3 1. Page 6, by striking lines 49 and 50.
- 4 2. Page 7, by striking lines 1, 2, 3, and 4
- 5 and inserting in lieu thereof the following:
- 6 "Sec. 35. The joint senate-house budget
- 7 subcommittee on social services may conduct a study
- 8 of the requirements".
- 9 3. Page 7, by striking lines 19 through 23
- 10 and inserting in lieu thereof the following:
- 11 "twenty (XX) money. The report of the".
- 12 4. Page 7, by striking lines 27 through 31
- 13 and inserting in lieu thereof the following:
- 14 "in the year 1978. The legislative fiscal
- 15 bureau shall provide staff for this study."

A non-record roll call was requested.

The ayes were 25, nays 43.

Amendment H-3618 lost.

Spear of Lee offered the following amendment H-3614, to amendment H-3605, filed by him and moved its adoption:

H-3614

- 1 Amend amendment H-3605, to Senate amendment
- 2 H-3589 to House File 464, as follows:
- 3 1. Page 7, line 14, by striking the word "and".
- 4 2. Page 7, line 19, by inserting after the
- 5 word "money" the words "and the necessity for the
- 6 district offices of the department of social services".

A non-record roll call was requested.

The ayes were 53, nays 4.

Amendment H-3614 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3624, filed by him on April 18, 1977, and amendment H-3645 filed by him on April 19, 1977, both to amendment H-3605.

Brunow of Appanoose offered the following amendment H-3687, to amendment H-3605, filed by Brunow, Cusack and Hansen from the floor, and moved its adoption:

H-3687

- 1 Amend the House amendment H-3605 to Senate amendment
- 2 H-3589 to House File 464 as amended, passed, and
- 3 reprinted by the House as follows:
- 4 1. Page 1, line 11, by striking the word "forty—
- 5 six" and inserting in lieu thereof the word "forty".
- 6 2. Page 1, line 19, by inserting after the period
- 7 the words "Any such employee of the department of
- 8 social services who has been employed and classified
- 9 as an intermittent employee after August 1, 1975 for
- 10 twelve consecutive months or more shall be eligible
- 11 to receive the same fringe benefits for fiscal year
- 12 1977-1978 as any other person employed under the
- 13 provisions of chapter nineteen A (19A) of the Code."

Amendment H-3687 was adopted.

Griffie of Chickasaw in the chair at 4:32 p.m.

Svoboda of Iowa offered the following amendment H-3615, to amendment H-3605, filed by Svoboda, et al., and moved its adoption:

H-3615

- 1 Amend amendment H-3605 to Senate amendment H-3589
- 2 to House File 464 as passed by the House and reprinted
- 3 as follows:
- 4 1. Page 3, line 6 by striking the word "repeal"
- 5 and inserting in lieu thereof the word "review".
- 6 2. Page 3, line 10 by striking the word "these"
- 7 and inserting in lieu thereof the words "any such".

- 8 3. Page 3, line 17 by striking the words "for
 9. the purpose of eliminating those rules".
 10 4. Page 3, line 19 by inserting after the word
 11 "rules" the words "approved by the department of
 12 health".

Roll call was requested by Anderson of Jasper and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3615, to amendment H-3605, be adopted?"

The ayes were, 70:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Gentleman
Giloon	Gilson	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Menke	Millen
Miller, K.D.	Monroe	Newhard	Norland
Patchett	Pavich	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Smalley
Spear	Stromer	Svoboda	Thompson
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker (Griffee)		

The nays were, 17:

Baker	Crabb	Halvorson	Hansen
Harbor	Harvey	Lipsky	Lonergan
Middleswart	Miller, O.L.	Oxley	Pellett
Shimanek	Stevens	Tauke	Tofte
Welden			

Absent or not voting, 13:

Cochran	Fitzgerald	Garrison	Harper
Higgins	Nielsen	O'Halloran	Rinas

Schroeder
Wulff

Small

Spencer

Varley

Amendment H-3615 was adopted.

Welden of Hardin offered the following amendment H-3635, to amendment H-3605, filed by him and moved its adoption:

H-3635

- 1 Amend amendment H-3605 to amendment H-3589 to
- 2 House File 464 as follows:
- 3 1. Page 3, lines 14 and 15 by striking the words
- 4 "December 6, 1976 licensure rules" and inserting in
- 5 lieu thereof the following:
- 6 "department of health licensure rules for inter-
- 7 mediate care facilities as published in the Iowa Ad-
- 8 ministrative Code "Health (470) chapter 58".

Amendment H-3635 was adopted.

Welden of Hardin offered the following amendment H-3610, to amendment H-3605, filed by him and moved its adoption:

H-3610

- 1 Amend House amendment H-3605 to Senate amendment
- 2 H-3589 to House File 464 as follows:
- 3 1. Page 3, line 17 by striking the word "all".
- 4 and inserting in lieu thereof the word "these".

Amendment H-3610 was adopted.

Svoboda of Iowa offered the following amendment H-3688, to amendment H-3605, filed by her from the floor and moved its adoption:

H-3688

- 1 Amend amendment H-3605, to Senate amendment
- 2 H-3589, to House File 464, as follows:
- 3 1. Page 3, line 21, by inserting after the
- 4 word "committee." the following: "The department
- 5 of health may promulgate rules in areas not
- 6 addressed by federal regulations."

Amendment H-3688 was adopted.

Jesse of Polk asked and received unanimous consent to withdraw amendment H-3691 filed by him from the floor.

Brunow of Appanoose offered the following amendment H-3689, to amendment H-3605, filed by him from the floor and moved its adoption:

H-3689

- 1 Amend amendment H-3605 to Amendment H-3589 to House File 464
- 2 as follows:
- 3 1. Page 4, by striking all of lines 3 through 18.

Amendment H-3689 was adopted.

Schroeder of Pottawattamie offered the following amendment H-3693, to amendment H-3605, filed by him from the floor and moved its adoption:

H-3693

- 1 Amend amendment H-3605, to Senate amendment
- 2 H-3589, to House File 464, as follows:
- 3 1. Page 3, by striking lines 29 through 37
- 4 and inserting in lieu thereof the following:
- 5 "Sec. It is the intent of the general
- 6 assembly that funds appropriated for medical
- 7 assistance shall not be used to pay for radiology
- 8 services provided by a computerized axial tomo-
- 9 graphic scanner placed in operation in the state
- 10 of Iowa subsequent to the effective date of this
- 11 Act unless said computerized axial tomographic
- 12 scanner has been approved by the health facilities
- 13 construction review committee of the state depart-
- 14 ment of health."

Amendment H-3693 was adopted.

Brunow of Appanoose moved the adoption of amendment H-3605, as amended, to the Senate amendment H-3589.

Amendment H-3605, as amended, was adopted.

Brunow of Appanoose offered the following amendment H-3690, to the Senate amendment H-3589, filed by him and Cusack of Scott from the floor and moved its adoption:

H-3690

1 Amend the Senate amendment H-3589 to House File
2 464 as amended, passed, and reprinted by the House
3 as follows:
4 1. Page 6, by striking lines 23 through 26 and
5 inserting in lieu thereof the words "schools revolving
6 fund. Unobligated or unencumbered funds appropriated
7 by this section shall not revert to the general fund
8 of the state until the attainment of the object or
9 the completion of the work for which such appropriation
10 is made."

Amendment H-3690 was adopted.

Stromer of Hancock offered the following amendment H-3609, to the Senate amendment H-3589, filed by him and moved its adoption:

H-3609

1 Amend Senate amendment H-3589 to House File 464
2 as follows:
3 1. Page 3, by inserting after line 30 the follow-
4 ing new section:
5 "Sec. ____ Section two hundred thirty point twenty
6 (230.20), unnumbered paragraph one (1), and subsection
7 one (1), Code 1977, are amended to read as follows:
8 ~~The superintendent of each state hospital for the~~
9 ~~mentally ill established by section 226.1, state~~
10 ~~director or his designee, shall on the tenth day of~~
11 ~~July, October, January and April of each year, com-~~
12 ~~pute the amounts which are due the state from each~~
13 ~~county for services rendered by the hospital any of~~
14 ~~the state hospitals for the mentally ill established~~
15 ~~by section two hundred twenty-six point one (226.1)~~
16 ~~of the Code to patients chargeable to those counties.~~
17 ~~Each hospital's~~ The charges for services rendered
18 in a particular quarter shall be based on that
19 ~~hospital's~~ the expenditures of the hospitals
20 collectively during the immediately preceding quarter,
21 and shall be computed as follows:
22 1. The expenditures of the ~~hospital~~ hospitals

23 during the preceding calendar quarter shall be
 24 separately computed by program in accordance with
 25 generally accepted accounting procedures. In so
 26 doing, the superintendent state director or his
 27 designee shall not include any of the following:
 28 a. The costs of food, lodging and other maintenance
 29 provided to persons not patients of the hospital.
 30 b. The costs of certain direct medical services,
 31 which shall be charged directly against the patient
 32 who received the services. The direct medical services
 33 to which this paragraph is applicable shall be
 34 specifically identified in rules adopted by the
 35 department of social services in accordance with
 36 chapter 17A, and may include but need not be limited
 37 to x-ray, laboratory and dental services.
 38 c. The cost of outpatient and state placement
 39 services, which shall be charged directly against
 40 the patient who received the services at a rate to
 41 be established by the state director on the basis
 42 of the actual cost of the services."

A non-record roll call was requested.

The ayes were 10, nays 57.

Amendment H-3609 lost.

Brunow of Appanoose moved that the House concur in the Senate amendment H-3589, as amended.

The motion prevailed and the House concurred in the Senate amendment H-3589, as amended.

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

On the question "Shall the bill pass?" (H.F. 464)

The ayes were, 69:

Anderson
 Binneboese
 Chiodo

Avenson
 Brandt
 Clark, B. J.

Baker
 Brunow
 Clark, J. H.

Bina
 Byerly
 Cochran

Conlon	Connors	Crawford	Cusack
Daggett	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Middleswart	Miller, K. D.	Miller, O. L.
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Pelton	Poncy
Schnekloth	Schroeder	Shimanek	Spear
Spencer	Svoboda	Tauke	Thompson
Walter	Wells	Woods	Wyckoff
Mr. Speaker (Griffee)			

The nays were, 17:

Bennett	Branstad	Brockett	Crabb
Danker	Evans	Harbor	Menke
Millen	Pellett	Scheelhaase	Smalley
Stephens	Stromer	Tofte	Welden
West			

Absent or not voting, 14:

Fitzgerald	Garrison	Harper	Higgins
Hines	Hullinger	Krause	Nielsen
Oxley	Perkins	Rinas	Small
Varley	Wulff		

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

IMMEDIATE MESSAGE (House File 464)

Brunow of Appanoose asked and received unanimous consent that House File 464 be immediately messaged to the Senate.

Speaker Cochran in the chair at 5:15 p.m.

PRESENTATION OF VISITORS

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

One hundred twenty ninth grade students from Jefferson Junior-Senior High School, Jefferson, Iowa. By Perkins of Greene.

Twenty-two fifth grade students from Hoak Elementary School, Des Moines, Iowa, accompanied by Mrs. Linn. By Chiodo of Polk and Woods of Polk.

Forty-five students from Jack M. Logan Junior High School, Waterloo, Iowa, accompanied by Mr. Miller, Mr. Sheely and Mrs. Kirlin. By Brandt of Black Hawk, Garrison of Black Hawk and O'Halloran of Black Hawk.

Nineteen members of the government class from Steamboat Rock High School, Steamboat Rock, Iowa, accompanied by Kay Roefsema. By Welden of Hardin.

Twenty-five third through eighth grade students from Clarinda Community School, Clarinda, Iowa, accompanied by Ruth Reed. By Daggett of Adams.

Sixty sixth grade students from Dexfield Elementary School, Dexter, Iowa, accompanied by Dale VanCleve. By Davitt of Warren.

Thirty eighth grade students from St. Joseph School, Earling, Iowa. By Gilson of Guthrie.

Twenty Youth Club members of the Plymouth Congregational Church, Des Moines, Iowa. By Gentleman of Polk and Thompson of Polk.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 7:30 a.m., April 19, 1977

Convened: 7:40 a.m.

Adjourned: 8:15 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Koogler, Stromer, Varley, Welden, Wells and Wulff.

Absent: Avenson (arrived 7:55 a.m.), Norland (arrived 7:51 a.m.) and O'Halloran (arrived 7:55 a.m.).

Excused: Jesse.

LSB 1575H, a bill for an act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members.

Recommended DO PASS.

Aye: Cusack, Dunton, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Den Herder, Avenson and Jesse.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., April 19, 1977

Convened: 1:12 p.m.

Adjourned: 2:54 p.m.

Present: Norland, chair; West, ranking member; Anderson, Bennett, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Harbor, Harvey, Hines, Howell, Jochum, Junker, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wulff and Wyckoff.

Absent: Miller of Buchanan (arrived 1:16 p.m.), Bina (arrived 1:25 p.m.), Den Herder (arrived 1:29 p.m.), Egenes (arrived 2:39 p.m.), Gilloon (arrived 1:13 p.m.), Horn (arrived 1:26 p.m.), Husak (arrived 1:15 p.m.), Menke (arrived 1:16 p.m.), O'Halloran (arrived 1:16 p.m.), Oxley (arrived 1:47 p.m.) and Wells (arrived 1:25 p.m.).

S.B. 236B, the corporate tax bill, debated. Failed to receive a constitutional majority.

AMENDMENTS FILED

H-3674	H.F. 90	Chiodo of Polk
H-3675	H.F. 90	Chiodo of Polk
H-3677	H.F. 90	Junker of Woodbury
H-3678	H.F. 90	Junker of Woodbury
H-3679	H.F. 90	Conlon of Muscatine
H-3680	H.F. 248	Smalley of Polk
H-3681	H.F. 248	Smalley of Polk
H-3682	H.F. 248	Conlon of Muscatine
H-3683	H.F. 248	Conlon of Muscatine
H-3684	H.F. 232	Conlon of Muscatine
H-3685	S.F. 312	Monroe of Des Moines
H-3686	S.F. 312	Lipsky of Linn
		Hargrave of Johnson
		Stromer of Hancock
		Thompson of Polk
		Lonergan of Boone
		O'Halloran of Black Hawk
H-3694	H.F. 248	Branstad of Winnebago
H-3695	H.F. 248	Conlon of Muscatine
H-3696	H.F. 248	Conlon of Muscatine
H-3697	H.F. 187	Husak of Tama
H-3698	H.F. 488	Egenes of Story
H-3699	H.F. 488	Egenes of Story
H-3700	H.F. 488	Egenes of Story
H-3701	H.F. 488	Stromer of Hancock

On motion by Avenson of Fayette the House adjourned at 5:23 p.m., until 2:00 p.m., Thursday, April 21, 1977.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day -- Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 21, 1977

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

Prayer was offered by the Reverend David R. Stevenson, pastor of the Evangelical Free Church, Meriden, Iowa.

The Journal of Wednesday, April 20, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Zoutendam, Sheldon, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk on request of Dunton of Keokuk; Walter of Pottawattamie on request of Pavich of Pottawattamie; Nielsen of Polk on request of Byerly of Polk.

SPECIAL PRESENTATION

Tofte of Winneshiek escorted to the Speaker's station and presented to the House Future Farmers of America State President, Peg Armstrong, from North Winneshiek; Rick Lowers, Vice-President from Atlantic; Phil Core, Vice-President from Pleasantville and Mike Earll, Vice-President from Sibley.

Miss Armstrong addressed the House explaining the convention theme—"FFA—Climb Every Mountain" and invited the members to the state convention this week in Des Moines.

PETITIONS FILED

The following petitions were received and placed on file:

By Cusack of Scott from twenty-one constituents favoring adequate funding of human resources programs; and supporting progressive tax revisions to do so.

By Dyrland of Clayton from thirty-two Nashua, Iowa high school students requesting that the State of Iowa assume ownership, repair, and maintenance of the Nashua, Iowa Dam and assume control of the existing impoundment, dredging it to its original depth.

By Davitt of Warren from thirty-one constituents favoring legislation raising the legal drinking age to 19; from seventy-six constituents opposing sections of Senate File 85 (Criminal Code) pertaining to handguns.

By Wulff of Black Hawk from one hundred thirty-three constituents supporting Senate File 312, a bill for Continuing Educations Standards, peer review and disciplinary procedures that will be applied to some 24 licensed boards in the State of Iowa.

INTRODUCTION OF BILLS

HOUSE FILE 559, by committee on energy, a bill for an act requiring existing residential dwellings or portions of existing structures used therefor to meet certain thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 560, by committee on state government, a bill for an act relating to the qualifications of the secretary and treasurer employed by a school board.

Read first time and PLACED ON THE CALENDAR.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 1977, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 21, regarding new standards proposed by the Environmental Protection Agency.

Also: That the Senate has on April 19, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 233, a bill for an act providing for appropriations to miscellaneous state agencies.

Also: That the Senate has on April 19, 1977, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 243, a bill for an act relating to the qualifications required of the director of the division of mental health resources of the department of social services.

STEVEN C. CROSS, Secretary

MOTION TO RECONSIDER WITHDRAWN (Senate File 197)

Cusack of Scott asked and received unanimous consent to withdraw the motion to reconsider Senate File 197 filed by him on March 15, 1977.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 314, a bill for an act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 314)

The ayes were, 86:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Hansen
Hargrave	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 2:

Danker	Schroeder
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Absent or not voting, 12:

Connors	Egenes	Garrison	Halvorson
Harbor	Harper	Harvey	Jesse
Krause	Nielsen	Stephens	Walter

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

Regular Calendar

House File 387, a bill for an act to prohibit any requirement that persons taking merit examinations for social worker positions with the department of social services be graduates of university or

college programs accredited by certain professional bodies, with report of committee recommending amendment and passage was taken up for consideration.

Higgins of Scott offered amendment H-3448 filed by the committee on human resources. Division was requested as follows:

H-3448

- 1 Amend House File '387 as follows:

H-3448A

- 2 1. Page 1, line 8, by striking the words "are
- 3 graduates of such programs" and inserting in lieu
- 4 thereof the words "hold degrees in social work".

H-3448C

- 5 2. Page 1, line 13, by striking the words "in
- 6 social work".

H-3448B

- 7 3. Page 1, by striking line 16.

Higgins of Scott moved the adoption of amendment H-3448A.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 45, nays 41.

Amendment H-3448A was adopted.

Brunow of Appanoose in the chair at 2:53 p.m.

On motion by Higgins of Scott, amendment H-3448C was adopted.

On motion by Higgins of Scott, amendment H-3448B was adopted.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H-3448A was adopted by the House.

A non-record roll call was requested.

The ayes were 34, nays 48.

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 387)

The ayes were, 78:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Byerly	Chiodo	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gilloon	Griffee
Halvorson	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Shimanek	Small	Smalley
Spencer	Tauke	Thompson	Tofte
Varley	Welden	Wells	Woods
Wyckoff	Mr. Speaker (Brunow)		

The nays were, 17:

Brandt	Clark, B.J.	Crawford	Den Herder
Gentleman	Gilson	Krewson	Lonergan
Millen	O'Halloran	Schroeder	Spear
Stephens	Stromer	Svoboda	West
Wulff			

Absent or not voting, 5:

Garrison
Walter

Hansen

Harper

Nielsen

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

House File 90, a bill for an act providing for the payment of interest on escrow accounts relating to real property, with report of committee recommending amendment and passage was taken up for consideration.

Chiodo of Polk asked and received unanimous consent that action on the committee amendment H-3522 be temporarily deferred.

Koogler of Mahaska offered the following amendment H-3705 filed by him from the floor and moved its adoption:

H-3705

1 Amend House File 90 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.

6 1. When either a borrower of money using real
7 estate as security for the money borrowed or a buyer
8 of real estate by contract (referred to in this section
9 as the "borrower") is required, in addition to paying
10 interest or interest and principal, to periodically
11 pay in advance to the lender or seller (referred to
12 in this section as the "lender") the whole or any
13 part of the estimated annual property taxes,
14 assessments, insurance premiums, or other charges
15 upon the real estate involved, the lender shall
16 maintain such funds in an escrow account and shall pay
17 to the borrower the net income from such account, as
18 interest, less the lender's expenses directly related
19 to the investment of such funds and the servicing of
20 such escrow account. Charges to borrowers for the
21 work performed in maintaining these interest-bearing
22 accounts may not exceed the interest credited to the
23 borrowers account.

Amendment H-3705 was adopted, placing the following amendments out of order:

H-3522 filed by the committee on commerce on April 5, 1977 and found on page 1244 of the House Journal.

H-3668 filed by Koogler of Mahaska on April 19, 1977.

H-3674 filed by Chiodo of Polk on April 20, 1977.

H-3675 filed by Chiodo of Polk on April 20, 1977.

H-3677 filed by Junker of Woodbury on April 20, 1977.

H-3678 filed by Junker of Woodbury on April 20, 1977.

H-3679 filed by Conlon of Muscatine on April 20, 1977.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 90)

The ayes were, 72:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Brockett	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connors	Crabb	Crawford	Cusack
Davitt	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hines	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas

Shimanek	Small	Smalley	Spear
Stephens	Svoboda	Thompson	Tofte
Wells	Woods	Wyckoff	Mr. Speaker (Brunow)

The nays were, 20:

Bina	Branstad	Conlon	Daggett
Danker	Den Herder	Dieleman	Doyle
Harvey	Hinkhouse	Hoffmann	Millen
Scheelhaase	Schnekloth	Spencer	Stromer
Tauke	Varley	West	Wulff

Absent or not voting, 8:

Garrison	Harper	Higgins	Middleswart
Nielsen	Schroeder	Walter	Welden

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

House File 57, a bill for an act rewriting the requirement that all departments and officials of the state, counties, cities and certain other entities empowered to make purchase of supplies for public purposes purchase such supplies from Iowa state industries under certain circumstances, with report of committee recommending amendment and passage was taken up for consideration.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H-3117 filed by him and Tauke of Dubuque on March 1, 1977.

Junker of Woodbury offered amendment H-3088 filed by the committee on state government on February 25, 1977 and found on pages 508 and 509 of the House Journal.

Junker of Woodbury offered the following amendment H-3623, to the committee amendment H-3088, filed by him and Tauke of Dubuque and moved its adoption:

H-3623

2 follows:

3 1. Page 1, by striking lines 7 through 14 and
4 inserting in lieu thereof the following:

5 "NEW SECTION. Bid specifications made under this
6 chapter or any other sections of the code which
7 require competitive bidding shall not be written so
8 the product or services of only one vendor can meet
9 the requirements of the purchasing authority. If
10 the product or services to be purchased is unique
11 and available only from a single vendor, the above
12 requirement is waived. In specifications where a
13 unique product or service is required, the purchas-
14 ing authority shall attach a justification statement
15 to the specifications explaining why that particular
16 product or service is required.

17 Any vendor who has probable cause to believe
18 specifications for a product or service has been
19 arbitrarily or capriciously established may appeal
20 such arbitrarily or capriciously established speci-
21 fications to the agency or the political subdivision
22 promulgating the specifications. If the resolution
23 of the appeal is not satisfactory to the vendor, the
24 vendor may appeal such specifications to the district
25 court. Such appeal".

26 2. Page 1, line 15, by inserting after the word
27 "bidders" the words "or prior to the award of a
28 contract, whichever date occurs first".

Amendment H-3623 was adopted, placing out of order amendment H-3711 filed by Krause, Rinas and Egenes from the floor.

Junker of Woodbury moved the adoption of the committee amendment H-3088, as amended.

Amendment H-3088, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 57)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lónergan	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Stromer	Svoboda	Tauke	Thompson
Varley	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Brunow)	

The nays were, 6:

Hinkhouse	Menke	Spencer	Stephens
Tofte	Welden		

Absent or not voting, 7:

Connors	Garrison	Harper	Higgins
Middleswart	Nielsen	Walter	

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

SENATE FILE 312 SUBSTITUTED FOR HOUSE FILE 492

Crawford of Story asked and received unanimous consent to substitute Senate File 312 for House File 492.

Senate File 312, a bill for an act requiring professional and occupational licensees to participate in a continuing education

program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license, was taken up for consideration.

Lipsky of Linn offered the following amendment H-3686 filed by Lipsky, et al., and moved its adoption:

H-3686

1 Amend Senate File 312 as passed by the Senate
2 as follows:

3 1. Page 4, by inserting after line 15 the
4 following new section:

5 "Sec. Chapter one hundred fifty-two (152),
6 Code 1977, is amended by adding the following new
7 section:

8 **NEW SECTION. CONTINUING EDUCATION IN NURSING**

9 1. The board of nursing shall appoint task
10 forces as necessary to assist the board in the
11 development and evaluation of rules and regulations
12 for continuing education requirements as a condition
13 to license renewal. The membership on these task
14 forces shall be limited to registered nurses and
15 licensed practical nurse practitioners who are
16 knowledgeable in each area of nursing education or
17 practice that these rules are to address. Nursing
18 organizations may submit lists of candidates for
19 membership of these task forces. Appropriate
20 consultants to these task forces may be appointed
21 by the board.

22 2. This section shall be effective on the
23 effective date of this Act. However, no proof of
24 fulfillment of rules requiring continuing education
25 shall be required for licensees under chapter one
26 hundred fifty-two (152) of the Code for license
27 renewals effective prior to January 1, 1981."

28 2. By renumbering sections of the bill and
29 correcting internal references as necessary.

Roll call was requested by Lipsky of Linn and Poncey of Wapello.

On the question "Shall amendment H-3686 be adopted?"

The ayes were, 35:

Branstad	Brockett	Byerly	Clark, B.J.
Clark, J.H.	Crabb	Daggett	Danker
Evans	Gentleman	Griffee	Halvorson
Hansen	Hargrave	Jesse	Junker
Lipsky	Lonergan	Menke	Millen
O'Halloran	Patchett	Pellett	Perkins
Poncy	Schroeder	Smalley	Spear
Stromer	Thompson	Tofte	Welden
Wells	Wulff	Mr. Speaker (Brunow)	

The nays were, 54:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Chiodo
Cochran	Conlon	Crawford	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Gilloon	Gilson	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Husak	Jochum	Koogler	Krause
Lageschulte	Lindeen	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Norland	Oxley
Pavich	Pelton	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Spencer
Stephens	Tauke	Varley	West
Woods	Wyckoff		

Absent or not voting, 11:

Connors	Garrison	Harbor	Harper
Howell	Hullinger	Krewson	Newhard
Nielsen	Svoboda	Walter	

Amendment H-3686 lost.

Evans of Grundy offered the following amendment H-3708 filed by him from the floor and moved its adoption:

H-3708

- 1 Amend Senate File 312 as passed by the Senate,
- 2 as follows:

- 3 1. Page 4, by inserting after line 15 the
4 following new subsection:
5 "3. A person licensed to practice an occupation
6 or profession in this state shall be deemed to have
7 complied with the continuing education requirements
8 of this state during periods that the person serves
9 honorably on active duty in the military services,
10 or for periods that the person is a resident of another
11 state or district having a continuing education re-
12 quirement for the occupation or profession and meets
13 all requirements of that state or district for practice
14 therein, or for periods that the person is a govern-
15 ment employee working in his or her licensed spec-
16 ially and assigned to duty outside of the United
17 States, or for other periods of active practice and
18 absence from the state approved by the appropriate
19 board of examiners."

Amendment H-3708 was adopted.

Monroe of Des Moines offered the following amendment
H-3685 filed by him and moved its adoption:

H-3685

- 1 Amend Senate File 312 as passed by the Senate, as
2 follows:
3 1. Page 4, by inserting after line 21 the follow-
4 ing new lettered paragraph:
5 "b. Administer and enforce administrative rules
6 providing for partial re-examination of the profession-
7 al licensing examinations given by each licensing
8 board."

Amendment H-3685 was adopted.

Egenes of Story offered the following amendment H-3710
filed by her from the floor and moved its adoption:

H-3710

- 1 Amend Senate File 312 as passed by the Senate as
2 follows:
3 1. Page 5, line 10, by striking the word "an-
4 nual".
5 2. Page 15, by inserting after line 8, the follow-

6 ing:

7 "Sec. ____ . Section one hundred fourteen point
8 eighteen (114.18), Code 1977, is amended to read as
9 follows:

10 114.18 EXPIRATIONS AND RENEWALS. Certificates
11 of registration shall expire ~~annually~~ as determined
12 by the board. It shall be the duty of the secretary
13 of the board to notify every person registered under
14 this chapter, of the date of expiration of ~~his the~~
15 certificate and the amount of the fee that shall be
16 required for its renewal ~~for one year~~; such notice
17 shall be mailed at least one month in advance of the
18 date of the expiration of ~~said the~~ certificate.

19 Renewal may be effected by the payment of a fee the
20 amount of which shall be determined by the board.
21 The failure on the part of any registrant to renew
22 ~~his a certificate annually~~ in the month of expiration
23 as required above shall not deprive such a person
24 of the right of renewal. A person who fails to renew
25 ~~his a certificate~~ by the expiration date shall be
26 allowed to do so within thirty days following its
27 expiration, but the board may assess a reasonable
28 penalty. ~~For the duration of any war in which the~~
29 ~~United States is engaged the board may, in its dis-~~
30 ~~cretion, defer the collection of renewal fees without~~
31 ~~penalty, which have or may become due from registered~~
32 ~~professional engineers who are employed in the war~~
33 ~~effort, and residing outside the state, or who are~~
34 ~~members of the armed forces of the United States,~~
35 ~~and may renew the engineering certificates of said~~
36 ~~registered professional engineers."~~

37 3. Page 16, by inserting after line 23, the follow-
38 ing:

39 "Sec. ____ Section one hundred sixteen point
40 twelve (116.12), Code 1977, is amended to read as
41 follows:

42 116.12 RENEWALS. Licenses as accounting
43 practitioners shall expire ~~annually~~ as determined
44 by the board. The board shall notify every person
45 licensed under this chapter of the date of expiration
46 of ~~his the~~ license and the amount of the fee required
47 for its renewal ~~for one year~~. The notice shall be
48 mailed at least one month in advance of the expiration
49 date. A person who fails to renew ~~his a~~ license
50 to practice as an accounting practitioner by the ex-

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1 piration date shall be allowed to do so within thirty
2 days following its expiration, but the board may
3 assess a reasonable penalty.

4 Sec. . Section one hundred sixteen point
5 twenty (116.20), subsection one (1), Code 1977, is
6 amended to read as follows:

7 1. The certificate of certified public accountant
8 granted by the board under section 116.5 and the
9 registration with the board as a public accountant
10 under section 116.6, and the license to practice as
11 an accounting practitioner under section 116.7 or
12 116.8 shall be renewed annually as determined by the
13 board. There shall be an annual a renewal fee, in
14 the amount to be determined from time to time by the
15 board, not to exceed fifty dollars.

16 Sec. . Section one hundred sixteen point
17 twenty (116.20), subsection six (6), Code 1977, is
18 amended by striking the subsection.

19 Sec. . Section one hundred seventeen point
20 twenty-seven (117.27), Code 1977, is amended to read
21 as follows:

22 117.27 FEES. The commission shall set annual
23 fees, ~~except renewal fees which need not be annual,~~
24 for examination and licensing of real estate brokers
25 and real estate salesmen. The commission shall
26 determine the annual cost of administering the
27 examination and shall set the examination fee accord-
28 ingly. The commission shall set the fees for the
29 real estate broker's licenses and for real estate
30 salesmen's licenses based upon the administrative
31 costs of sustaining the commission. The fees shall
32 include, but shall not be limited to, the costs for:

33 1. Per diem, expenses, and travel for commission
34 members.

35 2. Office facilities, supplies, and equipment.

36 3. Director, assistants, and clerical assistance.

37 Sec. . Section one hundred seventeen point
38 twenty-eight (117.28), Code 1977, is amended to read
39 as follows:

40 117.28 EXPIRATION OF LICENSE. Every license shall
41 expire annually as determined by the commission.

42 A person who fails to renew his a license by the
43 expiration date shall be allowed to do so within
44 thirty days following its expiration, but the
45 commission may assess a reasonable penalty. The
46 commission shall upon the written request of the
47 applicant on forms prescribed by the commission, and

48 payment of the annual fee ~~therefor~~ as herein required,
49 issue a new license for each ensuing year in the
50 absence of any reason or condition which might war—

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1 rant the revocation of a license after a hearing as
2 provided in sections 117.34 and 117.35.”

3 4. Page 17, by inserting after line 22, the follow—
4 ing:

5 “Sec.____ Section one hundred eighteen point
6 ten (118.10), Code 1977, is amended to read as follows:

7 118.10 RENEWALS. Certificates of registration
8 shall expire ~~annually~~ as determined by the board.
9 Registered architects shall renew their certificates
10 of registration and pay a renewal fee in the manner
11 prescribed by the board. A person who fails to renew
12 his a certificate of registration by the expiration
13 date shall be allowed to do so within thirty days
14 following its expiration, but the board may assess
15 a reasonable penalty.”

16 5. Page 18, by inserting after line 26, the follow—
17 ing:

18 Sec.____ Section one hundred eighteen A point
19 thirteen (118A.13), Code 1977, is amended to read
20 as follows:

21 118A.13 RENEWALS. Certificates of registration
22 shall expire ~~annually~~ as determined by the board.
23 Registered landscape architects shall renew their
24 certificates of registration and pay a renewal fee
25 in the manner and amount prescribed by the board.
26 A person who fails to renew his a certificate by the
27 expiration date shall be allowed to do so within
28 thirty days following its expiration, but the board
29 may assess a reasonable penalty.”

30 6. Page 19, by inserting after line 17, the follow—
31 ing:

32 “Sec.____ Section one hundred twenty point eight
33 (120.8), subsection four (4), Code 1977, is amended
34 to read as follows:

35 4. Every certificate of registration shall expire
36 ~~annually~~, and shall be renewed ~~annually~~ as determined
37 by the board upon application by the holder thereof,
38 without examination. Application for such renewal
39 shall be made in writing to the department, accompanied
40 by a renewal fee in an amount determined by the board.
41 based upon the cost of renewing the certificate, at
42 least thirty days prior to the expiration of such

43 certificate. Every renewal shall be displayed in
44 connection with the original certificate. The board
45 shall notify each certificate holder by mail of the
46 expiration of his certificate. A person who fails
47 to renew his a certificate by the expiration date
48 shall be allowed to do so within thirty days following
49 its expiration, but the board may assess a reasonable
50 penalty.

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1 Sec. Section one hundred twenty point nine
2 (120.9), Code 1977, is amended to read as follows:
3 120.9 APPRENTICE WATCHMAKERS. Any person sixteen
4 years of age or over, apprenticed to a registered
5 watchmaker, may pursue the trade of watchmaking upon
6 obtaining from the board a certificate of registration
7 as an apprenticed watchmaker, which certificate shall
8 be conspicuously displayed at all times in the place
9 of employment of such apprentice. No apprentice
10 certificate shall be renewed unless the application
11 therefor shall be accompanied by a sworn statement
12 of the employer or employers as to the length of time
13 the applicant has been actually employed under his
14 a certificate in the pursuit of the watchmaking trade.
15 Apprentice watchmakers shall pay a fee in an amount
16 determined by the board for the certificate which
17 shall expire ~~annually as determined by the board~~ and
18 shall pay a renewal fee ~~annually~~ in an amount
19 determined by the board. A person who fails to renew
20 his a certificate by the expiration date shall be
21 allowed to do so within thirty days following its
22 expiration, but the board may assess a reasonable
23 penalty. Any applicant for a certificate of
24 registration as a watchmaker who fails to pass the
25 examination provided for herein may in the discretion
26 of the board be issued a certificate as an appren-
27 tice watchmaker."

28 7. Page 20, by inserting after line 29, the follow-
29 ing:

30 "Sec. Section one hundred thirty-five E
31 point five (135E.5), Code 1977, is amended to read
32 as follows:

33 135E.5 LICENSE FEES. Each person licensed as
34 a nursing home administrator shall be required to
35 pay a license fee in an amount to be fixed by the
36 board. ~~Said~~ The license shall expire ~~annually~~ and
37 shall be renewable ~~annually and as determined by the~~

38 board upon payment of the license fee. A person who
39 fails to renew his a license by the expiration date
40 shall be allowed to do so within thirty days following
41 its expiration, but the board may assess a reasonable
42 penalty.

43 Sec.____. Section one hundred thirty—five E point
44 ten (135E.10), Code 1977, is amended to read as
45 follows:

46 135E.10 RENEWAL OF LICENSE. Every holder of a
47 nursing home administrator's license shall renew it
48 ~~annually by making application to as determined by~~
49 ~~the board, except that biennially the individual~~
50 ~~requesting renewal shall submit evidence satisfactory~~

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1 ~~to the board of continued education in this field.~~
2 Such License renewals shall be granted as a matter
3 of course unless the board finds, after due notice
4 and hearing, that the applicant has acted or failed
5 to act in accordance with the rules or in such a
6 manner or under such circumstances as would constitute
7 grounds for suspension or revocation of a license.

8 Sec.____. Section one hundred forty—seven point
9 ten (147.10), Code 1977, is amended to read as follows:

10 147.10 RENEWAL. Every license to practice a
11 ~~profession shall expire annually as determined by~~
12 ~~the board and shall be renewed annually upon~~
13 ~~application by the licensee, as determined by the~~
14 ~~board, without examination. Application for such~~
15 ~~renewal shall be made in writing to the department~~
16 ~~accompanied by the required fee at least thirty days~~
17 ~~prior to the expiration of such the license. Every~~
18 ~~renewal shall be displayed in connection with the~~
19 ~~original license. Every year the~~ The department shall
20 notify each licensee by mail of the expiration of
21 his a license. Failure to renew the license within
22 a reasonable time after the expiration shall not
23 invalidate the license, but a reasonable penalty may
24 be assessed by the board.

25 Sec.____. Section one hundred forty—seven point
26 eighty (147.80), unnumbered paragraph one (1), Code
27 1977, is amended to read as follows:

28 An examining board shall set the fees for the
29 examination of applicants, which fees shall be based
30 upon the annual cost of administering the examinations.
31 An examining board shall set the annual fees, ~~except~~
32 ~~renewal fees which need not be annual,~~ required for
33 any of the following based upon the cost of sustaining

34 the board and the actual costs of licensing:

35 Sec.____ Section one hundred forty-seven point
36 one hundred (147.100), Code 1977, is amended to read
37 as follows:

38 147.100 EXPIRATIONS AND RENEWALS. Licenses shall
39 expire ~~annually~~ as determined by the examining board.

40 A person who fails to renew his a license by the
41 expiration date shall be allowed to do so within
42 thirty days following its expiration, but the examining
43 board may assess a reasonable penalty.

44 Sec.____. Section one hundred forty-eight point
45 five (148.5), Code 1977, is amended to read as follows:

46 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician,
47 who is a graduate of a medical school and is serving
48 only as a resident physician and who is not licensed
49 to practice medicine and surgery in this state, shall
50 be required to obtain from the medical examiners a

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1 temporary or special license to practice as a resident
2 physician. The license shall be designated "Resident
3 Physician License" and shall authorize the licensee
4 to serve as a resident physician only, under the
5 supervision of a licensed practitioner of medicine
6 and surgery, in an institution approved for this
7 purpose by the medical examiners. Such license shall
8 be valid for one year and may be ~~annually~~ renewed
9 at the discretion of the medical examiners. The fee
10 for this license shall be set by the board to cover
11 the administrative costs of issuing the license, and
12 if extended beyond one year, ~~an annual a~~ renewal fee
13 as set by the board shall be required. The medical
14 examiners shall determine in each instance those
15 eligible for this license, whether or not examina-
16 tions shall be given, and the type of examinations.
17 No requirements of the law pertaining to regular
18 permanent licensure shall be mandatory for this
19 resident licensure except as specifically designated
20 by the medical examiners. The granting of a resi-
21 dent physician's license does not in any way indicate
22 that the person so licensed is necessarily eligible
23 for regular licensure, nor are the medical examiners
24 in any way obligated to so license such individual.
25 The medical examiners shall revoke the license at
26 any time they shall determine either that the caliber
27 of work done by a licensee or the type of supervision
28 being given such licensee does not conform to reason-

29 able standards established by the medical examiners.
30 Sec.____ Section one hundred forty-eight point
31 ten (148.10), unnumbered paragraph two (2), Code 1977,
32 is amended to read as follows:

33 The temporary certificate shall be issued for one
34 year and, at the discretion of the medical examiners
35 may be renewed, but no person shall be entitled to
36 practice medicine and surgery or osteopathic medicine
37 and surgery in excess of three years while holding
38 a temporary certificate. The fee for this license
39 shall be set by the medical examiners and if extended
40 beyond one year ~~an annual~~ a renewal fee per year shall
41 be set by the medical examiners. The fees shall be
42 based on the administrative costs of issuing and
43 renewing the licenses. The medical examiners may
44 cancel a temporary certificate at any time, without
45 a hearing, for reasons deemed sufficient to the medical
46 examiners.

47 Sec.____ Section one hundred fifty A point nine
48 (150A.9), Code 1977, is amended to read as follows:

49 150A.9 RESIDENT LICENSE. Any osteopathic physician
50 and surgeon who is a graduate of a college of

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1 osteopathic medicine and surgery approved by the
2 medical examiners and is serving only as a resident
3 osteopathic physician and surgeon and who is not
4 licensed to practice osteopathic medicine and surgery
5 in this state, shall be required to obtain from the
6 medical examiners a temporary or special license to
7 practice as a resident osteopathic physician and
8 surgeon. The license shall be designated "Resident
9 Osteopathic Physician and Surgeon License", and shall
10 authorize the licensee to serve as a resident only,
11 under the supervision of a licensed practitioner of
12 osteopathic medicine and surgery, in an institution
13 approved for this purpose by the medical examiners.
14 Such license shall be valid for one year and may be
15 ~~annually~~ renewed at the discretion of the medical
16 examiners. The fee for this license shall be set
17 by the board and based on the cost of issuing the
18 license, and if extended beyond one year, ~~an annual~~
19 a renewal fee shall be required. The medical examiners
20 shall determine in each instance those eligible for
21 this license, whether or not examinations shall be
22 given, and the type of examinations. No requirements
23 of the law pertaining to regular permanent licensure

24 shall be mandatory for this resident licensure except
25 as specifically designated by the medical examiners.
26 The granting of a resident osteopathic physician and
27 surgeon's license does not in any way indicate that
28 the person so licensed is necessarily eligible for
29 regular licensure, nor are the medical examiners in
30 any way obligated to so license such individual.
31 The medical examiners shall revoke said license at
32 any time they shall determine either that the cali-
33 ber of work done by the licensee or the type of
34 supervision being given such licensee does not conform
35 to reasonable standards established by the medical
36 examiners."

37 8. Page 21, by inserting after line 18, the follow-
38 ing:

39 "Sec. Section one hundred fifty-three point
40 twenty-two (153.22), Code 1977, is amended to read
41 as follows:

42 153.22 RESIDENT DENTIST LICENSE. Any dentist,
43 who is a graduate of an accredited dental school and
44 is serving only as a resident, intern or graduate
45 student dentist and who is not licensed to practice
46 dentistry in this state, shall be required to obtain
47 from the board of dentistry a temporary or special
48 license to practice as a resident, intern or graduate
49 dentist. The license shall be designated "Resident
50 Dentist License" and shall authorize the licensee

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1 to serve as a resident, intern or graduate student
2 only, under the supervision of a licensed practitioner
3 of dentistry, in an institution approved for this
4 purpose by the board. Such license shall be valid
5 for one year and may be annually renewed at the
6 discretion of the board for a period not to exceed
7 three additional years. The fee for this license
8 and the annual renewal fee shall be set by the board
9 based upon the cost of issuance of the license. The
10 board shall determine in each instance those eligible
11 for this license, whether or not examinations shall
12 be given, and the type of examination. No requirements
13 of the law pertaining to regular permanent licensure
14 shall be mandatory for this resident licensure except
15 as specifically designated by the board. The granting
16 of a resident dentist's license does not in any way
17 indicate that the person so licensed is necessarily
18 eligible for regular licensure, nor is the board in

19 any way obligated to so license such individual.
 20 The board may revoke said license at any time it shall
 21 determine either that the caliber of work done by
 22 a licensee or the type of supervision being given
 23 such licensee does not conform to reasonable standards
 24 established by the board.

25 Sec. ____ Section one hundred fifty-four point
 26 six (154.6), Code 1977, is amended to read as follows:
 27 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every
 28 license to practice optometry shall expire annually
 29 as determined by the board. Application for renewal
 30 of such license shall be made in writing to the
 31 department of health at least thirty days prior to
 32 the annual expiration date, and be accompanied by
 33 the required renewal fee and the affidavit of the
 34 licensee or other proof satisfactory to the department
 35 and to the Iowa state board of optometry examiners,
 36 that said applicant has attended, since the issuance
 37 of the last license to said applicant and educational
 38 program or clinic as conducted by the Iowa optometric
 39 association, or its equivalent, for a period of at
 40 least two days. The attendance requirement at said
 41 educational program or clinic shall not be conditioned
 42 upon membership in said Iowa optometric association.
 43 Nonmembers shall be admitted to said annual educational
 44 program or clinic upon payment of their pro-rata share
 45 of the cost. In lieu of attendance at the said annual
 46 educational program or clinic, it shall be the duty
 47 of the board of optometry examiners to recognize and
 48 approve attendance at local optometric study group
 49 meetings as shall, in the judgment of said board,
 50 constitute an equivalent to attendance at the annual

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1 educational program of said association.

2 Sec. ____ Section one hundred fifty-four point
 3 seven (154.7), Code 1977, is amended to read as
 4 follows:

5 154.7 NOTICE OF EXPIRATION. Notice of expiration
 6 of the annual license to practice optometry shall
 7 be given by the state department of health to all
 8 certificate holders by mailing said notice to the
 9 last known address of such licensee at least seventy-
 10 five days prior to the expiration date, and said
 11 notice shall contain a statement of the educational
 12 program attendance requirement and the amount of legal
 13 fee required as a condition to the renewal of the

14 license for the coming year. Subject to the provisions
15 of this chapter, said license shall be renewed without
16 examination.

17 Sec. — Section one hundred fifty-four A point
18 fifteen (154A.15), Code 1977, is amended to read as
19 follows:

20 154A.15 LICENSE RENEWAL. Licenses shall be renewed
21 annually in a manner determined by the board. The
22 renewal fee shall be determined by the board pursuant
23 to section 154A.17. The department shall notify every
24 person licensed under this chapter of the date of
25 expiration of his license and the amount of fee
26 required for its renewal for one year. The notice
27 shall be mailed at least one month in advance of the
28 expiration date. A person who fails to renew his
29 a license by the expiration date shall be allowed
30 to do so within thirty days following its expiration,
31 but the board may assess a reasonable penalty.

32 Sec. — Section one hundred fifty-five point
33 twelve (155.12), unnumbered paragraph one (1), Code
34 1977, is amended to read as follows:

35 Licenses shall be obtained from the board for each
36 and every place of business. Applications shall be
37 upon such forms and shall contain such information
38 as the board may reasonably require. Each application
39 for license shall be made by the pharmacist-owner
40 to the secretary of the board, accompanied by the
41 license fee, which shall be paid over into the state
42 treasury and credited to the general fund if the
43 license is issued. The license fee for a pharmacy
44 license or a wholesale drug license shall be set by
45 the board and based upon the administrative costs
46 of issuing the licenses. ~~These licenses shall be~~
47 ~~due annually on the first day of each January.~~ The
48 board shall issue a license upon receipt of an
49 application accompanied by the license fee and after
50 approval thereof by the board.

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1 Sec. — Section one hundred fifty-five point
2 thirteen (155.13), unnumbered paragraph one (1), Code
3 1977, is amended to read as follows:

4 Each license issued under this chapter unless
5 sooner suspended or revoked, shall be renewable
6 annually as determined by the board upon payment of
7 the annual license fee. The board shall have the
8 authority to deny, suspend or revoke a license in

9 any case where it finds that there has been a
10 substantial failure to comply with the provisions
11 of this chapter or the regulations promulgated
12 hereunder, or the violation thereof, and in addition
13 the board shall have the power to deny, suspend or
14 revoke a license, when the applicant or licensee,
15 or any employee, providing the offense is committed
16 on licensed premises or is in the conduct of the
17 business licensed, is guilty of any of the following
18 facts or offenses:

19 Sec. ____ . Section one hundred sixty—nine point
20 six (169.6), Code 1977, is amended to read as follows:

21 169.6 RENEWAL. Every license issued under this
22 chapter shall expire annually, and shall be renewed
23 annually as determined by the board upon application
24 by the licensee. A person who fails to renew his
25 license by the expiration date shall be allowed to
26 do so within thirty days following its expiration,
27 but the board may assess a reasonable penalty.
28 Application for such renewal shall be made in writing
29 to the department of agriculture, accompanied by the
30 required fee, at least thirty days prior to the
31 expiration of such license. The department shall
32 notify each licensee by mail of the expiration of
33 his license. Every renewal shall be displayed in
34 connection with the original license. ~~A licensed~~
35 ~~veterinarian of the state of Iowa who is called into~~
36 ~~military duty for the United States government is~~
37 ~~exempt from paying the renewal fee for such license~~
38 ~~but said license must be renewed within one year from~~
39 ~~date of discharge or the license shall be revoked."~~

40 9. Page 21, by inserting after line 27, the follow—
41 ing:

42 "Sec. ____ . Section four hundred fifty—five B
43 point fifty—eight (455B.58), Code 1977, is amended
44 to read as follows:

45 455B.58 DURATION. Certificates shall continue
46 in effect for ~~one year from the date of issuance~~ a
47 period determined by the board unless sooner revoked
48 by the executive director, but such certificates shall
49 remain the property of the department and the
50 certificate shall so state. A person who fails to

Page 11

1 renew his a certificate by the expiration date shall
2 be allowed to do so within thirty days following its
3 expiration, but the board may assess a reasonable

4 penalty.”

5 10. Page 22, by inserting after line 17, the
6 following:

7 “Sec.—. Section six hundred ten point forty—
8 five (610.45), Code 1977, is amended to read as
9 follows:

10 610.45 RENEWALS. The right to practice law in
11 this state shall be renewed annually by the supreme
12 court upon such conditions as the court shall deter—
13 mine. Any moneys received from those persons admitted
14 to practice law and which are designated for a client
15 security fund or similar fund created by the supreme
16 court shall be separately retained and administered
17 by said court in accordance with rules promulgated
18 by it.”

19 11. Page 23, by inserting after line 6, the follow—
20 ing:

21 “Sec.____. Sections one hundred fifty—four point
22 eight (154.8) and one hundred fifty—four A point
23 sixteen (154A.16), Code 1977, are repealed.”

24 12. By renumbering sections of the bill and cor—
25 recting internal references as necessary.

Amendment H—3710 was adopted.

Monroe of Des Moines offered the following amendment
H—3715 filed by him from the floor and moved its adoption:

H—3715

1 Amend Senate File 312 as passed by the Senate as
2 follows:

3 1. Page 13, line 9, by inserting after the word
4 “reimbursed” the words “subject to the rules of the
5 state comptroller”.

6 2. Page 13, line 10, by striking the words “actual
7 and necessary” and inserting in lieu thereof the word
8 “their”.

Amendment H—3715 was adopted.

Crawford of Story offered the following amendment H—3712
filed by him from the floor and moved its adoption:

H-3712

1 Amend Senate File 312 as passed by the Senate as
2 follows:

3 1. Page 21, by inserting after line 18, the follow-
4 ing:

5 "Sec. __ Section one hundred fifty-four B point
6 four (154B.4), Code 1977, is amended to read as
7 follows:

8 154B.4 ACTS PROHIBITED. Commencing July 1, 1974
9 1975, a person who is not ~~certified licensed~~ under
10 this chapter shall not represent himself or herself
11 as a ~~certified licensed~~ practicing psychologist, use
12 a title or description, including the term "psychology"
13 or any of its derivatives, such as "psychologist" or
14 "psychological", "~~psychotherapist~~" or modifiers such
15 as "practicing" or "~~certified licensed~~" in a manner
16 which implies that he or she is certified under this
17 chapter, or offer to practice or practice psychology,
18 except as otherwise permitted in this chapter. The
19 use by a person who is not ~~certified licensed~~ under
20 this chapter of such terms is not prohibited by this
21 chapter, except when such terms are used in connection
22 with an offer to practice or the practice of
23 psychology.

24 Sec. __ Section one hundred fifty-four B point
25 six (154B.6), Code 1977, is amended to read as follows:

26 154B.6 REQUIREMENTS FOR ~~CERTIFICATION~~ LICENSURE.

27 Except as provided in this section, an applicant for
28 ~~certification licensure~~ as a psychologist ~~or as an~~
29 ~~associate psychologist~~ shall meet the following
30 requirements in addition to those specified in chapter
31 147:

32 1. A ~~certified licensed~~ psychologist shall possess
33 a doctoral degree in psychology or its equivalent
34 from an institution approved by the board and shall
35 have completed at least one year of supervised
36 professional experience under the supervision of a
37 licensed psychologist or prior to July 1, 1976 any
38 person holding a license as a psychologist from the
39 board of examiners of the Iowa psychological
40 association, following the granting of the doctoral
41 degree, or predoctoral experience, as may be acceptable
42 to the board; or shall possess a masters degree in
43 psychology or its equivalent from an institution
44 approved by the board and have completed at least
45 five years of professional experience, at least two
46 of which shall have been under the supervision of

47 a licensed psychologist ~~or prior to July 1, 1976 any~~
48 person holding a license as a psychologist from the
49 board of examiners of the Iowa psychological
50 association, as may be acceptable to the board.

Page 2

1 ~~2. A certified associate psychologist shall possess~~
2 ~~a masters degree in psychology or its equivalent from~~
3 ~~an institution approved by the board.~~

4 3-2. Have passed an examination administered by
5 the board to assure his or her professional competence.
6 The examination of any of its divisions may be given
7 by the board at any time after the applicant has met
8 the degree requirements of section one hundred fifty-
9 four B point six (154B.6) of the Code.

10 4.3. Have not failed the examination required
11 in subsection 3 within the six months next preceding
12 the date of the examination.

13 The examinations required in this section may,
14 at the discretion of the board, be waived for holders
15 by examination of licenses or certificates from states
16 whose requirements are substantially equivalent to
17 those of this chapter, and for holders by examination
18 of specialty diplomas from the American board of
19 professional psychology.

20 Any person who within one year after July 1, ~~1974~~
21 1975, meets the requirements specified in subsections
22 subsection 1 and 2 shall receive certification
23 licensure without having passed the examination
24 required in subsection 3 if application for licensure
25 is filed with the board of psychology examiners before
26 July 1, 1977. Any person holding a certificate from
27 the board of examiners of the Iowa psychological
28 association on July 1, ~~1974~~ 1975, who applies for
29 certification before July 1, 1975, shall receive
30 certification.

31 Sec. . . . Section one hundred fifty-four B point
32 seven (154B.7), Code 1977, is amended to read as
33 follows:

34 154B.7 VOLUNTARY SURRENDER OF CERTIFICATION
35 LICENSE. The commissioner of public health may accept
36 the voluntary surrender of certification license if
37 accompanied by a written statement of intention.
38 The voluntary surrender, when accepted, shall have
39 the same force and effect as an order of revocation."

Amendment H-3712 was adopted.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 312)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Brunow)

The nays were, 3:

Conlon	Oxley	Schneklath
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Absent or not voting, 8:

Brockett	Connors	Garrison	Harper
Newhard	Nielsen	Spencer	Walter

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

HOUSE FILE 492 WITHDRAWN

Crawford of Story asked and received unanimous consent to withdraw House File 492 from further consideration by the House.

MOTIONS TO RECONSIDER

(House File 90)

I move to reconsider the vote by which House File 90 passed the House on April 21, 1977.

MENKE of O'Brien

(House File 57)

I move to reconsider the vote by which House File 57 passed the House on April 21, 1977.

KRAUSE of Kossuth

(Senate File 312)

I move to reconsider the vote by which Senate File 312 passed the House on April 21, 1977.

HARVEY of Scott

(House File 387)

I move to reconsider the vote by which House File 387 passed the House on April 21, 1977.

LAGESCHULTE of Bremer

STUDY BILL COMMITTEE ASSIGNMENT**S.B. 250 Ways and Means**

Relating to the allocation of certain corporate income to this state for corporate income tax purposes and making the Act retroactive.

BILLS ENROLLED, SIGNED AND SENT TO THE GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of April, 1977:

House Files 229 and 281.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Miller of Calhoun presented to the House Foreign exchange student Joanna Reisby from New Zealand, attending Rockwell City High School, Rockwell City, Iowa.

Millen of Van Buren presented to the House foreign exchange student Paolo Aversa from Rome, Italy, a senior at Van Buren Community School, Keosauqua, guests of the William Crist family.

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

Twenty—three fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mrs. McMorrow. By Brunow of Appanoose.

One hundred fifty fifth grade students from Red Oak Elementary, Red Oak, Iowa. By Harbor of Mills.

Forty eighth grade students from Dunlap Junior—Senior High School, Dunlap, Iowa, accompanied by Bob Daugherty and Becky Panzi. By Crabb of Crawford.

Eighty eighth grade students from Nashua Junior—Senior High School, Nashua, Iowa, accompanied by Mrs. Jo Carder and Mr. Gerry Bakke. By Griffee of Chickasaw.

Twenty—seven seventh grade students from New Market Community School, New Market, Iowa, accompanied by Mrs. Laverty and Mr. Healy. By Daggett of Adams.

Forty—seven students from Gehlen Catholic High School, LeMars, Iowa, accompanied by Dick Seivert, Government Instructor and Father Tom Geelan, Superintendent. By Stephens of Plymouth.

Seventeen students from Russell Community School, Russell, Iowa accompanied by Harold Norris and Ray Wong. By Brunow of Appanoose.

Fifty Camp Fire girls from Cedar Rapids, accompanied by Nancy Schultz, Margaret McGivern, Mrs. Roger Severide, Mrs. Leo Stanck, Mrs. Frances Witt, Mrs. Glenn Erickson, Nancy Gable, Mrs. Norbert Panck, Mrs. John Jellison, Mrs. Larry Miller and Mrs. Ken Paulsen. By Lipsky of Linn.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 8:00 a.m., April 20, 1977

Convened: 8:25 a.m.

Adjourned: 9:15 a.m.

Present: Perkins, chair; Evans, ranking member; Harvey, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Dyrland (arrived 8:49 a.m.).

Discussed Senate File 344.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 1:00 p.m., April 20, 1977

Convened: 1:40 p.m.

Adjourned: 2:50 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Clark of Lee, Gilloon, Gilson, Harvey, Hoffmann, Lindeen, Pellett and Wells.

Absent: Baker (arrived 2:13 p.m.), Byerly (arrived 2:33 p.m.), Junker (arrived 1:42 p.m.), Stephens (arrived 2:41 p.m.), Stromer (arrived 2:12 p.m.), Brandt, Miller of Calhoun, Oxley and Wyckoff.

Excused: Hinkhouse.

House File 455, a bill for an act relating to the restraint of dogs.

Recommended AMEND AND DO PASS.

H-3704

- 1 Amend House File 455 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "times" the words "unless the dog is on the property
- 4 of the owner".
- 5 2. Page 1, by striking line 19.

Aye: Hullinger, Danker, Baker, Byerly, Clark of Lee, Gilson, Harvey, Hoffmann, Lindeen, Pellett, Stephens and Stromer.

Nay: Spear and Wells.

Absent or Not Voting: Brandt, Gilloon, Hinkhouse, Junker, Miller of Calhoun, Oxley and Wyckoff.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., April 20, 1977

Convened: 1:40 p.m.

Adjourned: 3:04 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Shimanek, Smalley and Woods.

Absent: Clark of Cerro Gordo (arrived 2:15 p.m.), Conlon (arrived 1:50 p.m.), Garrison, Higgins, Nielsen, Scheelhaase and Spencer.

House File 243, a bill for an act to provide that juveniles convicted of simple misdemeanors in district court shall be sentenced in the juvenile courts.

Recommended AMEND AND DO PASS.

H-3706

1 Amend House File 243 as follows:

2 1. By striking all after the enacting clause and
3 inserting in lieu thereof the following:

4 "Section 1. Chapter one thousand two hundred
5 forty-five (1245), Acts of the Sixty-sixth General
6 Assembly, 1976 Session, chapter four (4), section
7 eighty-one (81), is amended to read as follows:

8 SEC. 81. Section one hundred six point thirteen
9 (106.13), Code 1975, is amended to read as follows:

10 106.13 PENALTY. Any person violating any of the
11 provisions of this chapter, for which another penalty
12 is not otherwise specifically provided, shall be
13 guilty of a simple misdemeanor.

14 Chapter 232 shall have no application in the prose-
15 cution of ~~first and second~~ offenses committed in
16 violation of this chapter or rules and regulations
17 which are adopted under the authority of this chapter
18 which constitute simple misdemeanors. In the case
19 of third and subsequent simple misdemeanor offenses
20 by a person under the age of eighteen, an action may
21 be brought either under chapter two hundred thirty-
22 two (232) of the Code or under chapter two (2), section
23 one thousand three hundred two (1302), of this Act.
24 Notwithstanding the provisions of chapter three.

25 (3), division three (III), of this Act, no person
 26 under the age of eighteen may be imprisoned in a jail
 27 or other adult facility as punishment for conviction
 28 of a simple misdemeanor violation of any of the
 29 provisions of chapter one hundred six (106) of the
 30 Code.

31 Sec. 2. Chapter one thousand two hundred forty—
 32 five (1245), Acts of the Sixty—sixth General Assembly,
 33 1976 Session, chapter four (4), section two hundred
 34 eighty—nine (289), is amended to read as follows:

35 SEC. 289. Section three hundred twenty—one point
 36 four hundred eighty—two (321.482), Code 1975, is
 37 amended to read as follows:

38 321.482 PENALTIES FOR MISDEMEANOR. It is a simple
 39 misdemeanor for any person to do any act forbidden
 40 or to fail to perform any act required by any of the
 41 provisions of this chapter unless any such violation
 42 is by this chapter or other law of this state declared
 43 to be a felony. Chapter 232 shall have no application
 44 in the prosecution of first and second offenses
 45 committed in violation of this chapter which are
 46 simple-misdemeanor misdemeanors. In the case of third
 47 and subsequent simple misdemeanor offenses by a person
 48 under the age of eighteen, an action may be brought
 49 either under chapter two hundred thirty—two (232)
 50 of the Code or under chapter two (2), section one

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1 thousand three hundred two (1302), of this Act.
 2 Notwithstanding the provisions of chapter three
 3 (3), division three (III), of this Act, no person
 4 under the age of eighteen may be imprisoned in a jail
 5 or other adult facility as punishment for conviction
 6 of a simple misdemeanor violation of any of the
 7 provisions of chapter three hundred twenty—one (321)
 8 of the Code.

9 Sec. 3. Chapter one thousand two hundred forty—
 10 five (1245), Acts of the Sixty—sixth General Assembly,
 11 1976 Session, chapter four (4), section two hundred
 12 ninety—five (295), is amended to read as follows:

13 SEC. 295. Section three hundred twenty—one G point
 14 fourteen (321G.14), Code 1975, is amended to read
 15 as follows:

16 321G.14 PENALTY. Any person who shall violate
 17 any provision of this chapter or any regulation of
 18 the commission or director of transportation shall
 19 be guilty of a simple misdemeanor.

20 Chapter 232 shall have no application in the prose—
 21 cution of first and second offenses which are committed
 22 in violation of this chapter, and which constitute
 23 simple misdemeanors. In the case of third and

24 subsequent simple misdemeanor offenses by a person
25 under the age of eighteen, an action may be brought
26 either under chapter two hundred thirty-two (232)
27 of the Code or under chapter two (2), section one
28 thousand three hundred two (1302), of this Act.
29 Notwithstanding the provisions of chapter three
30 (3), division three (III), of this Act, no person
31 under the age of eighteen may be imprisoned in a jail
32 or other adult facility as punishment for conviction
33 of a simple misdemeanor violation of any of the
34 provisions of chapter three hundred twenty-one G
35 (321G) of the Code."

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors
Doyle, Dyrland, Gentleman, Lipsky, Pelton, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen, Patchett, Scheelhaase
and Spencer.

House File 372, a bill for an act relating to age discrimination in
employment.

Recommended AMEND AND DO PASS.

H-3703

- 1 Amend House File 372 as follows:
- 2 1. Page 1, line 3, by striking the words "The
- 3 provisions of this".
- 4 2. Page 1, line 4, by striking the word "chapter"
- 5 and inserting in lieu thereof the words "Section six
- 6 hundred one A point six (601A.6) of the Code".
- 7 3. Page 1, line 6, by striking the words "The
- 8 pro—".
- 9 4. Page 1, line 7, by striking the words "visions
- 10 of this chapter" and inserting in lieu thereof the
- 11 words "Section six hundred one A point six (601A.6)
- 12 of the Code".

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors,
Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Smalley and Woods.

Nay: Shimanek.

Absent or Not Voting: Garrison, Higgins, Nielsen, Scheelhaase and
Spencer.

Senate File 288, a bill for an act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen, Patchett, Scheelhaase and Spencer.

Senate File 317, a bill for an act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code.

Recommended AMEND AND DO PASS.

H-3702

- 1 Amend Senate File 317 as follows:
- 2 1. Page 2, by inserting after line 2 the following:
- 3 "Sec. Section eighteen point ninety-seven
- 4 (18.97), subsection sixteen (16), Code 1977, is amended
- 5 to read as follows:
- 6 16. To the clerk of the district court and each
- 7 separate office of the clerk, the county attorney,
- 8 the county auditor, the county recorder, county and
- 9 city assessor, the county treasurer, the sheriff and
- 10 each separate office of a sheriff, the public
- 11 defender's office, and the administrator of each area
- 12 education agency in the state and also for use in
- 13 each courtroom of the district court.....1
- 14 copy"

Aye: Jesse, Newhard, Branstad, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Clark of Cerro Gordo, Garrison, Higgins, Nielsen, Scheelhaase and Spencer.

Assigned bills to subcommittee.

AMENDMENTS FILED

H-3707	H.F. 248	Miller of Buchanan
H-3709	S.F. 334	Doyle of Woodbury
H-3713	H.F. 463	Patchett of Johnson
H-3714	H.F. 546	Krause of Kossuth
		Lipsky of Linn

On motion by Fitzgerald of Webster the House adjourned at 5:27 p.m., until 10:00 a.m., Friday, April 22, 1977.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day -- Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 22, 1977

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

Prayer was offered by Father Louis Kolasch, pastor of the Sacred Heart Catholic Church, Fort Dodge, Iowa.

The Journal of Thursday, April 21, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Cook, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk on request of Dunton of Keokuk; Cusack of Scott and Walter of Pottawattamie on request of Bina of Scott; Dieleman of Marion on request of Howell of Floyd; Nielsen of Polk on request of Baker of Buena Vista.

PETITION FILED

The following petition was received and placed on file:

By Lindeen of Henry from thirty constituents supporting legislation to raise the legal drinking age.

INTRODUCTION OF BILLS

HOUSE FILE 561, by committee on agriculture, a bill for an act relating to the state standard of weights and measures.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 562, by Small, a bill for an act relating to certain academic requirements for certification by the board of educational examiners.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 563, by Cusack, a bill for an act to prohibit the public display of explicit sexual materials and providing a penalty.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 445, a bill for an act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

Also: That the Senate has on April 20, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 239, a bill for an act relating to nonprofit corporations.

Also: That the Senate has on April 20, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 274, a bill for an act relating to uniform child-custody jurisdiction.

STEVEN C. CROSS, Secretary

BILLS SIGNED BY THE GOVERNOR

A Communication was received from the Governor announcing that on April 21, 1977, he approved and transmitted to the Secretary of State the following bills:

Senate File 52, an act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

Senate File 109, an act to update Iowa specifications and standards for cheese and cheese products.

Senate File 110, an act relating to testing dairy products for manufacturing purposes.

Senate File 235, an act appropriating funds from the motor vehicle fuel tax fund to the Department of Revenue.

Senate File 262, an act making an appropriation to the Board of Watchmaking Examiners.

Senate File 266, an act making an appropriation from the general fund of the state to the Board of Accountancy.

SENATE AMENDMENTS CONSIDERED

Brandt of Black Hawk called up for consideration House File 74, a bill for an act to provide recreational program activities for residents of county care facilities, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3638

- 1 Amend House File 74, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, by striking from lines 8 through
- 4 12 the words "The board of supervisors or the
- 5 committee may provide recreational program activities
- 6 for residents of the county care facility and provide
- 7 for the cost of the activities to be included in the
- 8 county care facility's budget." and inserting in lieu
- 9 thereof the words "The board of supervisors or the
- 10 committee shall provide an activities program for
- 11 residents of the county care facility and provide for
- 12 the costs of the activities to be included in the
- 13 county care facility's budget. Any such activities
- 14 program shall include a recreational program, and the
- 15 board or committee shall employ an activities director
- 16 who may be the administrator of the county care
- 17 facility or his or her designee, and whose responsibility
- 18 it will be to oversee these programs".

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

Doyle of Woodbury called up for consideration House File 101, a bill for an act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-3637

- 1 Amend House File 101 by striking all after the
- 2 enacting clause and inserting in lieu thereof the
- 3 following:
- 4 "Section 1. Section three hundred fifty-six point
- 5 five (356.5), subsection six (6), Code 1977, is amended
- 6 by striking the subsection and inserting in lieu
- 7 thereof the following:
- 8 6. Keep a matron on the jail premises at all times
- 9 during the incarceration of one or more female
- 10 prisoners; keep either a jailer or matron on the
- 11 premises at all times during the incarceration of
- 12 one or more male prisoners, and make nighttime
- 13 inspections while any prisoners are confined, or
- 14 provide for incarceration in a jail which conforms
- 15 to the provisions of this subsection."

The motion prevailed and the House concurred in the Senate amendment H-3637.

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

On the question "Shall the bill pass?" (H.F. 101)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Danker

Davitt	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Shimaneck	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 2:

Hansen	Menke
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Absent or not voting, 13:

Cusack	Den Herder	Dieleman	Garrison
Harper	Harvey	Jesse	Nielsen
Patchett	Rinas	Small	Walter
West			

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

Monroe of Des Moines called up for consideration House File 209, a bill for an act to make technical amendments to the statutes relating to school districts by permitting the school board secretary to designate an alternate person to receive nomination papers relating to school elections, by permitting any school board to compensate a school treasurer, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) of the Code authorizing the appointment of a secretary of the school board and a treasurer of the school district, and two hundred ninety-eight point twenty-two (298.22) of the Code, authorizing the school board secretary to register bonds, by legalizing all acts of a treasurer of the school district appointed in compliance with section two hundred seventy-nine point three

(279.3) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code, amended by the Senate, as follows:

H-3692

1 Amend House File 209, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 19 the following
4 section:

5 "Sec. Section two hundred ninety-one point
6 two (291.2), Code 1977, is amended to read as follows:

7 291.2 BONDS OF SECRETARY AND TREASURER. The
8 secretary and treasurer shall give bond to the school
9 corporation in such penalty as the board may require,
10 and with sureties to be approved by it, which bond shall
11 be filed with the president, conditioned for the faith-
12 ful performance of his the official duties of office, but in
13 no case less than five hundred dollars. The secretary and
14 treasurer may give bond under a single blanket bond covering
15 other employees of the district."

16 2. Amend the title, line 5, by inserting after the
17 word "by" the words "permitting a single blanket bond for
18 all employees including the secretary and treasurer of a
19 school district, by".

20 3. By numbering and renumbering sections as
21 necessary.

Schroeder of Pottawattamie offered the following amendment
H-3716, to the Senate amendment H-3692, filed by him from
the floor:

H-3716

1 Amend the Senate amendment H-3692 to House File
2 209, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2 the following
5 amendment:

6 "— Page 1, by inserting before line 1 the
7 following section:

8 "Section 1. Section two hundred seventy-four point
9 thirteen (274.13), Code 1977, is amended by striking
10 the section and inserting in lieu thereof the

11 following:

12 274.13 ATTACHING TERRITORY TO ADJOINING DISTRICT.

13 Any portion of the landowners in a school district
14 may file a petition with the area education agency
15 administrator to include their land or a portion of
16 their land within the boundaries of an adjacent school
17 district. The area education agency administrator
18 shall transmit the petition to the board of directors
19 of the area education agency for review. If the board
20 approves the transfer, the area education agency
21 administrator, following approval by the board of
22 the affected adjacent district, shall by a written
23 order attach the part thus affected to the adjoining
24 school district. One copy of the order shall be
25 transmitted to the secretary of each school district
26 involved in the transfer who shall record the transfer
27 and make the proper designation on the plat of the
28 district. One copy of the order shall also be
29 transmitted to the department of public instruction.” ”

30 2. Page 1, by inserting after line 15 the following
31 amendment:

32 “ __ Page 4, by inserting after line 1 the
33 following section:

34 “Sec__ Section two hundred seventy-four point
35 fourteen (274.14), Code 1977, is repealed.” ”

36 3. Page 1, by inserting after line 15 the following
37 amendment:

38 “ __ Amend the title, line 2, by inserting after
39 the word “by” the words “revising the provisions
40 relating to attachment of portions of school districts
41 to adjoining school districts, by”.”

42 4. By numbering and renumbering sections as
43 necessary.

Monroe of Des Moines rose on a point of order that amendment H-3716 was not germane.

The Speaker ruled the point well taken and amendment H-3716 not germane.

Junker of Woodbury asked for unanimous consent to amend amendment H-3692 by striking in line 12 the word “official”.

Objection was raised.

Junker of Woodbury moved to suspend the rules to amend amendment H-3692 by striking in line 12 the word "official".

A non-record roll call was requested.

The ayes were 27, nays 41.

The motion lost.

Schroeder of Pottawattamie offered the following amendment H-3717, to the Senate amendment H-3692, filed by him from the floor:

H-3717

1 Amend the Senate amendment H-3692 to House File
2 209, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2, the following
5 amendment:

6 "_. Page 1, by inserting before line 1 the
7 following section:

8 "Sec. Section two hundred seventy-five point
9 twenty-five (275.25), Code 1977, is amended by striking
10 the section and inserting in lieu thereof the
11 following:

12 275.25 ELECTION OF DIRECTORS. If the proposition
13 to establish a new corporation carries under the
14 method provided, the board of the reorganized district
15 shall consist of the members of the boards of the
16 districts involved in the reorganization who are
17 residents of the reorganized district until the second
18 regular school election held thereafter, except as
19 otherwise provided in this section. Terms of office
20 of such members shall be extended beyond their
21 expiration to the organizational meeting after the
22 second regular school election held thereafter.
23 Vacancies occurring on the board during the period
24 shall be filled by appointment of the remaining
25 members.

26 At the first election at which members will be
27 elected, three members of the board shall remain in
28 office, one for a one-year term, one for a two-year
29 term, and one for a three-year term. The determination
30 of the members to be retained shall be made by lot.
31 At the election, one member shall be elected for a

32 one-year term and one for a two-year term, except
33 in districts which include all or part of a city of
34 fifteen thousand or more population and in districts
35 in which the proposition to establish a new corporation
36 provides for seven directors, two directors shall
37 be elected for a three-year term. Provided, however,
38 that in all community school districts which include
39 a city of fifteen thousand or more population and
40 which became effective prior to July 4, 1955, and
41 in all community school districts containing a city
42 which has attained a population of fifteen thousand
43 or more as shown by the most recent decennial federal
44 census, the board of directors shall consist of seven
45 members. The county board of supervisors shall canvass
46 the votes and the county commissioner of elections
47 report the results to the area education agency
48 administrator who shall notify the persons who are
49 elected directors.
50 The board consisting of members of the former

Page 2

1 school districts shall organize within fifteen days
2 following the effective date of the reorganization
3 upon call of the administrator. The board of directors
4 shall have complete control of the employment of all
5 personnel for the newly-formed community school
6 district for the ensuing school year. Following the
7 organization of the board, the board shall establish
8 policy, organize curriculum, enter into contracts
9 and complete such other planning and take such action
10 as is essential for the efficient management of the
11 newly-formed community school district. ” ”
12 2. Page 1, by inserting after line 15 the following
13 amendment:
14 “___ Amend the title, line 2, by inserting after
15 the word “by” the words “revising the composition
16 of the board of directors of a reorganized school
17 district, by”.”
18 3. By numbering and renumbering sections as
19 necessary.

Menke of O'Brien rose on a point of order that amendment
H-3717 was not germane.

The Speaker ruled the point well taken and amendment
H-3717 not germane.

Schroeder of Pottawattamie asked for unanimous consent to suspend the rules for the consideration of amendment H-3717.

Objection was raised.

Schroeder of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H-3717, to the Senate amendment H-3692.

A non-record roll call was requested.

The ayes were 34, nays 37.

The motion lost.

Monroe of Des Moines moved that the House concur in the Senate amendment H-3692.

The motion prevailed and the House concurred in the Senate amendment H-3692.

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

On the question "Shall the bill pass?" (H.F. 209)

The ayes were, 80:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Davitt
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen

Lipsky	Loneragan	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
O'Halloran	Oxley	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Shimanek	Smalley	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 4:

Danker	Menke	Schroeder	Stephens
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Absent or not voting, 16:

Cusack	Den Herder	Dieleman	Garrison
Harper	Harvey	Jesse	Krause
Nielsen	Norland	Patchett	Pavich
Rinas	Small	Walter	West

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

MOTION TO RECONSIDER DEFERRED (House File 381)

Hargrave of Johnson called up for consideration the motion to reconsider House File 381, filed on April 18, 1977, and moved to reconsider the vote by which House File 381, a bill for an act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services, passed the House on April 18, 1977.

Perkins of Greene moved that the motion to reconsider House File 381 be deferred and retained.

A non-record roll call was requested.

The ayes were 47, nays 33.

The motion prevailed.

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the committee on state government meeting.

INTRODUCTION OF BILL

HOUSE FILE 564, by committee on state government, a bill for an act to authorize registration of voters on election day and to otherwise revise Iowa's registration laws and certain related sections of the Code, and providing a penalty.

Read first time and PLACED ON THE CALENDAR.

PRESENTATION OF VISITORS

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

Twenty-five fifth grade students from Ballard Community School, Huxley, Iowa, accompanied by Mrs. Griffith. By Crawford of Story.

Fifty-three ninth grade students from Longfellow Junior High School, Council Bluffs, Iowa, accompanied by Linda Gardener, Judy O'Brien, Dick Reeves, Dale Cerney and Ted Stillwell. By Pavich of Pottawattamie and Walter of Pottawattamie.

Forty-five members of the Senior Citizens People Enrichment Program, St. Paul Lutheran Church, Davenport, Iowa, accompanied by Pastor Christenson. By Bina of Scott, Cusack of Scott, Harvey of Scott, Higgins of Scott and Schnekloth of Scott.

Thirty-three 4-H members from Dubuque and Johnson County, accompanied by Banks Doggett, Jr, Mrs. Kruse and Mrs. Laban. By Dyrland of Clayton, Gilloon of Dubuque, Jochum of Dubuque, Newhard of Jones, Shimanek of Jones and Tauke of Dubuque.

Fifty members of Cub Scout Pack 360, Marion, Iowa accompanied by Keith Cameron. By Oxley of Linn.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 251 State Government

Relating to amending Section 43.18, Code 1977, relating to qualifications and duties of the lieutenant governor.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:00 a.m., April 21, 1977

Convened: 8:10 a.m.

Adjourned: 10:10 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Gilloon, Harbor, Harvey, Husak, Junker, Menke, O'Halloran, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Absent: Bina (arrived 8:11 a.m.), Cusack (arrived 8:15 a.m.), Egenes (arrived 9:10 a.m.), Hines (arrived 9:06 a.m.), Horn (arrived 8:30 a.m.), Howell (arrived 8:15 a.m.), Jochum (arrived 8:15 a.m.), Wulff (arrived 9:43 a.m.), Dunton and Oxley.

House File 491, a bill for an act relating to transportation providing for an expression of the legislative intent concerning diagonal roads, lowering the freeway—expressway system total mileage, providing for functional reclassification of roads in the state, development of a quadrennial needs study, inclusion of the area school roads and bridges in the park and institution road maintenance allocation and providing for a quadrennial need

study of park and institution roads and bridges, changing the allocation formula from the road use tax fund to provide forty-five percent to the primary road fund, twenty-eight percent to the secondary road fund, nine percent to the farm-to-market road fund, and eighteen percent to the cities, providing for definitional changes of certain roads, requiring certain annual reports by cities, raising the motor fuel and special fuel tax to ten cents per gallon and the diesel engine special fuel tax to eleven and one-half cents per gallon, eliminating the one-half of one cent of motor fuel and other special fuel tax to the primary road fund, providing appropriations, and repealing certain sections.

Recommended DO PASS.

Aye: Miller of Buchanan, Anderson, Bina, Brandt, Conlon, Cusack, Daggett, Davitt, Den Herder, Dieleman, Egenes, Gilloon, Harbor, Hines, Howell, Husak, Jochum, Junker, O'Halloran, Rinas, Schnekloth, Svoboda, Thompson, Varley, Wulff and Wyckoff.

Nay: Bennett, Branstad, Clark of Lee, Harvey, Horn, Pavich, Spencer and Wells.

Absent or not voting: Norland, West, Dunton, Menke and Oxley.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 10:00 a.m., Thursday, April 21, 1977

Convened: 10:15 a.m.

Adjourned: 12:15 p.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Harvey, Howell, Hullinger, Jochum, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Krause (arrived 10:45 a.m.).

Approved and sent to the Budget Committee, LSB 1603 H, an appropriation for Iowa State University for coal research and Senate File 344 with proposed amendments.

JUDICIARY AND LAW ENFORCEMENT

Scheduled: 11:00 a.m., April 21, 1977

Convened: 11:12 a.m.

Adjourned: 12:30 p.m.

Present: Jesse, chair; Branstad, ranking member; Conlon, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: Newhard, vice-chair (arrived 11:42 a.m.), Clark of Cerro Gordo (arrived 11:30 a.m.), Connors (arrived 12:10 p.m.), Garrison and Nielsen.

Senate File 289, a bill for an act to propose changes in the rules of criminal procedure.

Recommended AMEND AND DO PASS.

H-3719

- 1 Amend Senate File 289 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 4 and 5 and inserting
- 4 in lieu thereof the words "rules one (1) through
- 5 twenty-six (26) and rules twenty-nine (29) and thirty-
- 6 one (31) are amended by".
- 7 2. Page 1, line 6, by striking the words "three
- 8 (3) through seventy-nine (79)" and inserting in lieu
- 9 thereof the words "two (2) through eighty (80)".
- 10 3. Page 1, by inserting after line 12 the
- 11 following:
- 12 "Sec. ____ Rule one (1), subsection two (2),
- 13 paragraph b is amended to read as follows:
- 14 b. "Judicial officer" means justices of the supreme
- 15 court, justices of the court of appeals, and committing
- 16 magistrates."
- 17 4. Page 5, line 8, by striking the word and figure
- 18 "three (3)".
- 19 5. Page 5, by striking lines 18 through 27.
- 20 6. Page 6, line 21, by striking the words "lesser
- 21 necessarily" and inserting in lieu thereof the word
- 22 "lesser".
- 23 7. Page 6, line 27, by striking the words "an
- 24 a necessarily" and inserting in lieu thereof the word
- 25 "an".
- 26 8. Page 7, lines 25 and 26, by striking the words
- 27 "without unnecessary delay as soon as practicable"
- 28 and inserting in lieu thereof the words "without
- 29 unnecessary delay".
- 30 9. Page 8, lines 28 and 29, by striking the words
- 31 "for good cause shown".
- 32 10. Page 8, line 30, by inserting after the
- 33 "guilty" the word "plea".

- 34 11. Page 13, by striking lines 16 through 18 and
35 inserting in lieu thereof the words "~~procedure.~~ The".
- 36 12. Page 16, by striking line 22.
- 37 13. Page 16, by striking lines 34 and 35.
- 38 14. Page 17, by striking lines 1 through 11.
- 39 15. Page 17, line 21, by striking the word
40 "GOVERNMENT" and inserting in lieu thereof the words
41 "~~GOVERNMENT~~ STATE".
- 42 16. Page 17, lines 26 and 27, by striking the
43 words "photograph ~~:-Any and, in addition any~~" and
44 inserting in lieu thereof the words "photograph:
45 Any".
- 46 17. Page 19, by striking lines 3 through 5 and
47 inserting in lieu thereof the following:
48 "a. DOCUMENTS AND TANGIBLE OBJECTS. If the court
49 grants the relief sought by the defendant under
50 ~~subdivision subsection~~ two (2), paragraph b,

Page 2

- 1 subparagraph one (1), of this rule, the court".
- 2 18. Page 19, by striking lines 13 through 15 and
3 inserting in lieu thereof the following:
4 "b. REPORTS OF EXAMINATIONS AND TESTS. If the
5 court grants relief sought by the defendant under
6 ~~subdivision subsection~~ two (2), paragraph b,
7 subparagraph one (1), of this rule, the court".
- 8 19. Page 19, by striking lines 26 through 31 and
9 inserting in lieu thereof the following: "~~subdivision~~
10 ~~two-(2)~~ subsection three (3) of this rule shall be
11 made, if at all, within five days after any order
12 granting similar relief to the defendant."
- 13 20. Page 19, by striking lines 32 through 34 and
14 inserting in lieu thereof the following:
15 "4. FAILURE TO EMPLOY EVIDENCE. When evidence
16 intended for use and furnished under this rule is
17 not actually employed at the trial, that fact shall
18 not be commented upon at trial."
- 19 21. Page 21, by striking line 6 and inserting
20 in lieu thereof the words:
21 "Sec. 43. Rule 15, subsection one (1)".
- 22 22. Page 21, by striking lines 12 through 19.
- 23 23. Page 23, by striking line 3 and inserting
24 in lieu thereof the words "a, subparagraph one (1)".
- 25 24. Page 23, by striking lines 8 through 13.
- 26 25. Page 24, line 35, by striking the letter "c".
- 27 26. Page 25, by striking lines 17 through 24.
- 28 27. Page 28, line 19, by striking the words "rule

- 29 ~~ten-(10) these rules~~ and inserting in lieu thereof
 30 the words "rule ten (10)".
 31 28. Page 28, line 31, by striking the words
 32 "~~asserted established~~" and inserting in lieu thereof
 33 the word "asserted".
 34 29. Page 30, line 28, by striking the word
 35 "~~considered~~" and inserting in lieu thereof the word
 36 "considered".
 37 30. Page 31, line 12, by striking the words "~~rules~~
 38 ~~of the~~" and inserting in lieu thereof the words "rules
 39 of the".
 40 31. Page 33, by striking lines 32 through page
 41 34, line 3.
 42 32. Page 34, line 9, by striking the words "or
 43 judge" and inserting in lieu thereof the words "~~or~~
 44 judge".
 45 33. Page 35, by striking lines 2 through 4 and
 46 inserting in lieu thereof the following: "rules
 47 thirty-three (33), thirty-four (34), thirty-six (36),
 48 thirty-nine (39), forty-two (42), forty-eight (48),
 49 and fifty-three (53) through fifty-six (56) are amended
 50 by sections eighty-two (82) through ninety-two (92)

Page 3

- 1 of this Act as follows:"
 2 34. Page 35, line 13, by striking the word "all"
 3 and inserting in lieu thereof the word "~~all~~".
 4 35. By renumbering and by correcting internal
 5 references as necessary.

Aye: Jesse, Newhard, Branstad, Conlon, Connors, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Spencer.

Nay: None.

Absent or not voting: Clark of Cerro Gordo, Garrison, Nielsen and Woods.

Senate File 318, a bill for an act making technical changes of a corrective nature to the criminal code revision.

Recommended AMEND AND DO PASS.

H-3718

- 1 Amend Senate File 318, as amended and passed by
 2 the Senate, as follows:
 3 1. Page 26, line 16, by inserting after the word

4 "sections" the words and figure "one hundred two
5 (102)."

6 2. Page 26, line 22, by striking the word and
7 figure "ninety-one (91)" and inserting in lieu thereof
8 the word and figure "ninety-two (92)".

9 3. Page 26, by inserting after line 23 the
10 following section:

11 "Sec. _____ Section one hundred two (102),
12 unnumbered paragraph one (1):

13 Upon a plea of guilty, a verdict of guilty, or
14 a special verdict upon which a judgment of conviction
15 of any public offense may be rendered, the court shall
16 receive from the state and from the defendant any
17 information which may be offered which is relevant
18 to the question of sentencing. The court may consider
19 information from other sources, ~~and, if the offense~~
20 ~~is a felony, shall order that a presentence~~
21 ~~investigation be made. If the offense is not a felony,~~
22 ~~the court may, in its discretion, order that a~~
23 ~~presentence investigation be made whenever the maximum~~
24 ~~period of confinement which may be imposed is in~~
25 ~~excess of thirty days. The court shall order a~~
26 presentence investigation when the offense is a class
27 B, class C, or class D felony. The court may order
28 a presentence investigation when the offense is an
29 aggravated or serious misdemeanor."

30 4. By renumbering the remaining sections and
31 correcting internal references to conform to this
32 amendment.

Aye: Jesse, Branstad, Conlon, Doyle, Dyrland, Gentleman, Higgins, Lipsky,
Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or Not Voting: Newhard, Clark of Cerro Gordo, Connors, Garrison
and Nielsen.

House File 189 failed to pass. Assigned bills to subcommittee.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 11:00 a.m., April 21, 1977

Convened: 11:07 a.m.

Adjourned: 12:04 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Thompson and Wells.

Absent: Chiodo.

Excused: Smalley.

House File 149, a bill for an act providing a penalty for withholding or diverting any portion of an employer's gratuities and providing penalties.

Recommended AMEND AND DO PASS.

H-3720

- 1 Amend the title page, line 2, by striking the
- 2 word "employer's" and inserting in lieu thereof
- 3 the word "employee's".

Aye: Connors, Jochum, Egenes, Branstad, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Thompson and Wells.

Nay: None.

Absent or Not Voting: Brockett, Chiodo, Crabb and Smalley.

Discussed Study Bill 240, relating to unemployment compensation. Assigned bills to subcommittee.

COMMITTEE ON EDUCATION

Scheduled: 1:00 p.m., April 21, 1977

Convened: 1:05 p.m.

Adjourned: 2:15 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Poncy, Spear, Thompson and Wulff.

Absent: Stromer (arrived 2:05 p.m.), Brockett and Small.

Senate File 296, a bill for an act relating to the membership and duties of the state advisory council for vocational education and local advisory committees for vocational education.

Recommended DO PASS.

Aye: Baker, Crawford, Daggett, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Miller of Calhoun, Norland, Patchett, Poncy, Spear, Thompson and Wulff.

Nay: Byerly.

Absent or Not Voting: Brockett, Small and Stromer.

Study Bill 230, relating to changing the title of the Higher Education Commission, failed to pass.

Discussed Study Bill 227.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:00 p.m., April 21, 1977

Convened: 1:18 p.m.

Adjourned: 1:52 p.m.

Present: Middleswart, chair; Bennett, Evans, Miller of Buchanan, O'Halloran, Perkins, Scheelhaase, Shimanek, Tofte, Varley, Welden and Wyckoff.

Absent: Avenson (arrived 1:23 p.m.), Stephens (arrived 1:22 p.m.), Chiodo, Griffee, Jesse and Spencer.

Excused: Garrison, Halvorson and Pelton.

Study Bill 218, a bill for an act relating to indemnification of county conservation board members for errors or omissions in the performance of their official duties.

Recommended DO PASS.

Aye: Middleswart, Avenson, Bennett, Evans, Miller of Buchanan, O'Halloran, Perkins, Scheelhaase, Shimanek, Stephens, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Spencer, Halvorson, Chiodo, Garrison, Griffee, Jesse, Pelton and Tofte.

Study Bill 234, a bill for an act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

Recommended DO PASS.

Aye: Middleswart, Avenson, Bennett, Evans, Miller of Buchanan, O'Halloran, Perkins, Scheelhaase, Shimanek, Tofte, Varley and Wyckoff.

Nay: None.

Absent or Not Voting: Spencer, Halvorson, Chiodo, Garrison, Griffee, Jesse, Pelton, Stephens and Welden.

Study Bill 244, a bill for an act relating to the issuance and expiration of waterworks or waste waterworks operators' certificates.

Recommended DO PASS.

Aye: Middleswart, Avenson, Bennett, Evans, Miller of Buchanan, O'Halloran, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or Not Voting: Spencer, Halvorson, Chiodo, Garrison, Griffee, Jesse and Pelton.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:00 p.m., April 21, 1977

Convened: 1:08 p.m.

Adjourned: 2:00 p.m.

Present: Krause, chair; Schroeder, ranking member; Binneboese, Brunow, Davitt, Doyle, Hoffmann, Lageschulte, Lipsky, Schneklath and Woods.

Absent: Clark of Cerro Gordo (arrived 1:11 p.m.), Egenes (arrived 1:20 p.m.), Harbor (arrived 1:09 p.m.), Hullinger (arrived 1:15 p.m.), Oxley (arrived 1:09 p.m.), Dunton, Monroe and Rinas.

Excused: Harper.

House File 335, a bill for an act relating to the registration of vehicles owned and used exclusively for activities for churches and religious organizations.

Recommended AMEND AND DO PASS.

H-3721

- 1 Amend House File 335 as follows:
 2 1. Page 1, line 15 by inserting a period after
 3 the word "plates" and striking the word "upon".
 4 2. Page 1, by striking the lines 16, 17, 18
 5 and 19.

Aye: Krause, Schroeder, Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Oxley and Woods.

Nay: Lipsky and Schneklath.

Absent or Not Voting: Harper, Dunton, Monroe and Rinas.

Senate File 334, a bill for an act relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a five or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes.

Recommended AMEND AND DO PASS.

H-3722

- 1 Amend Senate File 334, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by striking lines 12 and 13 and insert—
 4 ing in lieu thereof the following:
 5 "Sec. . . . The provision of this Act shall be
 6 effective November 1, 1977 for fees payable on or
 7 after November 1, 1977 for vehicle registration issued
 8 for the calendar year 1978."

Aye: Krause, Schroeder, Binneboese, Brunow, Clark of Cerro Gordo, Davitt, Doyle, Egenes, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Oxley, Schneklath and Woods.

Nay: None.

Absent or Not Voting: Harper, Dunton, Monroe and Rinas.

Discussed Senate File 167.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:00 a.m., April 22, 1977

Convened: 8:20 a.m.

Recessed: 9:15 a.m.

Reconvened: 11:45 a.m.

Adjourned: 11:58 a.m.

Present: Monroe, chair; Woods, vice-chair; Brandt, Crawford, Griffie, Hansen, Higgins, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke and West.

Absent: Avenson (arrived 9:12 a.m.), Dieleman (arrived 11:45 a.m.), Harvey and Jesse.

Excused: Walter

Study Bill 243, a bill for an act to authorize registration of voters on election day and to otherwise revise Iowa's registration laws and certain related sections of the Code; and providing a penalty.

Recommended AMEND AND DO PASS.

Aye: Monroe, Woods, Avenson, Crawford, Dieleman, Griffie, Hansen, Higgins, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer and Tauke.

Nay: None.

Absent or Not Voting: Harvey, Brandt, Jesse, Walter and West.

SUBCOMMITTEE ASSIGNMENTS

House File 510

Natural Resources
Garrison, chair
Welden
Tofte

House File 511

Natural Resources
Spencer, chair
Pelton
Chiodo

House File 517

Education
Dyrland, chair
Baker
Small
Koogler
Brockett
Krewson

House File 528

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

House File 529

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

House File 543

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

Senate File 289

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

House File 532

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

House File 549

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

Senate File 318

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

House File 535

Ways and Means
Gilloon, chair
Bennett
Harbor
Varley
Bina
Rinas
Brandt
Horn
Wulff

House File 550

Education
Miller of
Calhoun, chair
Byerly
Gilson
Spear
Hansen
Thompson

Senate File 329

Judiciary and Law
Enforcement
Shimanek, chair
Conlon
Pelton

House File 539

Labor and
Industrial Relations
Gilloon, chair
Wells
Thompson

House File 552

Transportation
Krause, chair
Schroeder
Rinas
Hullinger
Clark of Cerro Gordo

Senate File 334

Transportation
Woods, chair
Harbor
Krause

House File 542

Labor and
Industrial Relations
Hines, chair
Wells
Crabb

House File 555

Transportation
Krause, chair
Egenes
Monroe
Rinas
Clark of Cerro Gordo

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.S.B. 226

County Government
 Baker, chair
 Gilson
 Lindeen

S.B. 234

Natural Resources
 O'Halloran, chair
 Varley
 Avenson

S.B. 236B

Ways and Means
 Norland, chair
 Rinas
 Hines
 Jochum
 Wells
 Branstad
 West
 Thompson
 Clark of Lee
 Bina

S.B. 244

Natural Resources
 Varley, chair
 Scheelhaase
 Wyckoff

AMENDMENTS FILED

H-3723

H-3724

H-3725

H-3726

H.F. 488

S.F. 154

H.F. 338

S.F. 334

Tauke of Dubuque

Schnekloth of Scott

Daggett of Adams

Schroeder of Pottawattamie

On motion by Fitzgerald of Webster the House adjourned at
 12:08 p.m., until 10:00 a.m., Monday, April 25, 1977.

JOURNAL OF THE HOUSE

One hundred sixth Calendar Day -- Seventy--second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 25, 1977

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

Prayer was offered by the Reverend Calvin Schumacher, pastor of the United Church of Christ, Clarence, Iowa.

The Journal of Friday, April 22, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Bailey, Anamosa, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Iowa for the morning session on request of Bina of Scott; Bennett of Ida on request of Schnekloth of Scott.

PETITION FILED

The following petition was received and placed on file:

By Thompson of Polk from one hundred thirty-five constituents in favor of adequately funding human resources programs, and to generate the revenue necessary to fund these programs through progressive tax revisions such as modifying the present 100% deductibility of the federal income tax on the Iowa personal income tax return.

MEMORIAL TRIBUTE

Miller of Calhoun offered the following remarks in tribute to Representative Mattie Harper:

We are very fortunate to have served with Mattie Harper in this House of Representatives.

The strength of her character, the courage of her convictions, the loyalty of her friendship, the deep concern for the people she represented, the pride in her work, her direct questions expecting direct answers to difficult problems—all this showed us the ultimate in service and the joy in serving.

No one among us has personally touched the lives in every city, large and small, as she has.

Through a quarter of a century of counseling and directing literally thousands of young women at Hawkeye Girls State — her life has been a statement in action of love of God, love of country and love of all people.

Freely she gave of herself and in reaching out to others enabled them to grow in expectation and quality of life.

To walk the extra mile, to extend a helping hand, and accept life with joy — this is the challenge her life presents to us. May we accept the challenge.

The House rose for a moment of silent prayer in respect of the Honorable Mattie Harper.

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Dieleman of Marion presented to the House Miss Kathy Thies, Pella, Iowa, Queen of the 1977 Pella Tulip Festival. The Queen introduced the members of her court, Carol Kanis, Jennifer Hoekstra, Cindy De Jong and Laureen Rook.

Miss Thies extended to the House an invitation to attend the Pella Tulip Festival, May 12, 13 and 14. The girls, all in Dutch costume, distributed the famous Pella cookies to those present.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits.

STEVEN C. CROSS, Secretary

MOTIONS TO RECONSIDER WITHDRAWN
(House File 57)

Krause of Kossuth asked and received unanimous consent to withdraw the motion to reconsider House File 57 filed by him on April 21, 1977.

(House File 90)

Menke of O'Brien asked and received unanimous consent to withdraw the motion to reconsider House File 90 filed by him on April 21, 1977.

CONSIDERATION OF BILLS

Budget Calendar

House File 558, a bill for an act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members, was taken up for consideration.

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

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

The ayes were, 81:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Garrison
Gentleman	Gilloon	Gilson	Halvorson

Hansen	Harbor	Hargrave	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middlewart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Spear	Spencer	Stromer
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Wulff
			Mr. Speaker

The nays were, 4:

Smalley	Stephens	Woods	Wyckoff
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Absent or not voting, 15:

Bennett	Clark, J.H.	Fitzgerald	Griffee
Harper	Harvey	Hines	Jesse
Junker	Millen	Patchett	Pellett
Rinas	Svoboda	Varley	

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

Regular Calendar

Senate File 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings, with report of committee recommending passage was taken up for consideration.

Gilloon of Dubuque offered amendment H-3585 filed by the committee on county government and requested division as follows:

H-3585

1 Amend Senate File 7 as follows:

H-3585A

- 2 1. Page 1, line 9, by striking the word "three"
- 3 and inserting in lieu thereof the word "two"

H-3585B

- 4 2. Page 2, by striking all of line 8.

On motion by Gilloon of Dubuque, amendment H-3585A was adopted.

On motion by Gilloon of Dubuque, amendment H-3585B was adopted.

Brandt of Black Hawk offered amendment H-3728 filed by her from the floor. Division was requested as follows:

H-3728

- 1 Amend Senate File 7, as amended, passed and
- 2 reprinted by the Senate, as follows:

H-3728A

- 3 1. Page 1, line 17, by inserting after the word
- 4 "dollars," the words "but is more than two thousand
- 5 dollars,".
- 6 2. Page 1, line 31, by striking the words "five
- 7 hundred" and inserting in lieu thereof the words "two
- 8 thousand".

H-3728B

- 9 3. Page 1, line 32, by striking the words "not
- 10 exceeding two thousand dollars".

Brandt of Black Hawk moved the adoption of amendment H-3728A.

A non-record roll call was requested.

The ayes were 65, nays 14.

Amendment H-3728A was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 9

Brunow of Appanoose offered the following House Memorial Resolution 9 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 9

Whereas, The Honorable Mattie Harper of Davis County, who was a member of the Sixty—fifth, Sixty—sixth and Sixty—seventh sessions of the General Assembly, passed away on April 22, 1977; Now Therefore,

Be It Resolved by the House of Representatives, that a committee of seven be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Brunow of Appanoose, Poncy of Wapello, Miller of Calhoun, Cochran of Webster, Nielsen of Polk, Millen of Van Buren and Stromer of Hancock.

(Senate File 7 and amendment H—3728B pending at recess.)

On motion by Avenson, of Fayette, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hinkhouse of Cedar for the remainder of the day on request of Gilson of Guthrie.

INTRODUCTION OF BILLS

HOUSE FILE 565, by committee on ways and means, a bill for an act relating to the allocation of certain corporate income to this state for corporate income tax purposes and making the Act retroactive.

Read first time and PLACED ON THE WAYS AND MEANS CALENDAR.

HOUSE FILE 566, by committee on natural resources, a bill for an act relating to the issuance and expiration of waterworks or waste waterworks operators' certificates.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 239, a bill for an act relating to nonprofit corporations.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 274, a bill for an act relating to uniform child-custody jurisdiction.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 228, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 228

H-3731

1 Amend House File 228, as amended and passed by
2 the House, as follows:

3 1. Page 1, by striking lines 4, 5 and 6 and
4 inserting in lieu thereof the following:
5 "Sec. 2. NEW SECTION. DEFINITIONS. As used in
6 this Act:

7 1. "Breeding bull" means a male animal of dairy
8 or beef bovine genus used for breeding purposes.

9 2. "Lease" when used as a verb means to physically
10 deliver a breeding bull pursuant to a lease agreement."

11 2. Page 1, line 18, by inserting after the word
12 "bull" the words ", and a description as to breed,
13 color and other distinguishing marks,".

14 3. Page 1, line 25, by inserting after the word
15 "year" the words "for a fee".

16 4. Page 1, lines 28 and 29, by striking the words
17 "a tag or other device as determined by the secretary
18 of agriculture" and inserting in lieu thereof the
19 words "a tag or an identifying mark if the lessor
20 desires this method of identification".

21 5. Page 1, line 30, by striking the words "other
22 device" and inserting in lieu thereof the words
23 "identifying mark".

24 6. Page 1, line 32, by striking the words "the
25 death, sale or".

26 7. Page 1, line 33, by striking the word "other".

27 8. Page 2, line 3, by striking the words "other
28 device" and inserting in lieu thereof the words
29 "approve an identifying mark".

30 9. Page 2, line 4, by striking the word "device"
31 and inserting in lieu thereof the words "identifying
32 mark".

33 10. Page 2, line 16, by striking the words "or
34 exposure thereto".

35 11. Page 2, by striking lines 17 through 29, and
36 inserting in lieu thereof the following:

37 "3. The identification number of the breeding
38 bull tested and the date of issuance of the health
39 certificate.

40 Such health certificate shall be valid for one
41 rental on one premise only. Thereafter, a new health
42 certificate must be issued after the breeding bull
43 has been retested; but no new test for tuberculosis
44 shall be required if the breeding bull is leased
45 within sixty days of the last tuberculosis test."

46 12. Page 3, line 1, by inserting after the word
47 "Act." the words "The licensee shall also, within
48 ten days after the lease of each breeding bull, notify
49 the department in writing of the name and address
50 of the person to whom the breeding bull is being

Page 2

- 1 leased, together with the date of delivery.”
 2 13. Page 3, line 9, by inserting after the word
 3 “lessee” the words “or any agent of the department”.
 4 14. Page 3, line 23, by inserting after the word
 5 “collected” the words “, provided the bull had not
 6 been moved to any other premise between the date of
 7 examination and the date of collection.”
 8 15. Page 3, line 28, by inserting after the period
 9 the words “If a breeding bull is moved to any other
 10 premise after issuance of the health certificate but
 11 prior to collection of the semen, that health certifi-
 12 cate shall be invalid for purposes of this section.”
 13 16. Page 3, line 29, by inserting after the word
 14 “to” the words “4-H or future farmers of America
 15 organizations engaged in breeding programs.”

BUSINESS PENDING

The House resumed consideration of Senate File 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings, and amendment H-3728B.

Brandt of Black Hawk moved the adoption of amendment H-3728B.

Amendment H-3728B was adopted.

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

On the question “Shall the bill pass?” (S.F. 7)

The ayes were, 93:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon

Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Bennett	Harper	Hinkhouse	Millen
Newhard	Walter	West	

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

Regular Calendar

Senate File 28, a bill for an act to commemorate the birthday of Dr. Martin Luther King, Jr., with report of committee recommending passage was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 28)

The ayes were, 85:

Anderson	Avenson	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow

Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hines	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 3:

Baker	Harvey	Stephens
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Absent or not voting, 12:

Bennett	Chiodo	Crabb	Daggett
Harper	Higgins	Hinkhouse	Middleswart
Millen	Newhard	Welden	West

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker appointed the following Representatives as the official delegation to the funeral services of the Honorable Mattie Harper, Representative from Davis County: Nielsen of Polk, Husak of Tama, Miller of Calhoun, Brunow of Appanoose, Hansen of O'Brien, Poncy of Wapello, Horn of Linn, Stromer of Hancock, Millen of Van Buren and Cochran of Webster.

House File 232, a bill for an act prohibiting the Iowa commerce commission from approving charges by telephone companies for telephone directory assistance, with report of committee

recommending passage was taken up for consideration.

Nielsen of Polk in the chair at 2:44 p.m.

Evans of Grundy offered the following amendment H-3729 filed by him from the floor and moved its adoption:

H-3729

- 1 Amend House File 232 as follows:
 2 1. Page 1, by striking all after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section four hundred seventy-six
 5 point six (476.6), Code 1977, is amended by adding
 6 the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The commission shall
 8 adopt rules not later than January 1, 1978, setting
 9 forth the principles to be applied when deciding to
 10 approve or disapprove an application by a public
 11 utility to charge for directory assistance. The
 12 commission shall not approve a charge nor shall a
 13 public utility make a charge for telephone directory
 14 assistance prior to April 1, 1978."
 15 2. Title page, line 3, by inserting after the
 16 word "assistance" the words "prior to April 1, 1978,
 17 and directing the commission to adopt rules".

Roll call was requested by Poncy of Wapello and Halvorson of Clayton.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Schneklath of Scott refrained from voting.

On the question "Shall amendment H-3729 be adopted?"

The ayes were, 34:

Baker	Brockett	Clark, J.H.	Conlon
Crabb	Daggett	Danker	Den Herder
Dunton	Egenes	Evans	Gilson
Griffee	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Husak	Lindeen

Menke
Perkins
Stromer
Welden

Middleswart
Schroeder
Thompson
Wyckoff

Miller, O.L.
Smalley
Tofte

Pellett
Stephens
Varley

The nays were, 58:

Anderson
Branstad
Clark, B.J.
Cusack
Dyrland
Gilloon
Horn
Junker
Lageschulte
Monroe
Oxley
Poncy
Small
Tauke
Wulff

Bina
Brunow
Cochran
Davitt
Fitzgerald
Hargrave
Howell
Koogler
Lipsky
Newhard
Patchett
Rinas
Spear
Walter
Mr. Speaker
(Nielsen)

Binneboese
Byerly
Connors
Dieleman
Garrison
Higgins
Jesse
Krause
Lonergan
Norland
Pavich
Scheelhaase
Spencer
Wells

Brandt
Chiodo
Crawford
Doyle
Gentleman
Hines
Jochum
Krewson
Miller, K.D.
O'Halloran
Pelton
Shimanek
Svoboda
Woods

Absent or not voting, 8:

Avenson
Hullinger

Bennett
Millen

Harper
Schnekloth

Hinkhouse
West

Amendment H-3729 lost.

Lipsky of Linn offered the following amendment H-3734 filed by her from the floor and moved its adoption:

H-3734

- 1 Amend House File 232 as follows:
- 2 1. Page 1, by striking the period in line 12
- 3 and inserting in lieu thereof the following: "unless
- 4 a commensurate decrease in the base rate charge is
- 5 implemented."

Roll call was requested by Varley of Adair and Harbor of Mills.

On the question "Shall amendment H-3734 be adopted?"

The ayes were, 40:

Branstad	Brockett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Den Herder	Dieleman	Dunton	Egenes
Evans	Gentleman	Gilson	Griffiee
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Hullinger	Husak	Lindeen
Lipsky	Menke	Middleswart	Miller, O.L.
Pellett	Pelton	Schroeder	Smalley
Stephens	Stromer	Svoboda	Thompson
Tofte	Varley	Welden	Wyckoff

The nays were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Cochran	Connors	Crawford
Cusack	Davitt	Doyle	Dyrland
Fitzgerald	Garrison	Gilloon	Hargrave
Higgins	Hines	Horn	Howell
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lonergan	Miller, K.D.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Shimanek	Small
Spear	Spencer	Tauke	Walter
Wells	Woods	Wulff	Mr. Speaker (Nielsen)

Absent or not voting, 8:

Bennett	Harper	Hinkhouse	Krause
Millen	Scheelhaase	Schnekloth	West

Amendment H-3734 lost.

Conlon of Muscatine offered the following amendment H-3684 filed by him and moved its adoption:

H-3684

- 1 Amend House File 232 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "assistance," the following: "However, a charge
- 4 may be approved by the commission and imposed against
- 5 a subscriber who uses directory assistance more than

6 five (5) times in any month to obtain information
7 readily ascertainable in a telephone company directory
8 of which copies reasonably sufficient for the sub-
9 scriber's needs have been distributed free of charge
10 to the subscriber."

Amendment H-3684 lost.

Egenes of Story offered the following amendment H-3732 filed by her from the floor:

H-3732

1 Amend House File 232 as follows:

2 1. Page 1, by inserting after line 12 the
3 following new section:

4 "Sec. — Chapter four hundred seventy-six (476),
5 Code 1977, is amended by adding the following new
6 sections:

7 NEW SECTION. DEFINITIONS. As used in this
8 chapter, unless the context otherwise requires:

9 1. "Exchange area" means a general area in which
10 a public utility furnishes exchange telephone service.

11 2. "Flat rate service" means service furnished
12 at a fixed monthly or periodic charge.

13 3. "Toll rate" means the tariff charge prescribed
14 for messages which charge is based upon the duration of
15 the message and the distance between the rate centers of
16 exchange areas.

17 4. "Rate center" means the central office of any
18 exchange area from which distance is measured to the
19 central office of any other exchange area in determining
20 a toll rate in a tariff filed with the commission.

21 5. "Extended area service" means telephone service,
22 furnished at a flat rate, between all subscriber tele-
23 phone stations located within an exchange area and all
24 subscriber telephone stations within one or more other
25 exchange areas.

26 6. "Discounted toll-rate" means a flat rate for
27 specified minimum use of toll lines between exchange
28 areas for which toll rates are included in tariffs filed
29 with the commission.

30 7. "Telephone station" means the telephone instru-
31 ment installed for the use of the subscriber.

32 NEW SECTION. REDUCED TOLL RATES. Where pro-
33 visions required by this Act would not conflict with
34 interstate rate jurisdiction of the Federal Communi-
35 cations Commission, each telephone company shall offer

36 either extended area service or discounted toll-rate
 37 service between exchange areas as provided in this
 38 section. Effective July 1, 1979, either extended area
 39 service or discounted toll-rate service shall be
 40 offered between the central office or the rate center
 41 of the exchange area and the central office or the rate
 42 center of other exchange areas located within a radius
 43 of not less than twenty-five miles and, effective
 44 July 1, 1980, within a radius of not less than forty
 45 miles and, effective July 1, 1981, within a radius of
 46 not less than fifty-five miles.
 47 Subject to the provisions of chapter seventeen A
 48 (17A) of the Code the commission shall make rules for
 49 the purpose of carrying out the provisions of this
 50 section. These rules shall apply to all telephone

Page 2

1 companies operating within the state, regardless of
 2 any exceptions provided in section four hundred
 3 seventy-six point one (476.1) of the Code to the
 4 regulatory authority of the commission."

Bina of Scott rose on a point of order that amendment H-3732 was not germane.

The Speaker ruled the point well taken and amendment H-3732 not germane.

Egenes of Story moved that the rules governing germaneness be suspended for the consideration of amendment H-3732.

Roll call was requested by Egenes of Story and Binneboese of Plymouth.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-3732?"

The ayes were, 34:

Binneboese
 Conlon
 Danker

Brockett
 Crabb
 Davitt

Clark, B.J.
 Crawford
 Egenes

Clark, J.H.
 Daggett
 Evans

Gentleman	Hansen	Harvey	Hoffmann
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Pellett	Pelton	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Stromer	Svoboda	Tauke	Thompson
Welden	Wulff		

The nays were, 58:

Anderson	Avenson	Baker	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Cochran	Connors	Cusack
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Griffee	Halvorson	Harbor	Hargrave
Hines	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krause
Lonergan	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Tofte
Varley	Walter	Wells	Woods
Wyckoff	Mr. Speaker (Nielsen)		

Absent or not voting, 8:

Bennett	Den Herder	Harper	Higgins
Hinkhouse	Hullinger	Millen	West

The motion lost.

Speaker Cochran in the chair at 5:13 p.m.

Hargrave of Johnson offered the following amendment H-3733 filed by him from the floor and moved its adoption:

H-3733

- 1 Amend House File 232 as follows:
- 2 1. Page 1, by striking all of line 13.

A non-record roll call was requested.

The ayes were 59, nays 22.

Amendment H-3733 was adopted.

By unanimous consent the following amendment H-3760 filed by Lipsky of Linn from the floor was adopted:

H-3760

- 1 Amend House File 232 as follows:
- 2 1. Title page, line 2 by inserting after the
- 3 word "approving" the word "certain".

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 232)

The ayes were, 64:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Connors
Crawford	Cusack	Davitt	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Hargrave
Higgins	Hines	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lipsky	Loneragan	Miller, K.D.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Shimanek	Small	Spear
Spencer	Svoboda	Tauke	Walter
Wells	Woods	Wulff	Mr. Speaker

The nays were, 30:

Brockett	Clark, J.H.	Conlon	Crabb
Daggett	Danker	Den Herder	Dieleman
Evans	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hullinger
Lindeen	Menke	Middleswart	Miller, O.L.
Pellett	Schroeder	Smalley	Stephens

Stromer
Welden

Thompson
Wyckoff

Tofte

Varley

Absent or not voting, 6:

Bennett
Schnekloth

Harper
West

Hinkhouse

Millen

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

MOTION TO RECONSIDER LOST

Walter of Pottawattamie asked for unanimous consent that House File 232 be immediately messaged to the Senate.

Objection was raised.

Walter of Pottawattamie moved to reconsider the vote by which House File 232 passed the House.

A non-record roll call was requested.

Rule 70 was invoked.

Under the provisions of Rule 71, Schnekloth of Scott refrained from voting.

The ayes were 37, nays 51.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millen of Van Buren on request of Stromer of Hancock.

HOUSE FILE 58 WITHDRAWN

Small of Johnson asked and received unanimous consent to withdraw House File 58 from further consideration by the House.

REGULAR CALENDAR

Senate File 119, a bill for an act relating to the regulation of savings and loan associations, with report of committee recommending passage was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 119)

The ayes were, 90:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egepes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Hargrave	Harvey	Higgins	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poney	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 2:

Miller, K.D.

Stephens

Absent or not voting, 8:

Bennett
Krause

Harbor
Millen

Harper
Rinas

Hinkhouse
West

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

MOTION TO RECONSIDER WITHDRAWN
(Senate File 312)

Harvey of Scott asked and received unanimous consent to withdraw the motion to reconsider Senate File 312 filed by him on April 21, 1977.

MOTION TO RECONSIDER
(Senate File 7)

I move to reconsider the vote by which Senate File 7 passed the House on March 25, 1977.

HULLINGER of Decatur

PRESENTATION OF VISITORS

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

A group of essay contest winners, Juniors from six high schools in Plymouth County sponsored by the Plymouth County REC. By Stephens of Plymouth.

Thirty students from McCombs Junior High School, Des Moines, Iowa, accompanied by Mr. Campbell. By Woods of Polk.

Twenty-one students from Fonda Community School, Fonda, Iowa, accompanied by Lee Hoth. By Miller of Calhoun.

Thirty-seven students from Sheffield-Chapin Community School, Sheffield, Iowa, accompanied by Steve Spurr. By Welden of Hardin.

Twenty—three eighth grade students from Dallas Community School, Dallas Center, Iowa, accompanied by Bill Wineland. By Varley of Adair.

One hundred students from Carlisle High School, Carlisle, Iowa, accompanied by Mr. Sinclair. By Anderson of Jasper.

SPONSOR ADDED

(Amendment H—3723 to House File 488)

Thompson of Polk requested to be added as a sponsor to amendment H—3723 to House File 488.

THOMPSON of Polk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 1977, he approved and transmitted to the Secretary of State the following bill:

House File 367, an act making appropriations to various state departments.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 252 Budget

Appropriating funds to Iowa state university of science and technology for coal research.

S.B. 253 State Government

To provide an election for coverage of employees of community action programs under the Iowa public employees' retirement system.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 21 and 22, 1977. Had I been present I would have voted "aye" on House Files 57, 90, 101, 209, 387, Senate Files 312 and 314.

WALTER of Pottawattamie

I was necessarily absent from the House chamber on April 20, 21, and 22, 1977. Had I been present I would have voted "aye" on House Files 57, 90, 101, 209, 246, 464, Senate File 312 and 314; "nay" on House File 387.

GARRISON of Black Hawk

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., April 22, 1977

Convened: 8:12 a.m.

Adjourned: 10:13 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Halvorson, Horn, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Chiodo (arrived 8:21 a.m.), Gilloon (arrived 8:23 a.m.), Hines (arrived 8:23 a.m.) and Small.

COMMITTEE BILL (Formerly House File 250), a bill for an act relating to inspections by insurance companies of any place of employment.

Recommended AMEND AND DO PASS.

Aye: Connors, Egenes, Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Nay: Jochum.

Absent or not voting: Small.

Discussed Study Bill 24, relating to unemployment compensation.

COMMITTEE ON CITIES

Scheduled: 8:30 a.m., April 22, 1977

Convened: 8:35 a.m.

Adjourned: 8:52 a.m.

Present: Bina, chair; Hines, vice-chair; Connors, Dunton, Koogler, Krewson, Pavich, Schnekloth, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: Clark of Lee (arrived 8:47 a.m.), Gentleman, Hargrave, Hoffmann, Newhard, Nielsen, Perkins and Rinas.

House File 396, a bill for an act relating to conflict of interest for city civil service commissioners and providing a penalty.

Recommended DO PASS.

Aye: Bina, Hines, Clark of Lee, Connors, Dunton, Koogler, Krewson, Pavich, Schnekloth, Smalley, Stephens and Tofte.

Nay: Spear and Wulff

Absent or not voting: Gentleman, Hargrave, Hoffmann, Newhard, Nielsen, Perkins and Rinas.

Senate File 224, a bill for an act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads.

Recommended AMEND AND DO PASS.

H-3727

1 Amend Senate File 224 as follows:

2 1. Page 1, by striking lines 1 through 35.

3 2. Page 2, by striking line 1 and inserting in

4 lieu thereof the following section:

5 "Section 1. Section three hundred sixty-eight
6 point seven (368.7), Code 1977, is amended by striking
7 unnumbered paragraph two (2) and inserting in lieu
8 thereof the following:

9 An application for annexation of territory not
10 within the urbanized area of a city other than the

11 city to which the annexation is directed must be
12 approved by resolution of the council which receives
13 the application. Upon receiving approval of the
14 council, the city clerk shall file a copy of the
15 resolution, map, and legal description of the territory
16 involved with the state department of transportation.
17 The city clerk shall also file a copy of the map and
18 resolution with the county recorder, secretary of
19 state, and the board. The annexation is completed
20 upon acknowledgement by the board that it has received
21 the map and resolution and a certification by the
22 city clerk that copies of the map and resolution have
23 been filed with the county recorder and secretary
24 of state and that copies of the resolution, map, and
25 legal description of the territory involved have been
26 filed with the state department of transportation.

27 An application for annexation of territory within
28 the urbanized area of a city other than the city to
29 which the annexation is directed must be approved
30 both by resolution of the council which receives the
31 application and by the board. The annexation is
32 completed when the board has filed copies of applicable
33 portions of the proceedings as required by section
34 three hundred sixty-eight point twenty (368.20),
35 subsection two (2) of the Code."

36 3. Page 2, line 30, by striking the word "and"
37 and inserting in lieu thereof a comma.

38 4. Page 2, line 30, by inserting after the word
39 "improvement" the words "and traffic control".

Aye: Bina, Hines, Clark of Lee, Connors, Dunton, Koogler, Krewson,
Pavich, Schneklath, Smalley, Spear, Stephens, Tofte and Wulff.

Nay: None.

Absent or not voting: Gentleman, Hargrave, Hoffmann, Newhard, Nielsen,
Perkins and Rinas.

Assigned bills to subcommittee. Passed Cities Committee Resolutions 1 and
2.

COMMITTEE ON WAYS AND MEANS

Scheduled: 11:00 a.m., April 22, 1977

Convened: 12:12 p.m.

Adjourned: 12:35 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harbor, Hines, Horn, Husak, Jochum, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Absent: Brandt (arrived 12:13 p.m.), Egenes (arrived 12:17 p.m.), Howell (arrived 12:14 p.m.), Den Herder, Harvey and Junker.

Excused: Cusack.

Senate File 140, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

Recommended AMEND AND DO PASS.

H-3730

- 1 Amend Senate File 140, as passed by the Senate,
2 as follows:
3 1. Page 3, by inserting after line 9 the follow-
4 ing new section:
5 "Sec. NEW SECTION. TRANSITIONAL PERIOD.
6 There shall be a transitional period to permit each
7 taxpayer subject to the tax imposed by sections four
8 hundred twenty-two point thirty-three (422.33) and
9 four hundred twenty-two point sixty (422.60) of the
10 Code to adjust to the requirements of making estimated
11 tax payments.
12 1. For a taxable year beginning on or after July
13 1, 1977, and on or before June 30, 1978, only sixty
14 percent of the estimated tax shall be required to
15 be paid during the taxable year in accordance with
16 the installment schedule in section three (3) of this
17 Act. The remaining forty percent of the estimated
18 tax shall be increased or decreased to reflect the
19 actual tax due for the taxable year and shall be paid
20 at the time of filing the final, completed return
21 for the taxable year.
22 2. For a taxable year beginning on or after July
23 1, 1978, and on or before June 30, 1979, only eighty
24 percent of the estimated tax shall be required to
25 be paid during the taxable year in accordance with
26 the installment schedule in section three (3) of this
27 Act. The remaining twenty percent of the estimated
28 tax shall be increased or decreased to reflect the

29 actual tax due for the taxable year and shall be paid
30 at the time of filing the final, completed return
31 for the taxable year.

32 3. In the event the time for filing a tax return
33 is extended for a taxable year listed in this section
34 the remaining percentage of estimated tax due for
35 that year shall be paid not later than the last day
36 of the fourth month following the expiration of the
37 taxable year."

38 2. Renumber sections and correct internal refer-
39 ences as may be necessary in accordance with this
40 amendment.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Horn, Howell, Husak, Jochum, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Nay: None.

Absent or Not Voting: Cusack, Den Herder, Harvey and Junker.

Study Bill 250, a bill for an act relating to the allocation of certain corporate income to this state for corporate income tax purposes and making the Act retroactive.

Recommended AMEND AND DO PASS.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Howell, Husak, Jochum, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells, Wulff and Wyckoff.

Nay: None.

Absent or Not Voting: Cusack, Den Herder, Harvey, Horn and Junker.

AMENDMENTS FILED

H-3735

H.F. 476

Spear of Lee

H-3736

S.F. 279

Horn of Linn

H-3737

H.F. 248

Koogler of Mahaska

H-3738

H.F. 187

Connors of Polk

Pavich Of Pottawattamie

		Miller of Buchanan
		Jochum of Dubuque
		Horn of Linn
		Byerly of Polk
H-3739	H.F. 406	Connors of Polk
H-3740	H.F. 248	Harbor of Mills
H-3741	H.F. 248	Harbor of Mills
H-3742	H.F. 248	Harbor of Mills
H-3743	H.F. 491	Schnekloth of Scott
H-3744	H.F. 269	Svoboda of Iowa
H-3745	H.F. 488	Halvorson of Clayton
H-3746	H.F. 488	Halvorson of Clayton
H-3747	H.F. 488	Halvorson of Clayton
H-3748	H.F. 248	Wyckoff of Benton
H-3749	H.F. 248	Conlon of Muscatine
H-3750	H.F. 248	Hansen of O'Brien
H-3751	H.F. 248	Menke of O'Brien
H-3752	H.F. 248	Menke of O'Brien
H-3753	H.F. 248	Wyckoff of Benton
H-3754	H.F. 488	Halvorson of Clayton
H-3755	H.F. 488	Thompson of Polk
H-3756	H.F. 248	Chiodo of Polk
H-3757	H.F. 488	Halvorson of Clayton
H-3758	S.F. 209	Danker of Pottawattamie
		Junker of Woodbury
		Husak of Tama
		Scheelhaase of Woodbury
		Pellett of Cass
H-3759	H.F. 564	Committee on State Government
		Monroe of Des Moines, chair

On motion by Fitzgerald of Webster the House adjourned at 5:29 p.m., until 9:00 a.m., Tuesday, April 26, 1977.

JOURNAL OF THE HOUSE

One hundred seventh Calendar Day -- Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 26, 1977

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

Prayer was offered by the Reverend LeRoy Christoffels, pastor of the Bethel Christian Reformed Church, Oskaloosa, Iowa.

The Journal of Monday, April 25, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Paul Knouf, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rinas of Linn on request of Junker of Woodbury; Millen of Van Buren on request of Stromer of Hancock; Poney of Wapello on request of Anderson of Jasper; Perkins of Greene on request of Baker of Beuna Vista.

PETITIONS

The following petitions were received and placed on file:

By Binneboese of Plymouth from forty-three constituents favoring delay of the three cents gas tax in Iowa at this time.

By Lipsky of Linn from twenty-five residents of Linn County supporting House File 147, a bill to establish multi-purpose trails on abandoned railroad right-of-way.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 25, 1977, he approved and transmitted to the Secretary of State the following bills:

House File 229, an act relating to the registration certificates of vessels.

House File 281, an act to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

Senate File 98, an act providing that the director of the Division of Corrections of the Department of Social Services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

Senate File 198, an act appropriating funds to the Iowa Beer and Liquor Control Department for capital improvements.

Senate File 268, an act repealing the statutory standing appropriation funding the state employees' disability plan.

ADOPTION OF HOUSE RESOLUTION 11

Pursuant to House Rule 26, the Speaker announced that House Resolution 11 filed on March 14, 1977 and found on page 810 of the House Journal was adopted by unanimous consent.

CONSIDERATION OF BILLS

Regular Calendar

House File 564, a bill for an act to authorize registration of voters on election day and to otherwise revise Iowa's registration laws and certain related sections of the Code, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Monroe of Des Moines offered the following amendment H-3759 filed by the committee on state government:

H-3759

1 Amend House File 564 as follows:

2 1. Page 4, by striking lines 5 and 6 and insert—
3 ing in lieu thereof the words "or address, shall be
4 allowed to cast a ballot pursuant to section forty—
5 nine point eighty—one (49.81) of the Code after
6 properly completing a postcard registration form at
7 the polls on election day".

8 2. Page 4, by striking lines 14 through 25 and
9 inserting in lieu thereof the following:

10 "2. An eligible elector shall furnish a form of
11 identification establishing his or her identity and
12 place of residence for the purposes of subsection
13 one (1) of this section by:

14 a. Submitting a drivers license which bears the
15 elector's correct name and address, except that if
16 the drivers license bears the elector's correct name
17 but not his or her correct address then the elector
18 may submit with the drivers license some other printed
19 identification which bears the elector's correct name
20 and address and which has not been prepared by the
21 elector or by a political party; or".

22 3. Page 4, by striking line 34 and inserting in
23 lieu thereof the words "election officials, each of
24 whom shall be affiliated with a different political".

25 4. Page 10, by inserting after line 16 the follow—
26 ing new sections:

27 "Sec___ Section forty—nine point eighty—one
28 (49.81), Code 1977, is amended by striking the section
29 and inserting in lieu thereof the following:

30 **49.81 SPECIAL PAPER BALLOTS.**

31 1. A paper ballot shall be used by electors who
32 are directed to cast a ballot under this section.
33 If a booth meeting the requirements of section forty—
34 nine point twenty—five (49.25) of the Code is not
35 available at the polling place, the precinct election
36 officials shall make alternative arrangements to
37 insure the voter the opportunity to vote in secret.

38 2. The ballot shall be folded as required by
39 section forty—nine point eighty—four (49.84) of the
40 Code and delivered to a precinct election official
41 who shall immediately seal it in an envelope. Only
42 the ballot shall be placed in the envelope. The
43 precinct election officials shall attach to or write
44 on the outside of the envelope the following:

45 a. The affidavit of eligibility provided for in

- 46 section forty—nine point seventy—seven (49.77) of
47 the Code.
48 b. The postcard registration form completed at
49 the polls on election day.
50 c. A notation of the type of identification form

Page 2

- 1 used, if the elector furnished identification under
2 section six (6), subsection two (2), paragraph a,
3 of this Act.
4 d. The witnessed affidavit, if the elector
5 furnished identification under section six (6),
6 subsection two (2), paragraph b, of this Act.
7 e. The reason the elector has been required, under
8 section six (6) of this Act or sections forty—nine
9 point seventy—seven (49.77), forty—nine point seventy—
10 nine (49.79) or forty—nine point eighty (49.80) of
11 the Code to cast a ballot under this section.
12 The sealed envelope shall be deposited in a special
13 envelope marked "ballots for special precinct" and,
14 for purposes of the post—election canvass, shall be
15 considered cast in the special precinct established
16 by section fifty—three point twenty (53.20) of the
17 Code.
18 3. Each elector who casts a ballot pursuant to
19 this section shall be given a printed statement in
20 substantially the following form:
21 "Your qualification as an elector will be reviewed
22 by the special precinct counting board on
23 _____. This ballot shall be
24 counted unless the members of that board find that
25 you are not a qualified elector of this precinct or
26 have cast a ballot in any precinct in this elec—
27 tion. You have the right and are encouraged to be
28 present when your qualifications are reviewed. You
29 or your designee may present written or oral statements
30 and evidence supporting your qualifications to cast
31 this ballot."
32 4. Any elector may present on election day or
33 at any time prior to the actual time the ballot
34 envelope is opened, written statements or documents
35 supporting or opposing the counting of any ballot
36 cast according to this section. If the statements
37 or documents are presented on election day to the
38 precinct election officials they shall be returned
39 to the commissioner with the election supplies.
40 Sec. . . . Section fifty point twenty (50.20),

41 Code 1977, is amended to read as follows:

42 50.20 NOTICE OF NUMBER OF CHALLENGED PAPER BALLOTS.

43 The commissioner shall compile a list of the number
44 of challenged paper ballots cast under section 49.81
45 in each precinct. The list shall be made available
46 to the public as soon as possible, but in no case
47 later than nine o'clock a.m. on the second first day
48 following the election. Any elector may examine the
49 list during normal office hours, and may also examine
50 the affidavit envelopes bearing the ballots of

Page 3

1 ~~challenged electors cast under section forty-nine~~
2 ~~point eighty-one (49.81) of the Code until the recon-~~
3 ~~vening of the special precinct board as required by~~
4 ~~this chapter. Only those persons so permitted by~~
5 ~~section 53.23, subsection 4, shall have access to~~
6 ~~the affidavits ballot envelopes while that board is~~
7 ~~in session. Any elector may present written statements~~
8 ~~or documents, supporting or opposing the counting~~
9 ~~of any challenged paper ballot at the commissioner's~~
10 ~~office until the reconvening of the special precinct~~
11 ~~board."~~

Schroeder of Pottawattamie asked for unanimous consent that action on House File 564 be deferred.

Objection was raised.

Schroeder of Pottawattamie moved that action on House File 564 be deferred until the week of May 1, 1977.

Stromer of Hancock moved as a substitute motion that action on House File 564 be deferred until 2:00 p.m., Thursday, April 28, 1977.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 26, nays 56.

The substitute motion lost.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion to defer action on House File 564 until the week of May 1, 1977.

Monroe of Des Moines offered the following amendment H-3761, to the committee amendment H-3759, filed by him and Tauke of Dubuque from the floor and moved its adoption:

H-3761

1 Amend the Committee on State Government amendment
2 H-3759 to House File 564 as follows:

3 1. Page 1, line 7, by inserting after the word
4 "day" the words ", signing the special election
5 register as required by section forty-nine point
6 eighty-three (49.83) of the Code".

7 2. Page 2, by inserting after line 39 the following
8 sections:

9 "Sec. ___ Section forty-nine point eighty-three
10 (49.83), Code 1977, is amended to read as follows:

11 49.83. NAMES TO BE MARKED ON ELECTION REGISTER.

12 The name of each voter shall be marked on the election
13 register by a precinct election official when the
14 voter's declaration of eligibility has been approved
15 by the officials. The name and address of each person
16 who casts a paper ballot pursuant to section forty-
17 nine point eighty-one (49.81) of the Code shall be
18 clearly printed in a special election register by
19 a precinct election official, and the elector casting
20 the ballot shall sign the special election register
21 opposite his or her name. The special election
22 register so compiled shall serve to meet the
23 requirements of section fifty point twenty (50.20)
24 of the Code.

25 Sec. ___ Section fifty point seventeen (50.17),
26 Code 1977, is amended by striking the section and
27 inserting in lieu thereof the following:

28 50.17 RETURN OF ELECTION MATERIALS. All precinct
29 election registers, all ballots, the signed and
30 attested tally sheets, and all other election supplies
31 required by law to be returned to the commissioner
32 from the respective precinct polling places shall
33 be delivered to the commissioner by one of the precinct
34 election officials within two hours after completion
35 of the precinct canvass at each polling place. The
36 commissioner shall remain on duty until all precincts

37 have so returned their election materials.”
38 3. Page 3, by inserting after line 11 the following
39 section:
40 Sec. — Section fifty point twenty—three (50.23),
41 Code 1977, is amended to read as follows:
42 50.23 MESSENGERS FOR MISSING TALLY LISTS. The
43 commissioner shall send messengers for all tally lists
44 not received in the commissioner’s office by noon
45 ~~of the day following the election the time required~~
46 by section fifty point seventeen (50.17) of the Code.
47 The expense of securing such tally lists shall be
48 paid by the county.

Amendment H—3761 was adopted.

On motion by Monroe of Des Moines, the committee amendment H—3759, as amended, was adopted.

Schroeder of Pottawattamie offered the following amendment H—3762 filed by him from the floor and moved its adoption:

H—3762

1 Amend House File 564 as follows:
2 1. Page 2, by adding after line 26 the follow—
3 ing new section:
4 “Sec. — Cost of preparation shall mean the
5 actual cost as determined in section forty—seven
6 point eight (47.8) section four (4) of the Code,
7 and shall include but not be limited to, the cost of
8 administration and all direct and indirect operation—
9 al costs.”

A non—record roll call was requested.

The ayes were 14, nays 67.

Amendment H—3762 lost.

Spear of Lee asked and received unanimous consent to reconsider amendment H—3759, adopt the following amendment H—3763 (to amendment H—3759) filed by him from the floor, and adopt amendment H—3759, as amended:

H-3763

- 1 Amend amendment H-3759 to House File 564 as
 2 follows:
 3 1. Page 1, line 14, by inserting after the
 4 word "license" the words "or non operators
 5 identification card as provided in section three
 6 hundred twenty-one point one hundred ninety
 7 (321.190) of the Code".
 8 2. Page 1, line 16, by inserting after the
 9 word "license" the words "or non operators
 10 identification card".

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 564)

The ayes were, 76:

Anderson	Ayenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hansen	Hargrave	Higgins	Hines
Hinkhouse	Horn	Howell	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Scheelhaase	Schneklath	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 13:

Branstad	Conlon	Crabb	Danker
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Evans
Hullinger
Welden

Harbor
Pellett

Harvey
Schroeder

Hoffmann
Smalley

Absent or not voting, 11:

Bennett
Koogler
Poncy

Brockett
Millen
Rinas

Gilloon
Nielsen
Varley

Harper
Perkins

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

IMMEDIATE MESSAGE

(House File 564)

Monroe of Des Moines asked and received unanimous consent that House File 564 be immediately messaged to the Senate.

Senate File 317, a bill for an act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code, with report of committee recommending amendment and passage was taken up for consideration.

Branstad of Winnebago offered amendment H-3702 filed by the committee on judiciary and law enforcement on April 21, 1977 and found on page 1562 of the House Journal and moved its adoption.

Amendment H-3702 was adopted.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 317)

The ayes were, 89:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Bennett	Gilloon	Harper	Koogler
Millen	Norland	Perkins	Poncy
Rinas	Scheelhaase	Varley	

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

Senate File 288, a bill for an act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization with report of committee recommending passage was taken up for consideration.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 288)

The ayes were, 89:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Bennett	Brockett	Gilloon	Harper
Hullinger	Koogler	Millen	Perkins
Poncy	Rinas	Varley	

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

INTRODUCTION OF BILLS

HOUSE FILE 567, by committee on natural resources, a bill for an act relating to indemnification of county conservation board members for errors or omissions in the performance of their official duties.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 568, by Walter, a bill for an act establishing standards for the overtime compensation of employees of the state.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 569, by committee on natural resources, a bill for an act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 570, by committee on labor and industrial relations, a bill for an act relating to inspections by insurance companies of any place of employment.

Read first time and PLACED ON THE CALENDAR.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 163, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers.

Also: That the Senate has on April 25, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 224, a bill for an act relating to mobile home tiedowns and providing a penalty.

Also: That the Senate has on April 20, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties.

Also: That the Senate has on April 22, 1977, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 231, a bill for an act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code.

Also: That the Senate has on April 25, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 261, a bill for an act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects.

Also: That the Senate has on April 22, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 355, a bill for an act changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit.

Also: That the Senate has on April 25, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 361, a bill for an act relating to rules of appellate procedure in the courts.

Also: That the Senate has on April 25, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 362, a bill for an act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties.

SENATE AMENDMENT TO
HOUSE FILE 163

H-3765

- 1 Amend House File 163, as amended and passed by the
- 2 House as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "epidemic" the words "as determined by the state board
- 5 of health and as".
- 6 2. Page 2, by striking from lines 12 and 13 the
- 7 words "or licensed child care center".
- 8 3. Page 2, line 21, by inserting after the word
- 9 "health" the words "in consultation with the
- 10 superintendent of public instructions".
- 11 4. Page 2, line 24, by striking the word and
- 12 figures "January 1, 1978" and inserting in lieu
- 13 thereof the word and figures "August 15, 1977".

SENATE AMENDMENT TO
HOUSE FILE 224

H-3767

- 1 Amend House File 224, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 33 and 34.
- 4 2. Page 1, line 35, by striking the word "state."
- 5 3. Page 1, line 35, by striking the words "provide
- 6 for installation of" and inserting in lieu thereof
- 7 the words "install or have installed".
- 8 4. Page 2, line 1, by striking the word "twenty"
- 9 and inserting in lieu thereof the word "fifty".
- 10 5. Page 2, lines 10 and 11 by striking the words
- 11 "When a person is found in violation" and inserting
- 12 in lieu thereof the following: "When it appears that
- 13 a person is in non-compliance with the provisions".
- 14 6. Page 2, by striking line 20 and inserting in
- 15 lieu thereof the following:
- 16 "Sec. 4. This Act shall become effective".

SENATE MESSAGE CONSIDERED

SENATE FILE 355, a bill for an act changing the criminal code provision on use of deadly force in making an arrest to conform to

a recent decision of the United States court of appeals for the eighth circuit.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE CONCURRENT RESOLUTION 30
By Committee on Cities

1 *Whereas*, there currently are 955 cities, 99
2 counties, 451 school districts and 1647 townships in
3 Iowa; and
4 *Whereas*, these government units in 1977 levied nearly
5 \$900 million in property taxes, employed approximately
6 75,000 persons, and directly affected the lives of every
7 Iowan; and
8 *Whereas*, these units of government overlap geograph-
9 ically and sometimes functionally and contain capital
10 and personnel resources which sometimes could best be
11 used in a cooperative manner; and
12 *Whereas*, no comprehensive study of the efficiency or
13 effectiveness of these units of government has been
14 undertaken; *Now Therefore*,
15 *Be It Resolved by the House of Representatives, the*
16 *Senate Concurring*, That the legislative council is auth-
17 orized to create a study committee as provided by law,
18 composed of members of the Standing Cities Committees and
19 Standing County Government Committees of both houses of
20 the 67th General Assembly representing both political
21 parties to conduct a study during the 1977 legislative
22 interim of the interaction of local jurisdictions, the
23 efficacy of consolidating certain governmental units or
24 functions and assigning certain functions to other
25 jurisdictions, and the desirability of broadening the
26 taxation powers of all local jurisdictions; and
27 *Be It Further Resolved*, That the study committee
28 shall prepare a report of its findings and submit it to
29 the legislative council and the members of the 67th
30 General Assembly, 1978 Session, accompanied by legis-

Page 2

1 lative bill drafts designed to carry out the recommendations
2 of the study committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 31
By Committee on Cities

1 *Whereas*, withdrawal from the market of a major
2 carrier of liability insurance for local governments
3 has markedly reduced competition in the insurance field;
4 and
5 *Whereas*, it was common during 1976 for Iowa local
6 governments to experience premium increases of 100
7 percent or more for liability coverage with the premiums
8 in one city boosted 1,400 percent; and
9 *Whereas*, it is impossible to ask citizen—officials
10 to risk all their possessions by serving in local posi—
11 tions without adequate liability insurance coverage; and
12 *Whereas*, there is demonstrable need for proposals which
13 would enact effective limits on liability judgments
14 against local governments; *Now Therefore*,
15 *Be It Resolved by the House of Representatives, the*
16 *Senate Concurring*, That the legislative council is
17 authorized to create a study committee as provided by
18 law, composed of members of the Standing Cities Commit—
19 tees and Standing County Government Committees of both
20 houses of the 67th General Assembly representing both
21 political parties, to conduct a study during the 1977
22 legislative interim of the question of how best to obtain
23 liability protection and insurance coverage for local
24 officials and local governments, analyze the questions of
25 availability and cost, and investigate the potential
26 savings from placing limits on liability; and
27 *Be It Further Resolved*, That the study committee
28 shall prepare a report of its findings and submit it to
29 the legislative council and the members of the 67th
30 General Assembly, 1978 Session, accompanied by legisla—

Page 2

1 tive bill drafts designed to carry out the recommenda—
2 tions of the study committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 32
By Brandt

1 *Whereas*, there is a continuing widespread use of
2 consulting firms by state agencies; and
3 *Whereas*, in some cases regular state employees
4 possess the expertise to perform work performed by
5 consultants at less cost to the state; and
6 *Whereas*, since 1970 in excess of six million dollars

7 have been expended annually by the state for consultant
8 fees; and
9 *Whereas, the conclusions and recommendations of con-*
10 *sultants are sometimes unrealistic or invalid; and*
11 *Whereas, there are currently no laws or guidelines*
12 *for the selections and awarding of consultant contracts;*
13 *Now Therefore,*
14 *Be It Resolved by the House of Representatives, the*
15 *Senate Concurring, That the Legislative Council is*
16 *directed to establish an interim study committee or to*
17 *authorize creation of a joint interim subcommittee of*
18 *the appropriate standing committees of the house and*
19 *senate to conduct during the 1977 legislative interim*
20 *a comprehensive study of the use of consultants by*
21 *state agencies, which study shall include but not be*
22 *limited to an analysis of the feasibility of approval of*
23 *consultant contracts by a central state agency, requiring*
24 *that all consultants obtain a license from the state,*
25 *requiring a review of all work performed by consultants*
26 *and other possible review of the employment of con-*
27 *sultants; and*
28 *Be It Further Resolved, That the study committee*
29 *or joint subcommittee shall make such progress reports*
30 *as the legislative council may direct and shall submit*

Page 2

1 a final report, containing its recommendations and
2 accompanied by legislative bill drafts to implement its
3 recommendations, to the Legislative Council and the
4 General Assembly meeting in 1978.

Laid over under Rule 25.

PRESENTATION OF VISITORS

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

Forty-six seniors from Hempstead High School, Dubuque, Iowa, accompanied by Mr. Ruden. By Jochum of Dubuque and Tauke of Dubuque.

Fifty-five sixth grade students from Osage Community School, Osage, Iowa, accompanied by Mrs. Drew, Mrs. Loney, Mrs. Cockrum, Mrs. Schrieber and Mrs. Sans. By Howell of Floyd.

One hundred twenty-five seventh grade students from Norwalk Community School, Norwalk, Iowa, accompanied by Mr. Bedwell. By Davitt of Warren.

Forty eighth grade students from Plainfield Junior-Senior High School, Plainfield, Iowa, accompanied by Mrs. Dietz. By Lageschulte of Bremer.

Twenty-three eighth grade students from Dallas Community School, Dallas Center, Iowa, accompanied by Bill Wineland. By Varley of Adair.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of April, 1977:

House Files 197, 277 and 445.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

EXPLANATIONS OF VOTE

I was absent from the House chamber on April 22, 1977. Had I been present I would have voted "aye" on House Files 101 and 209.

DIELEMAN of Marion

Due to meetings with constituents in Davenport on Friday, April 22, 1977, I missed two votes in the House. Had I been present, I would have voted "aye" on House Files 101 and 209.

CUSACK of Scott

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 11:00 a.m., April 25, 1977

Convened: 11:20 a.m.

Adjourned: 12:10 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Hinkhouse, Hullinger, Lindeen, Middleswart and Pelton.

Absent: Griffee (arrived 11:30 a.m.), Evans, Norland, Pellett, Perkins, Svoboda and Varley.

Senate File 182, a bill for an act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty.

Recommended DO PASS.

Aye: O'Halloran, Howell, Welden, Binneboese, Doyle, Griffee, Hinkhouse, Lindeen, Middleswart and Pelton.

Nay: Daggett, Danker and Hullinger.

Absent or Not Voting: Evans, Norland, Pellett, Perkins, Svoboda and Varley.

Discussion of winterization program.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 11:00 a.m., April 25, 1977

Convened: 11:10 a.m.

Adjourned: 11:55 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan, Newhard, Schroeder and Tofte.

Absent: None.

House File 206 was amended and failed to receive sufficient votes for a DO PASS recommendation.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 11:20 a.m., April 25, 1977

Convened: 11:20 a.m.

Adjourned: 12:12 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Small.

Discussion of Study Bill 240 relating to unemployment compensation.

COMMITTEE ON BUDGET

Scheduled: 1:00 p.m., April 25, 1977

Convened: 1:10 p.m.

Adjourned: 2:15 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Koogler, Norland, Stromer, Varley, Welden, Wells and Wulff.

Absent: O'Halloran (arrived 1:20 p.m.).

Senate File 155, a bill for an act appropriating funds to the department of general services for a demonstration solar energy unit.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Senate File 185, a bill for an act making appropriations to the department of justice.

Recommended AMEND AND DO PASS.

H-3764

- 1 Amend Senate File 185 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 25 the
- 4 following:
- 5 "4. Prosecuting intern program.....\$35,000
- 6 Funds appropriated by this
- 7 subsection may be used to
- 8 match federal funds. Counties
- 9 participating in the prosecuting
- 10 intern program shall provide funds
- 11 that total the amount appropriated
- 12 by this subsection."

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Senate File 340, a bill for an act appropriating funds from the military service tax credit fund to the general fund.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: Welden.

Senate File 341, a bill for an act making an appropriation to the moneys and credits replacement fund.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Senate File 342, a bill for an act making appropriations to the municipal assistance fund and county government assistance fund.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Varley, Welden, Wells and Wulff.

Nay: Stromer.

Study Bill 252, a bill for an act appropriating funds to Iowa state university of science and technology for coal research.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: Norland.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:30 p.m., April 25, 1977

Convened: 1:30 p.m.

Adjourned: 2:13 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke and Walter.

Absent: Brandt and West.

House File 158, a bill for an act relating to the storage of flammable and combustible liquids.

Recommended AMEND AND DO PASS.

H-3766

- 1 Amend House File 158 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "believing" the words "after conducting tests".
- 4 2. Page 1, by inserting after line 11, the follow-
- 5 ing:
- 6 "Sec. 2. Section three hundred twenty-seven A
- 7 point eight (327A.8), Code 1977, is amended by striking
- 8 the section and inserting in lieu thereof the
- 9 following:
- 10 327A.8 MARKINGS ON VEHICLES. There shall be
- 11 attached to each vehicle used for the intrastate

12 transportation of liquid distinctive markings or tags
13 as shall be prescribed by the board.
14 There shall be attached to each vehicle used for
15 the intrastate transportation of any flammable liquid
16 distinctive markings or tags on each side and rear
17 in letters a minimum of four inches high and a minimum
18 width of five—eighths of an inch.

19 Intrastate vehicles transporting flammable liquids
20 pursuant to the provisions of this section shall
21 utilize the following options:

22 1. A sign or lettering with the word "FLAMMABLE".

23 2. The common name of the flammable liquid being
24 transported.

25 3. The name or trademark of the carrier when the
26 name or trademark plainly indicates the flammable
27 nature of the cargo.

28 Vehicles in conformity with the federal depart—
29 ment of transportation rules pertaining to the
30 transportation of flammable liquids shall be deemed
31 to be in compliance with the provisions of this
32 section."

33 3. Title page, line 1, by inserting after the
34 word "storage" the words "and transportation".

35 4. By renumbering the remaining section in
36 accordance with this amendment.

Aye: Monroe, Woods, Harvey, Avenson, Crawford, Dieleman, Griffee,
Hansen, Jesse, Junker, Poncy, Shimanek, Stromer, Tauke and Walter.

Nay: Middleswart.

Absent or Not Voting: Brandt, Higgins, Patchett and West.

House File 406, a bill for an act relating to the investment of police and
fire retirement system funds.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Crawford, Dieleman, Griffee,
Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke and
Walter.

Nay: None.

Absent or Not Voting: Brandt, Higgins, Patchett and West.

Study Bill 251, a bill for an act relating to election laws.

Recommended AMEND AND DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Crawford, Dieleman, Griffie, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke and Walter.

Nay: None.

Absent or Not Voting: Brandt, Higgins, Patchett and West.

AMENDMENTS FILED

H-3768	H.F. 488	Thompson of Polk
H-3769	H.F. 72	Svoboda of Iowa
H-3770	H.F. 248	Smalley of Polk
H-3771	H.F. 248	Crabb of Crawford
H-3772	H.F. 187	Pellett of Cass
H-3773	S.F. 167	Lipsky of Linn
H-3774	H.F. 248	Halvorson of Clayton
H-3775	H.F. 187	O'Halloran of Black Hawk
		Brunow of Appanoose
		Halvorson of Clayton
		Hinkhouse of Cedar
		Anderson of Jasper
		Evans of Grundy
		Hargrave of Johnson
		Dieleman of Marion
		Tauke of Dubuque
		Howell of Floyd
		Jochum of Dubuque
		Tofte of Winneshiek
		Lageschulte of Bremer
		Koogler of Mahaska
		Egenes of Story
		Clark of Cerro Gordo
		Clark of Lee
		Krewson of Polk
		Shimanek of Jones
		Brandt of Black Hawk
H-3776	H.F. 187	Halvorson of Clayton
H-3777	S.F. 318	Schroeder of Pottawattamie

H-3778	H.F. 491	Miller of Buchanan Rinas of Linn Krause of Kossuth
H-3779	S.F. 318	Schroeder of Pottawattamie
H-3780	H.F. 187	Pelton of Clinton
H-3781	H.F. 187	Perkins of Greene
H-3782	H.F. 187	Perkins of Greene Koogler of Mahaska

On motion by Fitzgerald of Webster the House adjourned at 10:52 a.m. until 9:00 a.m., Wednesday, April 27, 1977.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day -- Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 27, 1977

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

Prayer was offered by the Honorable Emil Husak, state representative from Tama County.

The Journal of Tuesday, April 26, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. B. H. Osten, Northwood, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk on request of Schroeder of Pottawattamie.

PETITIONS FILED

The following petitions were received and placed on file:

By Krewson of Polk from fourteen constituents; by Hinkhouse of Cedar from thirteen constituents favoring adequately funding human resources programs.

By Oxley of Linn from six constituents supporting the decriminalization of marijuana for personal use.

By Thompson of Polk from seven hundred seventy-three constituents in support of a total solid waste litter control and resource recovery program similar to the provisions as contained in House File 379 in lieu of the adoption of mandatory deposits on beer and soft drink containers.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 174, a bill for an act to provide public recognition for innovative methods of energy conservation.

Also: That the Senate has on April 26, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 356, a bill for an act relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves territory in more than one county.

Also: That the Senate has on April 26, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 364, a bill for an act providing an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system.

STEVEN C. CROSS, Secretary

SENATE AMENDMENTS CONSIDERED

Lageschulte of Bremer called up for consideration House File 224, a bill for an act relating to mobile home tiedowns and providing a penalty, amended by the Senate, as found on page 1630 of the House Journal and moved that the House concur in the Senate amendment H-3767.

The motion prevailed and the House concurred in the Senate amendment H-3767.

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

On the question "Shall the bill pass?" (H.F. 224)

The ayes were, 82:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Wells	Wulff
Wyckoff	Mr. Speaker		

The nays were, 4:

Smalley	Welden	West	Woods
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Absent or not voting, 13:

Byerly	Chiodo	Connors	Doyle
Egenes	Griffie	Hines	Krause
Monroe	Newhard	Nielsen	Patchett
Svoboda			

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

Scheelhaase of Woodbury called up for consideration House File 228, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law, amended by the Senate, as found on pages 1595 through 1597 of the House

Journal and moved that the House concur in the Senate amendment H-3731.

The motion prevailed and the House concurred in the Senate amendment H-3731.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 228)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Shimanek
Small	Smalley	Spear	Spencer
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 14:

Byerly	Chiodo	Connors	Doyle
Egenes	Hines	Krause	Monroe

Newhard
Stephens

Nielsen
Svoboda

Patchett

Schroeder

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

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

The House resumed session, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 187, a bill for an act to regulate the sale and use of certain beverage containers and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

The Speaker ruled amendment H-3565, filed by Miller of Buchanan on April 12, 1977, out of order.

O'Halloran of Black Hawk offered amendment H-3526, filed by the committee on energy on April 6, 1977 and found on pages 1288 through 1290 of the House Journal.

Miller of Buchanan offered the following amendment H-3786, to the committee amendment H-3526, filed by him from the floor:

H-3786

- 1 Amend the amendment, H-3526, to House File 187
- 2 as follows:
- 3 1. Page 1, by striking all after the numerals "187" in
- 4 line 1 and all of page 1 through page 2 line 8 and inserting
- 5 in lieu thereof the following: "in the following manner:"
- 6 "1. By striking everything after the enacting
- 7 clause and inserting in lieu thereof the following:
- 8 "Section 1. NEW SECTION. LEGISLATIVE FINDINGS.
- 9 Recognizing that the people of the state of Iowa have
- 10 a fundamental right and need for a healthful, clean
- 11 and beautiful environment; and recognizing that the

12 proliferation and accumulation of litter discards
13 throughout this state and the nation subvert this
14 right, impair this need and constitute a public health
15 hazard; and recognizing that the proliferation and
16 accumulation of litter is national in scope and that
17 uniform state action rather than a piecemeal state,
18 local, or regional solution is necessary to accomplish
19 effective litter control; and recognizing that
20 uniformity among local, regional and state governments
21 in control programs including signs, symbols and
22 regulations is desirable and necessary to accomplish
23 effective litter control; therefore, the general
24 assembly finds that there is an imperative need to
25 anticipate, plan for, and accomplish effective litter
26 control.

27 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
28 purpose of this Act is to accomplish litter control
29 throughout this state by delegating to the department
30 of environmental quality the authority to conduct
31 a continuous program to control and remove litter
32 from this state to the maximum practical extent
33 possible. Every other department of state government
34 and all local governmental units and agencies of this
35 state shall cooperate with the department of
36 environmental quality in the administration and
37 enforcement of this Act. The intent of this Act is
38 to add to and to coordinate existing litter control
39 and resource recovery.

40 Sec. 3. NEW SECTION. TITLE. This Act shall be
41 known as the "State Litter Control and Resource
42 Recovery Act".

43 Sec. 4. NEW SECTION. DEFINITIONS. As used in this Act:

44 1. "Beverage" means beer as defined in section
45 one hundred twenty-three point three (123.3),
46 subsection nine (9) of the Code, beer containing more
47 than four percent alcohol by weight, mineral water,
48 soda water, pop and similar liquid soft drinks whether
49 carbonated or not.

50 2. "Department" means the department of

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1 environmental quality.

2 3. "Executive director" means the executive
3 director of the department of environmental quality
4 or his or her designee.

5 4. "Litter" means all waste material including
6 but not limited to disposable packages or containers
7 thrown or deposited as prohibited by law, but not
8 including the wastes of the primary processes of

9 mining, logging, sawmilling, farming, or manufacturing.

10 5. "Litter bag" means a bag, sack, or other
11 container made of any material which is large enough
12 to serve as a receptacle for litter inside a vehicle
13 or watercraft.

14 6. "Litter receptacle" means those containers
15 adopted by the department for the deposit of litter
16 and which may be standardized as to size, shape,
17 capacity, and color.

18 7. "Watercraft" means any boat, ship, vessel,
19 barge, or other floating craft.

20 8. "Public place" means any area that is used
21 or held out for use by the public whether owned or
22 operated by public or private interests.

23 Sec. 5. NEW SECTION. POWERS AND DUTIES OF
24 EXECUTIVE DIRECTOR.

25 1. In addition to his or her other powers and
26 duties, the executive director may propose and adopt
27 pursuant to chapter seventeen A (17A) of the Code,
28 rules necessary to carry out the provisions, purposes
29 and intent of this Act.

30 2. The executive director may designate trained
31 employees of the department to be vested with police
32 powers to enforce and administer the provisions of
33 this Act and all rules adopted under this Act. The
34 executive director may contract with other state and
35 local governmental agencies having law enforcement
36 capabilities for services and personnel reasonably
37 necessary to carry out the enforcement provisions
38 of this Act. In addition, Iowa highway safety patrol
39 officers, officers of the state conservation
40 commission, sheriffs and marshals and their deputies,
41 police officers, and those employees of the depart-
42 ment of environmental quality vested with police
43 powers shall enforce the provisions of this Act and
44 any rules adopted under this Act and are empowered
45 to issue citations to or arrest without warrant persons
46 violating any provisions of this Act or any of the
47 rules adopted under this Act. All of these enforcement
48 officers may serve and execute all warrants, citations
49 and other process issued by the courts in enforcing
50 the provisions of this Act and rules adopted under

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1 this Act. The mailing, by restricted certified mail,
2 of such warrant, citation or other process to the
3 last known place of residence of a person shall be

4 deemed personal service upon the person charged.

5 Sec. 6. NEW SECTION. LITTER RECEPTACLE—ANTI-
6 LITTER SYMBOL.

7 1. The executive director may design and shall
8 adopt by rule one or more types of litter receptacles
9 which are reasonably uniform as to size, shape,
10 capacity and color, for wide distribution throughout
11 the public places of this state. Such litter
12 receptacle may bear an anti-litter symbol as designed
13 and adopted by the executive director, as well as
14 a statement of the penalties which may be levied for
15 littering in this state. In addition, the litter
16 receptacles shall be designed to attract attention
17 and to encourage the depositing of litter. In
18 selecting the anti-litter symbol and the size, shape
19 and color for litter receptacles, the executive
20 director shall in the interest of national uniformity
21 and standardization, attempt to emulate the anti-
22 litter symbol and receptacles used by other states
23 which have litter laws or litter control programs
24 similar to this Act. The litter receptacles shall
25 be placed along the public highways of this state
26 and at all parks, campgrounds, trailer parks, drive-
27 in restaurants, gasoline service stations, tavern
28 parking lots, shopping centers, grocery store parking
29 lots, parking lots of major industrial firms, marinas,
30 boat launching areas, boat moorage and fueling
31 stations, public and private piers, beaches and bathing
32 areas, and such other public places within this state
33 as specified by rule of the executive director. The
34 number of such receptacles required to be placed as
35 specified in this section shall be determined by a
36 formula related to the need for such receptacles.

37 2. It shall be the responsibility of persons
38 operating any establishment or operating a public
39 place in which litter receptacles of the uniform
40 design are required by this section to procure and
41 place such receptacles at their own expense on the
42 premises in accord with the rules adopted by the
43 executive director.

44 3. Any person who fails to place such litter
45 receptacles on the premises in the numbers required
46 by rule of the executive director in violation of
47 the provisions of this section or rules adopted under
48 this section shall be guilty of a misdemeanor and,
49 upon conviction, shall be subject to a fine of twenty-
50 five dollars. Each day of violation shall constitute

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1 a separate offense.

2 Sec. 7. NEW SECTION. LITTERING PROHIBITED—
3 PENALTY.

4 1. A person shall not throw, drop, deposit,
5 discard, or otherwise dispose of litter upon any
6 public property in the state or upon private property
7 in this state not owned by him or her or in the waters
8 of this state including, but not limited to, any
9 public highway, public park, beach, campground, forest
10 land, recreational area, trailer park, highway, road,
11 street or alley except:

12 a. When such property is designated by the state
13 or by any of its agencies or political subdivisions
14 for the disposal of garbage and refuse, and such
15 person is authorized to use such property for such
16 purpose.

17 b. Into a litter receptacle in such a manner that
18 the litter will be prevented from being carried away
19 or deposited by the elements upon any private or
20 public property or waters.

21 2. Any person violating the provisions of this
22 section shall be guilty of a misdemeanor and, upon
23 conviction, shall be subject to a fine of not less
24 than ten dollars for each offense and, in addition,
25 in the discretion of any court in which conviction
26 is obtained, such person may be directed by the court
27 to pick up and remove from any public place or any
28 private property with prior permission of the legal
29 owner upon which it is established by competent
30 evidence that such person has deposited litter, any
31 litter deposited by anyone before the date of execution
32 of sentence.

33 Sec. 8. NEW SECTION. LITTERING FROM MOTOR VEHICLE
34 OR WATERCRAFT—PENALTY. The operator of any motor
35 vehicle or watercraft who fails to keep and use a
36 litter bag in his or her vehicle or watercraft shall
37 be guilty of a misdemeanor and, upon conviction, shall
38 be subject to a fine of not less than ten dollars,
39 and at the discretion of the court, a labor of litter
40 gathering as provided in section seven (7), subsec-
41 tion two (2) of this Act.

42 Sec. 9. NEW SECTION. POSTING OF ANTI-LITTERING
43 PROVISIONS. A summary of requirements of this Act
44 shall be posted along the public highways of this
45 state and in all campgrounds and trailer parks, at
46 all entrances to state parks, forest lands, and
47 recreational areas, at all public beaches, and at

48 other public places in this state where persons are
49 likely to be informed of the existence and content
50 of such provisions and the penalties for violations.

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- 1 Sec. 10. NEW SECTION. SERVICING OF LITTER
2 RECEPTACLES. The responsibility for the removal of
3 litter from litter receptacles placed at public parks,
4 beaches, campgrounds, trailer parks and other public
5 places shall be upon those state and local agencies
6 performing litter removal. The removal of litter
7 from litter receptacles placed on private property
8 which is used by the public shall be the responsibility
9 of the operator of such private property.
- 10 Sec. 11. NEW SECTION. TAX IMPOSED—ADMINISTRATION.
11 1. There is imposed a tax at a rate of three
12 hundredths of one percent of the sale price of any
13 of the following tangible personal properties sold
14 to a retailer for use, consumption or resale within
15 this state:
16 a. Groceries.
17 b. Cigarettes and tobacco products.
18 c. Soft drinks and carbonated waters.
19 d. Beer containing more than four percent alcohol
20 by weight.
21 e. Wine.
22 f. Liquor and other distilled alcohol beverages.
23 g. Newspapers and magazines.
24 h. Household paper and paper products.
25 i. Glass containers.
26 j. Metal containers.
27 k. Plastic or fiber containers made of synthetic
28 material.
29 l. Cleaning agents and toiletries.
30 m. Nondrug drugstore sundry products.
31 n. Prepared food for consumption off premise.
- 32 2. The tax imposed under subsection one (1) of
33 this section shall be collected by the department
34 of revenue from each person engaged in the business
35 of selling any of the tangible personal property items
36 specified in subsection one (1) of this section to
37 a retailer doing business in this state. The amount
38 of the tax shall be based on the value of such products
39 or the gross receipts of the sales of such tangible
40 personal property to the retailer.
- 41 3. The director of revenue shall provide, by rule,

42 for the administration of the tax imposed by this
43 section. The rules shall provide for the issuance
44 of permits, the payment of taxes, penalties for late
45 payments, records, the filing of tax returns, and
46 such other procedures as deemed appropriate by the
47 director of revenue for the effective administration
48 of this section. The administration of this section
49 shall be based on the same procedures and requirements
50 as provided for the administration of the retail sales

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1 tax, as applicable.
2 4. The director of revenue may define, by rule,
3 the categories of property or products subject to
4 the tax imposed under subsection one (1) of this
5 section. In making such definitions, the director
6 shall be guided by the following standards:
7 a. It is the purpose of this Act to promote
8 resource recovery, recycling, and accomplish effective
9 control of litter within this state.
10 b. It is the purpose of this Act to impose a tax
11 on industries manufacturing or distributing at
12 wholesale, products and the packages, wrapping or
13 containers of such products which are reasonably
14 related to the litter problem in this state.
15 **Sec. 12. NEW SECTION. PRODUCTS EXEMPT FROM**
16 **TAXATION.** The tax imposed under section eleven (11)
17 of this Act shall not apply to the sales of beer made
18 by the holder of a class "A" beer permit as defined
19 in section one hundred twenty-three point one hundred
20 twenty-four (123.124) of the Code or to the value
21 of products or the gross receipts from the sale of
22 any animal, bird, or insect or the milk, eggs, wool,
23 fur, meat, honey or other substance obtained from
24 such animal, bird, or insect if the seller is a person
25 who performs only the growing or raising function
26 of such animal, bird, or insect.
27 **Sec. 13. NEW SECTION. ACCOUNT CREATED—**
28 **DISPOSITION.**
29 1. There is created in the general fund of the
30 state a litter control and resource recovery account,
31 to which shall be credited the receipts from the tax
32 imposed under sections eleven (11) and eighteen (18)
33 of this Act. The proceeds of the litter control and
34 resource recovery account are appropriated to the
35 department for the purpose of carrying out the

36. provisions of subsections two (2), three (3), and four
37 (4) of this section.

38 2. The department shall expend fifteen percent
39 of the proceeds of the account to acquire, prepare,
40 and distribute such educational and informational
41 material through elementary and secondary schools,
42 colleges, universities and political subdivisions
43 of this state, by contract with corporations or
44 associations, or by dissemination through the public
45 news media for the purpose of informing the public
46 of the purposes of this Act.

47 3. The department shall expend forty-five percent
48 of the proceeds of the account for grants to interested
49 private or public agencies for research or development
50 of solid waste recovery programs, including systems

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1 and facilities. A grant may be made only if it is
2 designed to provide regional or area-wide resource
3 recovery for cities and counties and provides an
4 equitable system for distributing the costs associated
5 with the construction, operation and maintenance of
6 any resource recovery system among the users of the
7 system.

8 4. The department shall expend forty percent of
9 the proceeds of the account to control and remove
10 litter. The executive director may enter into
11 agreements with public or private agencies, which
12 agreements shall contain such terms and conditions
13 as deemed necessary or desirable by the executive
14 director to accomplish litter control and removal.
15 However, an agreement shall not provide for making
16 payments to a private person solely for the purpose
17 of placing or installing a litter receptacle on private
18 property.

19 Sec. 14. NEW SECTION. ADDITIONAL DUTIES. In
20 addition to other powers and duties provided by law,
21 the department in carrying out litter control and
22 resource recovery responsibilities shall:

23 1. Serve as the coordinating agency between the
24 various industry organizations.

25 2. Recommend to the governing bodies of all local
26 governments that they adopt ordinances similar to
27 the provisions of this Act.

28 3. Cooperate with all state and local government
29 agencies.

30 4. Encourage, organize, and coordinate all
31 voluntary local anti-litter campaigns seeking to focus

32 the attention of the public on the programs of this
33 state to control and remove litter.

34 **Sec. 15. NEW SECTION. SNAP TAB CANS PROHIBITED.**
35 Effective January 1, 1979, a person shall not sell
36 or offer for sale at retail in this state any metal
37 beverage container which is so constructed that the
38 metal opener is designed to be completely detachable
39 from the container.

40 **Sec. 16. NEW SECTION. UNIFORM APPLICATION.** To
41 avoid the inequities of piecemeal or inconsistent
42 regulations or ordinances enacted by cities, counties
43 and other political subdivisions of this state, the
44 provisions of this Act shall supersede any regulation
45 or ordinance of a political subdivision of this state
46 relating to a tax, ban or mandatory deposit on the
47 manufacture or sale of convenience packages or
48 containers to the extent that such ordinance or
49 regulation is inconsistent with or duplicative of
50 this Act.

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1 **Sec. 17. NEW SECTION. GENERAL PENALTY.** Any
2 person convicted of a violation of this Act for which
3 a penalty is not specifically provided shall be subject
4 to a fine of not more than ten dollars for each
5 violation.

6 **Sec. 18.** Section one hundred twenty—three point
7 one hundred thirty—six (123.136), unnumbered paragraph
8 one (1), Code 1977, is amended to read as follows:

9 In addition to the annual permit fee to be paid
10 by all class "A" permittees under the provisions of
11 this chapter there shall be levied and collected from
12 such permittees on all beer manufactured for sale
13 or sold in this state at wholesale and on all beer
14 imported into this state for sale at wholesale and
15 sold in this state at wholesale, a tax of four and
16 thirty—four hundredths dollars for every barrel
17 containing thirty—one gallons, and at a like rate
18 for any other quantity or for the fractional part
19 of a barrel. In addition, a litter tax of one cent
20 per gallon shall be added, making the total tax to
21 be collected four and sixty—five hundredths dollars
22 per barrel containing thirty—one gallons or equivalent
23 rate for fractional parts of a barrel. The litter
24 tax shall not be considered a part of the barrel tax
25 accruing to the state general fund, but it shall be
26 separated by the department of revenue and credited
27 to the litter control and resource recovery account

28 in the state general fund. However, no tax shall be
29 levied or collected on beer shipped outside this state
30 by a class "A" permittee or sold by one class "A"
31 permittee to another class "A" permittee.

32 Sec. 19. Sections four hundred fifty-five B point
33 ninety-five (455B.95), four hundred fifty-five B point
34 ninety-six (455B.96), four hundred fifty-five B point
35 ninety-seven (455B.97), and four hundred fifty-five
36 B point ninety-eight (455B.98), Code 1977, are
37 repealed.

38 Sec. 20. This Act is effective January 1, 1978."

39 2. Amend the title, lines 1 and 2, by striking
40 everything after the word "Act" and inserting in lieu
41 thereof the words "relating to the control of litter,
42 authorizing the department of environmental quality
43 to establish and maintain a comprehensive antilitter
44 program, imposing a tax levy on certain beverage con-
45 tainers and products, and providing penalties for
46 violations." "

Fitzgerald of Webster asked for unanimous consent to suspend Rule 32 on House File 187.

Objection was raised.

Fitzgerald of Webster moved that Rule 32 be suspended on House File 187.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 54, nays 22.

The motion prevailed and Rule 32 was suspended.

(House File 187 and amendment H-3786, to the committee amendment H-3526, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hansen of O'Brien for a portion of the afternoon on request of Menke of O'Brien.

MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 75, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Also: That the Senate has on April 26, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 490, a bill for an act relating to control, abatement, and prevention of hazardous conditions by the department of environmental quality.

Also: That the Senate has on April 26, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 145, a bill for an act relating to teaching of the free enterprise economic system in high schools.

Also: That the Senate has on April 26, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 363, a bill for an act making technical corrections and to clarify language in the adoption laws and the termination of parental rights.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 75

H-3794

- 1 Amend House File 75, as amended, passed and
- 2 reprinted by the House as follows:

- 3 1. Page 2, lines 13 and 14, by striking the words
4 "used primarily for agricultural purposes" and
5 inserting in lieu thereof the words "where the heating
6 or cooling system is designed to heat or cool an
7 enclosed area of less than one hundred thousand cubic
8 feet".
- 9 2. Page 2, line 20, by striking the words "during
10 normal business hours".
- 11 3. Page 2, by striking lines 34 and 35 and
12 inserting in lieu thereof the following: "Buildings
13 having a heating or cooling system designed to heat
14 or cool an enclosed area of less than one hundred
15 thousand cubic feet are exempt from the requirement
16 of this section."

SENATE AMENDMENT TO
HOUSE FILE 490

H-3793

- 1 Amend House File 490 as amended and passed
2 by the House as follows:
- 3 1. Page 5, by striking lines 15 through 19
4 and inserting in lieu thereof the following:
5 "4. The storage, transportation, handling
6 or use of pesticides over which control is exercised
7 by the state secretary of agriculture under chapter
8 two hundred six (206) of the Code."
- 9 2. Page 5, by striking lines 20 through 25
10 and inserting in lieu thereof the following:
11 "5. The storage, transportation, handling
12 or use of fertilizers over which control is exer-
13 cised by the state secretary of agriculture under
14 chapter two hundred (200) of the Code."

REREFERRED TO COMMITTEE ON COUNTY GOVERNMENT
(House File 567)

The Speaker announced that House File 567, presently on the regular calendar, was rereferred to the committee on county government.

REREFERRED TO COMMITTEE ON BUDGET
(Senate File 112)

The Speaker announced that Senate File 112, recommended

amend and do pass by the committee on human resources, was referred to the committee on budget.

QUORUM CALL

Roll call was requested by Brunow of Appanoose and Davitt of Warren to determine that a quorum was present. Rules 69 and 70 were invoked. The vote revealed :

Present: 85

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Wulff	Wyckoff
			Mr. Speaker

Absent: 14

Byerly	Griffee	Hansen	Jochum
Koogler	Lindeen	Miller, O.L.	Monroe
Nielsen	Poncy	Rinas	Stromer
Walter	Woods		

BUSINESS PENDING

The House resumed consideration of House File 187, a bill for an act to regulate the sale and use of certain beverage containers and providing penalties, and amendment H-3786, to the

committee amendment H-3526.

Miller of Buchanan moved the adoption of amendment H-3786, to amendment H-3526.

Roll call was requested by Bina of Scott and Tauke of Dubuque.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3786, to amendment H-3526, be adopted?"

The ayes were, 46.

Avenson	Baker	Bina	Chiodo
Conlon	Connors	Cusack	Daggett
Danker	Davitt	Den Herder	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gilson	Harbor	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Husak
Koogler	Miller, K. D.	Miller, O. L.	Newhard
Nielsen	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Schroeder	Spears	Stephens
Thompson	Tofte	Wells	Woods
Wulff	Wyckoff		

The nays were, 50:

Anderson	Bennett	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B. J.
Clark, J. H.	Crabb	Crawford	Dieleman
Egenes	Evans	Gentleman	Giloon
Griffee	Halvorson	Hargrave	Hines
Howell	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middlewart
Millen	Monroe	Norland	O'Halloran
Patchett	Rinas	Shimanek	Small
Smalley	Spencer	Stromer	Svoboda
Tauke	Varley	Walter	Welden
West	Mr. Speaker		

Absent or not voting, 3:

Byerly	Hansen	Hullinger
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Amendment H-3786 lost.

Schroeder of Pottawattamie offered the following amendment H-3795, to the committee amendment H-3526, filed by him from the floor:

H-3795

- 1 Amend the Committee on Energy amendment H-3526
- 2 to House File 187 as follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "Amend" the words "the originally printed version
- 5 of".
- 6 2. By striking all of the amendment after page
- 7 1, line 1 and inserting in lieu thereof page 1,
- 8 lines 7 through 50, and pages 2 through 8 of amend-
- 9 ment H-3775.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3795.

Small of Johnson in the chair at 3:03 p.m.

O'Halloran of Black Hawk offered the following amendment H-3775, to the committee amendment H-3526, filed by O'Halloran, et al. :

H-3775

- 1 Amend the amendment, H-3526, to House File 187
- 2 as follows:
- 3 1. Page 1, by inserting after line 1 the following:
- 4 " __. By striking everything after the enacting
- 5 clause to and including page 1, line 25, and inserting
- 6 in lieu thereof the following:
- 7 "Section 1. NEW SECTION. LEGISLATIVE FINDINGS.
- 8 Recognizing that the people of the state of Iowa have
- 9 a fundamental right and need for a healthful, clean
- 10 and beautiful environment which preserves our natural
- 11 resources; and recognizing that the proliferation
- 12 and accumulation of litter discards throughout this
- 13 state and the nation subvert this right, impair this
- 14 need and constitute a public health hazard. Further
- 15 recognizing the need to reduce wasteful uses of energy
- 16 and natural resources by recovering and recycling
- 17 of containers, the general assembly finds that there

18 is an imperative need to anticipate, plan for, and
19 accomplish effective recycling and litter control.
20 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
21 purpose of this Act is to accomplish conservation
22 of natural resources through the use of a deposit
23 on beverage containers and litter control. This state
24 through the cooperation of the department of revenue,
25 the department of environmental quality and the beer
26 and liquor control department with all other
27 departments of this state and its political
28 subdivisions will preserve and enhance the natural
29 resources of this state. The intent of this Act is
30 to provide a healthful and beautiful environment for
31 all citizens.

32 Sec. 3. NEW SECTION. DEFINITIONS.

- 33 1. "Beverage" means beer as defined in section
34 one hundred twenty-three point three (123.3),
35 subsection nine (9) of the Code, other alcoholic malt
36 beverages and mineral water, soda water and similar
37 carbonated soft drinks in liquid form and intended
38 for human consumption.
39 2. "Beverage container" means any glass, plastic,
40 or metal bottle, can, jar or carton containing a
41 beverage.
42 3. "Consumer" means any person who purchases a
43 beverage in a beverage container for use or
44 consumption.
45 4. "Dealer" means any person who engages in the
46 sale of beverages in beverage containers to a consumer.
47 5. "Distributor" means any person who engages
48 in the sale of beverages in beverage containers to
49 a dealer, including any manufacturer who engages in
50 such sales.

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- 1 6. "Manufacturer" means any person who bottles,
2 cans, or otherwise fills beverage containers for sale
3 to distributors or dealers.
4 7. "Department" means the Iowa beer and liquor
5 control department.
6 8. "Director" means the director of the Iowa beer
7 and liquor control department.
8 9. "Council" means the Iowa beer and liquor control
9 council.
10 10. "Executive director" means the executive
11 director of the department of environmental quality
12 or his or her designee.
13 11. "Litter" means all waste material including

14 but not limited to disposable packages or containers
15 thrown or deposited as prohibited by law, but not
16 including the wastes of the primary processes of
17 mining, logging, sawmilling, farming, or manufacturing.

18 12. "Litter bag" means a bag, sack, or other
19 container made of any material which is large enough
20 to serve as a receptacle for litter inside a vehicle
21 or watercraft.

22 13. "Litter receptacle" means those containers
23 adopted by the department for the deposit of litter
24 and which may be standardized as to size, shape,
25 capacity, and color.

26 14. "Public place" means any area that is used
27 or held out for use by the public whether owned or
28 operated by public or private interests. " "

29 2. Page 2, by inserting after line 6, the
30 following:

31 " — Page 5, by inserting after line 12 the
32 following:

33 "Sec. 13. NEW SECTION. POWERS AND DUTIES OF THE
34 EXECUTIVE DIRECTOR.

35 1. In addition to his or her other powers and
36 duties, the executive director may propose and adopt
37 pursuant to chapter seventeen A (17A) of the Code,
38 rules necessary to carry out the provisions, purposes
39 and intent of sections thirteen (13) through twenty
40 (20) of this Act.

41 2. The executive director may designate trained
42 employees of the department of environmental quality
43 to be vested with police powers to enforce and
44 administer the provisions of sections thirteen (13)
45 through twenty (20) of this Act and all rules adopted
46 under sections thirteen (13) through twenty (20) of
47 this Act. The executive director may contract with
48 other state and local governmental agencies having
49 law enforcement capabilities for services and personnel
50 reasonably necessary to carry out the enforcement

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1 provisions of sections thirteen (13) through twenty
2 (20) of this Act. In addition, Iowa highway safety
3 patrol officers, officers of the state conservation
4 commission, sheriffs and marshals and their deputies,
5 police officers, and those employees of the depart-
6 ment of environmental quality vested with police
7 powers shall enforce the provisions of sections
8 thirteen (13) through twenty (20) of this Act and

9 any rules adopted under sections thirteen (13) through
10 twenty (20) of this Act and are empowered to issue
11 citations to or arrest without warrant persons
12 violating any provisions of sections thirteen (13)
13 through twenty (20) of this Act or any of the rules
14 adopted under sections thirteen (13) through twenty
15 (20) of this Act. All of these enforcement officers
16 may serve and execute all warrants, citations and
17 other process issued by the courts in enforcing the
18 provisions of sections thirteen (13) through twenty
19 (20) of this Act and rules adopted under sections
20 thirteen (13) through twenty (20) of this Act. The
21 mailing, by restricted certified mail, of such warrant,
22 citation or other process to the last known place
23 of residence of a person shall be deemed personal
24 service upon the person charged.

25 Sec. 14. NEW SECTION. LITTERING PROHIBITED--
26 PENALTY.

27 1. A person shall not throw, drop, deposit,
28 discard, or otherwise dispose of litter upon any
29 public property in the state or upon private property
30 in this state not owned by him or her or in the waters
31 of this state including, but not limited to, any
32 public highway, public park, beach, campground, forest
33 land, recreational area, trailer park, highway, road,
34 street or alley except:

35 a. When such property is designated by the state
36 or by any of its agencies or political subdivisions
37 for the disposal of garbage and refuse, and such
38 person is authorized to use such property for such
39 purpose.

40 b. Into a litter receptacle in such a manner that
41 the litter will be prevented from being carried away
42 or deposited by the elements upon any private or
43 public property or waters.

44 2. Any person violating the provisions of this
45 section shall be guilty of a misdemeanor and, upon
46 conviction, shall be subject to a fine of not less
47 than ten dollars for each offense and, in addition,
48 in the discretion of any court in which conviction
49 is obtained, such person may be directed by the court
50 to pick up and remove from any public place or any

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1 private property with prior permission of the legal
2 owner upon which it is established by competent
3 evidence that such person has deposited litter, any

4 litter deposited by anyone before the date of execution
5 of sentence.

6 **Sec. 15. NEW SECTION. POSTING OF ANTI-LITTERING**
7 **PROVISIONS.** A summary of requirements of sections
8 thirteen (13) through twenty (20) of this Act shall
9 be posted along the public highways of this state
10 and in all campgrounds and trailer parks, at all
11 entrances to state parks, forest lands, and
12 recreational areas, at all public beaches, and at
13 other public places in this state where persons are
14 likely to be informed of the existence and content
15 of such provisions and the penalties for violations.

16 **Sec. 16. NEW SECTION. RESPONSIBILITY TO MAINTAIN**
17 **LITTER RECEPTACLES.**

18 1. It shall be the responsibility of persons
19 operating any establishment or operating a public
20 place to maintain litter receptacles at their own
21 expense on the premises in accord with the rules
22 adopted by the executive director.

23 2. Any person who fails to place litter receptacles
24 on the premises required by rule of the executive
25 director in violation of the provisions of this section
26 or rules adopted under this section shall be guilty
27 of a misdemeanor and, upon conviction, shall be subject
28 to a fine of twenty-five dollars. Each day of
29 violation shall constitute a separate offense.

30 **Sec. 17. NEW SECTION. LITTER TAX.**

31 1. There is imposed a tax at a rate of three
32 hundredths of one percent of the sale price of any
33 of the following tangible personal properties, except
34 for beverage containers subject to the deposit
35 requirements of this Act, sold to a retailer within
36 this state:

37 a. All products sold to a retailer in nonreusable
38 packages or containers for resale in the same
39 nonreusable packages or containers.

40 b. All products sold to a retailer for use in
41 packaging or containing other products sold by the
42 retailer if the packages or containers are nonreusable.

43 2. The tax imposed under subsection one (1) of
44 this section shall be collected by the department
45 of revenue from each person engaged in the business
46 of selling any of the tangible personal property items
47 specified in subsection one (1) of this section to
48 a retailer doing business in this state. The amount
49 of the tax shall be based on the value of such products
50 or the gross receipts of the sales of such tangible

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1 personal property to the retailer.

2 3. The director of revenue shall provide, by rule,
3 for the administration of the tax imposed by this
4 section. The rules shall provide for the issuance
5 of permits, the payment of taxes, penalties for late
6 payments, records, the filing of tax returns, and
7 such other procedures as deemed appropriate by the
8 director of revenue for the effective administration
9 of this section. The administration of this section
10 shall be based on the same procedures and requirements
11 as provided for the administration of the retail sales
12 tax, as applicable.

13 4. The director of revenue may define, by rule,
14 the categories of property or products subject to
15 the tax imposed under subsection one (1) of this
16 section. In making such definitions, the director
17 shall be guided by the following standards:

18 a. It is the purpose of sections thirteen (13)
19 through twenty (20) of this Act to promote resource
20 recovery, recycling, and accomplish effective control
21 of litter within this state.

22 b. It is the purpose of sections thirteen (13)
23 through twenty (20) of this Act to impose a tax on
24 industries manufacturing or distributing at wholesale,
25 products and the packages, wrapping or containers
26 of such products which are reasonably related to the
27 litter problem in this state.

28 **Sec. 18. NEW SECTION. PRODUCTS EXEMPT FROM**
29 **TAXATION.** The tax imposed under section seventeen
30 (17) of this Act shall not apply to the sales of beer
31 made by the holder of a class "A" beer permit as
32 defined in section one hundred twenty-three point
33 one hundred twenty-four (123.124) of the Code or to
34 the value of products or the gross receipts from the
35 sale of any animal, bird, or insect or the milk, eggs,
36 wool, fur, meat, honey or other substance obtained
37 from such animal, bird, or insect if the seller is
38 a person who performs only the growing or raising
39 function of such animal, bird, or insect.

40 **Sec. 19. NEW SECTION. ACCOUNT CREATED—**
41 **DISPOSITION.**

42 1. There is created in the general fund of the
43 state a litter control and resource recovery account,
44 to which shall be credited the receipts from the tax
45 imposed under sections seventeen (17) and twenty-one
46 (21) of this Act. The proceeds of the litter control
47 and resource recovery account are appropriated to

48 the department of environmental quality for the purpose
49 of carrying out the provisions of subsections two
50 (2), three (3) and four (4) of this section.

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1 2. The department of environmental quality shall
2 expend fifteen percent of the proceeds of the account
3 to acquire, prepare, and distribute such educational
4 and informational material through elementary and
5 secondary schools, colleges, universities and political
6 subdivisions of this state, by contract with
7 corporations or associations, or by dissemination
8 through the public news media for the purpose of
9 informing the public of the purposes of sections
10 thirteen (13) through twenty (20) of this Act.

11 3. The department of environmental quality shall
12 expend thirty-five percent of the proceeds of the
13 account for grants to interested private or public
14 agencies for research or development of solid waste
15 recovery or recycling programs, including systems
16 and facilities. A grant may be made only if it is
17 designed to provide regional or area-wide resource
18 recovery for cities and counties and provides an
19 equitable system for distributing the costs associated
20 with the construction, operation and maintenance of
21 any resource recovery system among the users of the
22 system.

23 4. The department of environmental quality shall
24 expend fifty percent of the proceeds of the account
25 to control and remove litter. The executive director
26 may enter into agreements with public or private
27 agencies, which agreements shall contain such terms
28 and conditions as deemed necessary or desirable by
29 the executive director to accomplish litter control
30 and removal. From the proceeds the executive director
31 shall provide the placement of litter receptacles
32 along the public highways of this state and at all
33 parks, campgrounds, trailer parks, drive-in
34 restaurants, gasoline service stations, tavern parking
35 lots, shopping centers, grocery store parking lots,
36 parking lots of major industrial firms, marinas, boat
37 launching areas, boat moorage and fueling stations,
38 public and private piers, beaches and bathing areas,
39 and such other public places within this state as
40 specified by rule of the executive director. The
41 number of such receptacles required to be placed as
42 specified in this section shall be determined by a
43 formula related to the need for such receptacles.

44 However, the executive director shall not provide
45 payments to private persons solely for the purpose
46 of placing or installing a litter receptacle on private
47 property.
48 Sec. 20. NEW SECTION. ADDITIONAL DUTIES. In
49 addition to other powers and duties provided by law,
50 the department of environmental quality in carrying

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1 out litter control and resource recovery
2 responsibilities shall:
3 1. Serve as the coordinating agency between the
4 various industry organizations.
5 2. Recommend to the governing bodies of all local
6 governments that they adopt ordinances similar to
7 the provisions of this Act.
8 3. Cooperate with all state and local government
9 agencies.
10 4. Encourage, organize, and coordinate all
11 voluntary local anti-litter campaigns seeking to focus
12 the attention of the public on the programs of this
13 state to control and remove litter.
14 Sec. 21. Section one hundred twenty-three point
15 one hundred thirty-six (123.136), unnumbered paragraph
16 one (1), Code 1977, is amended to read as follows:
17 In addition to the annual permit fee to be paid
18 by all class "A" permittees under the provisions of
19 this chapter there shall be levied and collected from
20 such permittees on all beer manufactured for sale
21 or sold in this state at wholesale and on all beer
22 imported into this state for sale at wholesale and
23 sold in this state at wholesale, a tax of four and
24 thirty-four hundredths dollars for every barrel
25 containing thirty-one gallons, and at a like rate
26 for any other quantity or for the fractional part
27 of a barrel. In addition, a litter tax of one cent
28 per gallon shall be added, making the total tax to
29 be collected four and sixty-five hundredths dollars
30 per barrel containing thirty-one gallons or equivalent
31 rate for fractional parts of a barrel. The litter
32 tax shall not be considered a part of the barrel tax
33 accruing to the state general fund, but it shall be
34 separated by the department of revenue and credited
35 to the litter control and resource recovery account
36 in the state general fund. However, no tax shall be
37 levied or collected on beer shipped outside this state
38 by a class "A" permittee or sold by one class "A"
39 permittee to another class "A" permittee.

40 Sec. 22. Sections four hundred fifty—five B point
 41 ninety—five (455B.95), four hundred fifty—five B point
 42 ninety—six (455B.96), four hundred fifty—five B point
 43 ninety—seven (455B.97), and four hundred fifty—five
 44 B point ninety—eight (455B.98), Code 1977, are
 45 repealed.””
 46 3. Page 2, by inserting after 8, the following:
 47 “—. Amend the title, line 2, by inserting after
 48 the word “containers” the following: “and relating
 49 to the control of litter, authorizing the department
 50 of environmental quality to establish and maintain

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- 1 a comprehensive antilitter program, imposing a tax
- 2 levy on products, ”.”.
- 3 4. By renumbering sections and internal references
- 4 to sections to conform to this amendment.

Brunow of Appanoose moved the adoption of amendment H—3775, to the committee amendment H—3526.

Roll call was requested by Brunow of Appanoose and Dieleman of Marion.

Rules 69 and 70 were invoked.

On the question “Shall amendment H—3775, to amendment H—3526, be adopted?”

The ayes were, 50:

Anderson	Bennett	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Cochran	Crawford	Daggett
Den Herder	Dieleman	Dunton	Egenes
Evans	Garrison	Gilloon	Griffee
Halvorson	Hargrave	Hines	Hinkhouse
Howell	Hullinger	Jochum	Krause
Krewson	Lageschulte	Lipsky	Loneragan
Menke	Middleswart	Miller, O.L.	O'Halloran
Patchett	Pelton	Rinas	Schroeder
Shimanek	Spalley	Spear	Spencer
Svoboda	Tauke	Tofte	Varley
Walter	Mr. Speaker		

The nays were, 47:

Avenson	Baker	Bina	Chiodo
Conlon	Connors	Crabb	Cusack
Danker	Davitt	Dyrland	Fitzgerald
Gentleman	Gilson	Hansen	Harbor
Harvey	Higgins	Hoffmann	Horn
Husak	Jesse	Junker	Koogler
Lindeen	Millen	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Perkins	Poncy
Scheelhaase	Schnekloth	Stéphens	Stromer
Thompson	Welden	Wells	West
Woods	Wulff	Wyckoff	

Absent or not voting, 2:

Byerly Doyle

Amendment H-3775 was adopted, placing out of order the following amendments to amendment H-3775:

H-3784 filed by Smalley of Polk from the floor.

H-3790 filed by Harbor of Mills from the floor.

Husak of Tama offered the following amendment H-3697, to the committee amendment H-3526, filed by him and moved its adoption:

H-3697

- 1 Amend the amendment, H-3526, to House File 187
- 2 as follows:
- 3 1. Page 1, by inserting after line 1 the follow-
- 4 ing:
- 5 " — Page 1, by inserting after line 25 the
- 6 following subsection:
- 7 " — "Redemption center" means a sanitary dis-
- 8 posal project as defined in section four hundred
- 9 fifty-five B point seventy-five (455B.75), subsection
- 10 three (3), of the Code." "
- 11 2. Page 1, by striking lines 10 through 20 and
- 12 inserting in lieu thereof the following: "of this
- 13 Act. Upon return of a reusable beverage container
- 14 to the dealer and acceptance of the reusable beverage

15 container by the dealer or upon the return of a
 16 nonreusable beverage container to a person operating
 17 a redemption center, the dealer or the person operating
 18 the redemption center shall return the amount of the
 19 refund value to the consumer.

20 2. A dealer or a person operating a redemption
 21 center shall upon return of the beverage containers
 22 to the manufacturer or distributor be reimbursed by
 23 the manufacturer or distributor in an amount which
 24 is at least twenty percent more than the amount of
 25 the refund value returned by the dealer or the person
 26 operating the redemption center to the consumer."

27 3. Page 1, by inserting after line 20 the follow-
 28 ing:

29 "— Page 2, line 34, by inserting after the
 30 word "any" the word "reusable"."

31 4. Page 1, by inserting after line 25 the follow-
 32 ing:

33 "— Page 3, by inserting after line 2 the follow-
 34 ing subsections:

35 "— A person operating a redemption center shall
 36 not refuse to accept from a consumer any nonreusable
 37 beverage container or refuse to pay to the consumer
 38 the refund value of the beverage container as
 39 determined under section two (2) of this Act."

40 — Page 3, line 4, by inserting before the word
 41 "any" the words "or a person operating a redemption
 42 center"."

43 5. Page 1, by striking lines 27 and 28 and insert-
 44 ing in lieu thereof the word "dealer" the words "or
 45 person who operates a redemption center for each
 46 beverage container accepted".

47 6. Page 1, by inserting after line 30 the follow-
 48 ing:

49 "— Page 3, line 9, by inserting after the word
 50 "dealer" the words "or person operating a redemption

Page 2

1 center".

2 — Page 3, line 10, by inserting after the word
 3 "dealer" the words "or a person operating a redemption
 4 center"."

5 7. Page 1, by inserting after line 35, the follow-
 6 ing:

7 "— Page 3, by striking lines 14 through 18
 8 and inserting in lieu thereof the following: "value
 9 of any nonreusable empty beverage container." "

- 10 8. Page 2, by inserting after line 6 the follow-
11 ing:
12 "— By striking page 3, line 31 through page
13 4, line 29 and inserting in lieu thereof the follow-
14 ing:
15 "Each sanitary disposal project shall act as a
16 redemption center to accept from a consumer and pay
17 the refund value to the consumer of any nonreusable
18 beverage container which is labeled as provided in
19 section seven (7) of this Act."
20 — Page 5, lines 6 and 7, by striking the words
21 " , or to the approval or withdrawal of approval for
22 a redemption center"."
23 9. By renumbering sections and subsections to
24 conform to this amendment.

A non-record roll call was requested.

The ayes were 33, nays 48.

Amendment H-3697 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lonergan of Boone for the remainder of the day on request of Crabb of Crawford; Griffee of Chickasaw for the remainder of the day on request of Newhard of Jones.

Halvorson of Clayton offered the following amendment H-3776, to the committee amendment H-3526, filed by him and moved its adoption:

H-3776

- 1 Amend the amendment, H-3526, to House File 187
2 as follows:
3 1. Page 1, line 5, by striking the word "five"
4 and inserting in lieu thereof the word "ten".
5 2. Page 2, by inserting after line 6 the follow-
6 ing:
7 "— Page 3, line 29, by striking the word
8 "five" and inserting in lieu thereof the word "ten"."

Roll call was requested by Spencer of Clay and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3776, to the committee amendment H-3526, be adopted?"

The ayes were, 60:

Avenson	Bennett	Binneboese	Brandt
Branstad	Brockett	Brunow	Chiodo
Clark, B.J.	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Dunton	Egenes	Evans	Garrison
Gentleman	Gilson	Halvorson	Harbor
Harvey	Hines	Horn	Hullinger
Jochum	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, O.L.	Monroe	Newhard
O'Halloran	Oxley	Patchett	Rinas
Schroeder	Shimanek	Smalley	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
West	Woods	Wulff	Mr. Speaker (Small)

The nays were, 34:

Anderson	Bina	Clark, J.H.	Cochran
Conlon	Cusack	Den Herder	Doyle
Dyrland	Fitzgerald	Gilloon	Hansen
Hargrave	Hinkhouse	Hoffmann	Howell
Husak	Jesse	Krause	Middleswart
Miller, K.D.	Nielsen	Norland	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Spear	Welden
Wells	Wyckoff		

Absent or not voting, 5:

Baker	Byerly	Griffee	Higgins
Lonergan			

Amendment H-3776 was adopted.

Speaker Cochran in the chair at 4:43 p.m.

Krewson of Polk offered the following amendment H-3789, to the committee amendment H-3526, filed by him from the floor and moved its adoption:

H-3789

- 1 Amend Amendment H-3526 to House File 187 as
- 2 follows:
- 3 1. Page 1, line 18, by striking the words "at
- 4 least twenty" and inserting in lieu thereof the words
- 5 "not more than ten".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 19, nays 71.

Amendment H-3789 lost.

Hargrave of Johnson offered the following amendment H-3792, to the committee amendment H-3526, filed by him from the floor:

H-3792

- 1 Amend amendment H-3526 to House File 187 as
- 2 follows:
- 3 1. Page 1, by inserting after line 25 the
- 4 following:
- 5 " — Page 3, by inserting after line 2 the
- 6 following subsection:
- 7 — In lieu of accepting the cash refund
- 8 value of an empty beverage container of the kind,
- 9 size, and brand sold by a dealer, a consumer may
- 10 directly exchange or apply the refund value of
- 11 the empty beverage container returned to the
- 12 dealer toward the purchase of a beverage in a
- 13 beverage container sold by the dealer. The

- 14 provisions of section one hundred twenty-three
15 point forty-nine (123.49), subsection two (2),
16 paragraph b, of the Code shall not apply to sales
17 authorized in this subsection."

O'Halloran of Black Hawk rose on a point of order that amendment H-3792 was not germane.

The Speaker ruled the point not well taken and amendment H-3792 germane.

Hargrave of Johnson moved the adoption of amendment H-3792, to the committee amendment H-3526.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 33, nays 60.

Amendment H-3792 lost.

Perkins of Greene offered the following amendment H-3782, to the committee amendment H-3526, filed by him and Koogler of Mahaska and moved its adoption:

H-3782

- 1 Amend amendment H-3526, to House File 187, as
2 follows:
3 1. Page 1, line 38, by inserting after the
4 word "dealer" the word "distributor".

Amendment H-3782 was adopted.

Smalley of Polk moved to reconsider the vote by which amendment H-3775 (to amendment H-3526) was adopted by the House.

(House File 187 and the motion to reconsider amendment H-3775 (to the committee amendment H-3526) pending at adjournment.)

MOTIONS TO RECONSIDER
(Amendment H-3786 to House File 187)

I move to reconsider the vote by which amendment H-3786 (to amendment H-3526) to House File 187 failed to be adopted by the House on April 27, 1977.

JUNKER of Woodbury

(Amendment H-3776 to House File 187)

I move to reconsider the vote by which amendment H-3776 (to amendment H-3526) to House File 187 was adopted by the House on April 27, 1977.

WOODS of Polk

(Amendment H-3775 to House File 187)

I move to reconsider the vote by which amendment H-3775 (to amendment H-3526) to House File 187 was adopted by the House on April 27, 1977.

LIPSKY of Linn

**APPOINTMENT OF COMMITTEE ON BUDGET
SUBCOMMITTEE ON CLAIMS**

Cusack of Scott announced the appointment of the following members to the committee on budget subcommittee on claims: Jesse of Polk, chair; Nielsen of Polk, Schroeder of Pottawattamie and Welden of Hardin.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 8:00 a.m., April 26, 1977

Convened: 8:15 a.m.

Adjourned: 8:55 a.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Baker, Brockett, Crawford, Dyrland, Gilson, Hansen, Krewson, Spear, Stromer, Thompson and Wulff.

Absent: Daggett (arrived 8:35 a.m.), Byerly (arrived 8:25 a.m.), Norland (arrived 8:20 a.m.), Horn and Small.

Excused: Koogler and Poncy.

Assignment of bills, discussed proposed house file.

COMMITTEE ON TRANSPORTATION

Scheduled: 8:00 a.m., April 26, 1977

Convened: 8:07 a.m.

Adjourned: 8:40 a.m.

Present: Krause, chair; Schroeder, ranking member; Binneboese, Brunow, Davitt, Harbor, Hullinger, Lageschulte, Lipsky, Monroe, Schneklath and Wood.

Absent: Clark of Cerro Gordo (arrived 8:10 a.m.), Doyle (arrived 8:13 a.m.), Dunton (arrived 8:19 a.m.), Hoffmann (arrived 8:25 a.m.), Egenes, Oxley and Rinas.

Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons

from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations.

Recommended AMEND AND DO PASS.

H-3804

1 Amend Senate File 167, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, line 10, by inserting after the word
4 "number," the following: "Registration plates issued
5 for a county sheriff's patrol vehicles shall display
6 one seven pointed gold star on a green background
7 followed by the letter "S" and the call number of
8 the vehicle."

9 2. Page 3, by inserting after line 25 the
10 following:

11 "Sec. ____ Section three hundred twenty-one point
12 twenty-four (321.24), unnumbered paragraph one (1),
13 Code 1977, is amended to read as follows:

14 Upon receipt of the application for title and
15 payment of the required fees for motor vehicle,
16 trailer, or semitrailer, the county treasurer shall,
17 when satisfied as to the genuineness and regularity
18 thereof, issue a registration receipt and certificate
19 of title and shall file the application, the
20 manufacturer's or importer's certificate, certificate
21 of title, or other evidence of ownership, as prescribed
22 by the department. The registration receipt shall
23 be delivered to the owner and shall contain upon the
24 face thereof the date issued, the name and address
25 of the owner, the registration number assigned to
26 the vehicle, the title number assigned to the owner
27 of the vehicle, the amount of the fee paid, the amount
28 of tax paid pursuant to section 423.7, type of fuel
29 used and such description of the vehicle as determined
30 by the department and upon the reverse side of a form
31 for notice of transfer of the vehicle. The county
32 treasurer shall maintain in the county record system
33 information contained on the registration receipt.
34 Such information shall be accessible by registration
35 number and shall be open for public inspection during
36 reasonable business hours. Such copies as the
37 department may require shall be sent to the department

38 in the manner and at such time as the department may
39 direct. The certificate of title shall contain upon
40 the face thereof the identical information required
41 upon the face of the registration receipt. In addition
42 thereto, the certificate of title shall contain a
43 statement of the owner's title, the amount of tax
44 paid pursuant to section 423.7, name and address of
45 previous owner, and a statement of all security
46 interests and encumbrances as shown in the application,
47 upon the vehicle therein described including the
48 nature of the security interest, ~~amount~~, date of
49 notation and name and address of the secured party.
50 Said certificate shall bear thereon the seal of the

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1 county treasurer, the signature of the county treasurer
2 or that of the deputy county treasurer, and shall
3 provide space for the signature of the owner. The
4 owner shall sign the certificate of title in the space
5 provided with pen and ink upon receipt of certificate
6 of title. The certificate of title shall contain
7 upon the reverse side a form for assignment of title
8 or interest and warranty thereof by the owner, for
9 reassignments by a licensed dealer and for application
10 for a new certificate of title by the transferee as
11 provided in this chapter. All certificates of title
12 shall be typewritten or printed by other mechanical
13 means. The original certificate of title shall be
14 delivered to the owner in the event no security
15 interest or encumbrance appears thereon. Otherwise
16 the certificate of title shall be delivered by the
17 county treasurer to the person holding the first
18 security interest or encumbrance as shown in the
19 certificate. The county treasurer shall maintain
20 in the county records system information contained
21 on the certificate of title. Such information shall
22 be accessible by title certificate number for a period
23 of three years from the date of notification of
24 cancellation of title or that a new title has been
25 issued as provided in this chapter. Such copies as
26 the department may require shall be sent to the
27 department in the manner and at such time as the
28 department shall direct. The department shall
29 designate a uniform system of title numbers so as
30 to indicate the county of issuance.

31 3. Page 4, line 3, by inserting after the word

32 "person" the words "known to the dealer to be".

33 4. Page 7, line 33, by striking the words

34 "Individualized registration plates" and inserting

35 in lieu thereof the words "INDIVIDUALIZED PERSONALIZED
36 REGISTRATION PLATES".

37 5. Page 8, by inserting after line 18 the
38 following:

39 "Sec. —. Section three hundred twenty-one point
40 thirty-five (321.35), unnumbered paragraphs one (1)
41 and (2), Code 1977, are amended by striking the
42 paragraphs."

43 6. Page 10, line 8, by striking the word "not"
44 and inserting in lieu thereof the word "not".

45 7. Page 10, lines 8 and 9, by striking the words
46 "social security" and inserting in lieu thereof the
47 words "social security motor vehicle license".

48 8. Page 12, by inserting after line 19 the
49 following :

50 "Sec. —. Section three hundred twenty-one point

Page 3

1 fifty (321.50), subsection one (1), Code 1977, is
2 amended to read as follows:

3 1. A security interest in a vehicle subject to
4 registration under the laws of this state, except
5 trailers whose empty weight is two thousand pounds
6 or less, ~~and wagon box trailers subject to a~~
7 ~~registration fee of five dollars or less~~, and new
8 or used vehicles held by a dealer or manufacturer
9 as inventory for sale, is perfected by the delivery
10 to the county treasurer of the county where the
11 certificate of title was issued or, in the case of
12 a new certificate, to the county treasurer where the
13 certificate will be issued of an application for
14 certificate of title which lists such security
15 interest, or an application for notation of security
16 interest signed by the owner, or by one owner of a
17 vehicle, owned jointly by more than one person or
18 a certificate of title from another jurisdiction which
19 shows such security interest, and a fee of two dollars
20 for each security interest shown. If the owner or
21 secured party is in possession of the certificate
22 of title, it must also be delivered at this time in
23 order to perfect the security interest. If a vehicle
24 is subject to a security interest when brought into
25 this state, the validity of the security interest
26 and the date of perfection is determined by the Uniform

27 Commercial Code, section 554.9103. Delivery as
 28 provided in this subsection shall be deemed to be
 29 indication of a security interest on a certificate
 30 of title for purposes of chapter 554."

31 9. Page 16, lines 13 and 14, by striking the words
 32 "~~unless and until it receives the registration card~~
 33 ~~completed as herein provided~~" and inserting in lieu
 34 thereof the words "unless ~~and until~~ it receives the
 35 registration card completed as herein provided in
 36 this section".

37 10. Page 22, by inserting after line 29 the
 38 following:

39 "Sec.—. Section three hundred twenty—one point
 40 one hundred seventy—seven (321.177), subsection one
 41 (1), Code 1977, is amended to read as follows:

42 1. To any person, as an operator, who is under
 43 the age of sixteen years; provided that, effective
 44 August 1, 1966, the department shall not issue a
 45 license to any person, as an operator, who is under
 46 the age of seventeen years and effective August 1,
 47 1967, the department shall not issue a license to
 48 any person, as an operator, who is under the age of
 49 eighteen years, without his or her first having
 50 successfully completed an approved driver education

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1 course, in which case, the minimum age shall be sixteen
 2 years. However, the department may issue a restricted
 3 license as provided in section 321.194, or an
 4 instruction permit as provided in section 321.180,
 5 to any person who is at least fourteen years of age.
 6 The department may issue a license restricted only
 7 for use for motorized bicycles as provided in section
 8 321.189, subsection 2, to any person fourteen years
 9 of age or older who has successfully completed an
 10 ~~approved driver's education course established by~~
 11 ~~the department of public instruction to acquaint the~~
 12 ~~motorized bicycle operator with a written examination~~
 13 ~~on the rules of the road and a vision test.~~

14 Sec.—. Section three hundred twenty—one point
 15 one hundred seventy—eight (321.178), subsection one
 16 (1), unnumbered paragraph three (3), Code 1977, is
 17 amended to read as follows:

18 "Student," for purposes of this section, means
 19 any person between the ages of fifteen years and
 20 twenty—one years who resides in the public school

21 district and who satisfies the preliminary licensing
 22 requirements of the department ~~or any person between~~
 23 ~~fourteen and twenty-one years of age who resides in~~
 24 ~~the public school district, who satisfies the~~
 25 ~~preliminary licensing requirements of the department~~
 26 ~~for operation of a motorized bicycle and who is~~
 27 ~~enrolled in an approved driver education course for~~
 28 ~~the purpose of qualifying for a motorized bicycle~~
 29 ~~license as provided for in section 321.189, subsection~~
 30 ~~2."~~

31 11. Page 22, line 33, by striking the words
 32 "DRIVER'S TRAINING" and inserting in lieu thereof
 33 the words "DRIVER'S TRAINING DRIVER EDUCATION".

34 12. Page 23, line 1, by striking the word
 35 "driver's" and inserting in lieu thereof the words
 36 "driver's driver".

37 13. Page 23, line 6, by striking the word "attend"
 38 and inserting in lieu thereof the words "attend-
 39 successfully complete".

40 14. Page 23, line 10, by inserting after the word
 41 "chapter," the words "The failure of a person to
 42 successfully complete a driver education course under
 43 this subsection shall not be a violation of this
 44 chapter."

45 15. Page 23, by inserting after line 11, the
 46 following:

47 "Sec. —. Section three hundred twenty-one point
 48 one hundred seventy-eight (321.178), Code 1977, is
 49 amended by striking subsection three (3)."

50 16. Page 23, by inserting after line 29 the follow—

Page 5

1 ing:
 2 "Sec. —. Section three hundred twenty-one point
 3 one hundred eighty-nine (321.189), subsection one
 4 (1), Code 1977, is amended to read as follows:
 5 1. MOTOR VEHICLE LICENSE. The Upon the payment
 6 of the required fee, the department shall upon payment
 7 of the required fee, issue to every qualifying
 8 applicant qualifying therefor and operator's license,
 9 motorized bicycle license, or chauffeur's license,
 10 as applied for, which, Appearing on this license
 11 shall bear thereon be a distinguishing number assigned
 12 to the licensee, the licensee's full name, date of
 13 birth, occupation, sex, residence address, a colored
 14 photograph, and a brief description of the licensee,
 15 and the usual signature of the licensee. If prior

16 to the renewal date, a person desires to obtain an
17 operator's or chauffeur's license in the form
18 authorized by this section prior to the person's
19 renewal date, such license may be issued as a voluntary
20 replacement upon payment of the required fee. The
21 number of places where licenses are available shall
22 not be reduced because of procedures or equipment
23 required in placing colored photographs on licenses
24 or permits. The department shall provide a space
25 on every license where the licensee may affix a decal
26 or sticker indicating that the licensee is a donor
27 under the Uniform Anatomical Gift Act and shall provide
28 a space ~~shall be provided~~ where the licensee may affix
29 a symbol indicating the presence of a medical
30 condition. The license may contain such other
31 information as the department may by rule require.
32 No license shall be valid unless it bears the usual
33 signature of the licensee. ~~The distinguishing number~~
34 ~~assigned to a licensee shall not be the licensee's~~
35 ~~social security number.~~ The department shall not
36 retain a positive or negative photograph of the
37 licensee. The licensee may affix a decal or sticker
38 on the license in the space provided which indicates
39 that the licensee is a donor under the Uniform
40 Anatomical Gift Act. The decal shall not be larger
41 than one-half inch in diameter. The use of the decal
42 or sticker on the license shall be authorized only
43 if the licensee has complied with the provisions for
44 making a gift under the Uniform Anatomical Gift Act
45 and shall be effective only if the licensee carries
46 on or about the licensee's person a duly signed and
47 executed donor card as authorized by the Uniform
48 Anatomical Gift Act.
49 Sec. Section three hundred twenty-one point
50 one hundred eighty-nine (321.189), subsection two

Page 6

- 1 (2), paragraphs a and e, Code 1977, are amended to
- 2 read as follows:
- 3 a. The department may issue a motorized bicycle
- 4 license to any person fourteen years of age or older
- 5 who has passed the ~~approved driver education course~~
- 6 ~~required for applicants for such license a vision~~
- 7 ~~test and a written examination on the rules of the~~
- 8 road. A motorized bicycle license shall entitle the
- 9 licensee to operate a motorized bicycle while having

10 the license in immediate possession on the highways
11 of the state for a period of two years.

12 e. A motorized bicycle license shall terminate
13 upon issuance to the licensee of an operator's or
14 chauffeur's license ~~valid for operation of motorcycles.~~
15 A valid motorized bicycle license shall be returned
16 to the department prior to issuance of an operator's
17 or chauffeur's license ~~valid for operation of~~
18 ~~motorcycles, "~~

19 17. Page 26, line 24, by striking the words "~~less~~
20 ~~than four tons~~" and inserting in lieu thereof the
21 words "four tons or less".

22 18. Page 27, line 2, by striking the words "~~less~~
23 ~~than four tons~~" and inserting in lieu thereof the
24 words "four tons or less".

25 19. Page 27, line 15, by inserting after the word
26 "roadway." the words "The provisions of this section
27 shall not apply to vehicles loaded with hay or stover
28 or the products listed in section three hundred twenty—
29 one point four hundred sixty—six (321.466), unnumbered
30 paragraphs six (6) and seven (7) of the Code."

31 20. Page 27, by inserting after line 15 the
32 following:

33 "Sec.____. Section three hundred twenty—one point
34 four hundred seventy—three (321.473), Code 1977, is
35 amended by adding the following new unnumbered
36 paragraph:

37 **NEW UNNUMBERED PARAGRAPH.** The department may issue
38 annual special permits for the operation of compacted
39 rubbish vehicles and vehicles which transport compacted
40 rubbish from a rubbish collection point to a landfill
41 area exceeding the weight limitation of section three
42 hundred twenty—one point four hundred sixty—three
43 (321.463) of the Code, but not exceeding a rear axle
44 gross weight for two axle vehicles of twenty—two
45 thousand pounds and for tandem axle vehicles or
46 transferable auxiliary axle vehicles not exceeding
47 a gross weight on the rear axles of thirty—six thousand
48 pounds. Annual special permits for the operation
49 on secondary roads shall be approved by the county
50 engineer. Annual special permits for operation on

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1 primary roads shall be approved by the state department
2 of transportation. Compacted rubbish vehicles and
3 vehicles which transport compacted rubbish from a

4 rubbish collection point to a landfill area operated
 5 pursuant to an annual special permit shall be operated
 6 only over routes designated by the local authority.
 7 Annual special permits approved by the issuing
 8 authority shall be issued upon payment of an annual
 9 fee, in addition to other registration fees imposed,
 10 of fifty dollars to be paid to the department for
 11 all nongovernmental vehicles."

12 21. Page 28, line 34, by inserting after the word
 13 "rider's" the words "or the owner-operator's".

14 22. Page 28, line 35, by inserting after the word
 15 "rider's" the words "or the owner-operator's".

16 23. Page 29, line 1, by inserting after the word
 17 "employment" the words "or other common destination
 18 of the group".

19 24. Page 29, line 6, by inserting after the word
 20 "rider's" the words "or the owner-operator's".

21 25. Page 29, line 7, by inserting after the word
 22 "rider's" the words "or the owner-operator's".

23 26. Page 29, line 7, by inserting after the word
 24 "employment" the words "or other common destination
 25 of the group".

26 27. Page 30, line 6, by inserting after the word
 27 "is" the word "fit".

28 28. Page 31, lines 5 and 6, are amended by strik-
 29 ing the words and figure "three hundred twenty-one
 30 point thirty-five (321.35)".

31 29. Amend the title page 1, line 5, by inserting
 32 after the word "vehicles," the words "gold stars on
 33 county sheriff's patrol vehicles, the elimination
 34 of the requirement for completion of a driver education
 35 course to obtain a motorized bicycle license, changing
 36 the requirements of perfection of certain security
 37 interests, use of a social security number on motor
 38 vehicle license applications, special permits for
 39 rubbish collection vehicles,".

40 30. Amend the title page 1, line 24, by striking
 41 the words "less than four tons" and inserting in lieu
 42 thereof the words "four tons or less".

43 31. Renumber sections and correct internal
 44 references in conformance with this amendment.

Aye: Krause, Schroeder, Binneboese, Brunow, Clark of Cerro Gordo,
 Davitt, Doyle, Dunton, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky,
 Monroe, Schnekloth and Woods.

Nay: None.

Absent or Not Voting: Egenes, Oxley and Rinas.

PRESENTATION OF VISITORS

Harbor of Mills presented to the House the Honorable Lillian McElroy, former member of the House during the Sixty-fourth, Sixty-fifth and Sixty-sixth General Assemblies, representing Fremont and Page counties.

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

Fifteen senior students from Central Decatur Junior-Senior High School, Leon, Iowa, accompanied by John Ibeling. By Hullinger of Decatur.

Seven members of the economics class from Washington High School, Vinton, Iowa, accompanied by Elmo Baxter. By Wyckoff of Benton.

Forty students from Franklin Elementary School, Muscatine, Iowa, accompanied by Mrs. Hahn. By Conlon of Muscatine and Hoffmann of Muscatine.

Thirty-seven sixth grade students from South Elementary School, Webster City, Iowa. By Egenes of Story.

Twenty-three eighth grade students from Dallas Community School, Dallas Center, Iowa, accompanied by Bill Wineland. By Varley of Adair.

Twenty-five fifth grade students from Centerville Community School, Centerville, Iowa, accompanied by Miss Anderson. By Brunow of Appanoose.

Thirty-six seniors from Centerville High School, Centerville, Iowa, accompanied by Bob Thomas. By Brunow of Appanoose.

Nineteen student council representatives from Williams Junior High School, Davenport, Iowa, accompanied by Mrs. Madelynn Buis, Mrs. Mary Ann Borbeck and Mrs. Trudy Johnson. By Bina of Scott.

Fifty ninth grade students from Grand Junction High School, Grand Junction, Iowa, accompanied by Miss Roberts, Shirley Retz and Karen Rush. By Lonergan of Boone.

Thirty-eight journalism students from Fairfield High School, Fairfield, Iowa, accompanied by Mary Pettet. By Millen of Van Buren.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 26, 1977. Had I been present, I would have voted "aye" on House File 564 and Senate Files 288 and 317.

PERKINS of Greene

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 254 Natural Resources

Relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public.

S.B. 255 Judiciary and Law Enforcement

Providing civil remedies for violations of chapter five hundred fifty-one (551) of the Code, relating to price discrimination.

AMENDMENTS FILED

H-3783	H.F. 187	Perkins of Greene
H-3785	H.F. 187	Spencer of Clay
H-3787	H.F. 187	Thompson of Polk
H-3788	H.F. 187	Perkins of Greene
H-3791	H.F. 187	Harvey of Scott
H-3796	H.F. 187	Hargrave of Johnson
H-3797	H.F. 248	Doyle of Woodbury
H-3798	H.F. 248	Smalley of Polk
		Conlon of Muscatine

H-3799	H.F. 248	Higgins of Scott Branstad of Winnebago Conlon of Muscatine
H-3800	S.F. 318	Higgins of Scott Danker of Pottawattamie Daggett of Adams Spear of Lee Spencer of Clay Gilson of Guthrie Dieleman of Marion Schroeder of Pottawattamie Howell of Floyd Den Herder of Sioux Brockett of Marshall Lindeen of Henry Crabb of Crawford Hansen of O'Brien Lageschulte of Bremer Harbor of Mills Halvorson of Clayton Pellett of Cass
H-3801	S.F. 318	Doyle of Woodbury
H-3802	S.F. 318	Branstad of Winnebago Jesse of Polk
H-3803	S.F. 318	Tauke of Dubuque
H-3805	H.F. 63	Krause of Kossuth
H-3806	H.F. 565	Schnekloth of Scott
H-3807	H.F. 248	Junker of Woodbury
H-3808	H.F. 187	Perkins of Greene Smalley of Polk Woods of Polk Schroeder of Pottawattamie Higgins of Scott
H-3809	H.F. 248	Junker of Woodbury
H-3810	H.F. 187	Koogler of Mahaska Norland of Worth Smalley of Polk

		Wells of Linn
		Tauke of Dubuque
		Avenson of Fayette
		Halvorson of Clayton
		Perkins of Greene
		Fitzgerald of Webster
H-3811	H.F. 248	Junker of Woodbury
H-3812	S.F. 318	Jesse of Polk
H-3813	H.F. 248	Miller of Calhoun
H-3814	H.F. 248	Branstad of Winnebago
H-3815	H.F. 248	Branstad of Winnebago
H-3816	H.F. 248	Branstad of Winnebago
H-3817	H.F. 248	Branstad of Winnebago
H-3818	H.F. 248	Branstad of Winnebago
H-3819	H.F. 248	Gentleman of Polk
H-3820	H.F. 248	Branstad of Winnebago
H-3821	H.F. 248	Junker of Woodbury
H-3822	H.F. 248	Junker of Woodbury
H-3823	H.F. 248	Junker of Woodbury
H-3824	H.F. 248	Junker of Woodbury
H-3825	H.F. 248	Junker of Woodbury
H-3826	H.F. 187	Koogler of Mahaska
		Norland of Worth
		Smalley of Polk
		Wells of Linn
		Tauke of Dubuque
		Avenson of Fayette
		Halvorson of Clayton
		Perkins of Greene
		Fitzgerald of Webster

On motion by Fitzgerald of Webster the House was recessed at 6:08 p.m., until 7:30 p.m.

EVENING SESSION

The House reconvened at 7:30 p.m. for a joint Senate and House memorial session, Howell of Floyd in the chair.

JOINT MEMORIAL SERVICE

House Chamber

7:30 p.m.

ETERNAL ADVENTURE

By Representative Betty Jean (Beje) Clark, Rockwell

We remember
Those who have possessed the faith
That dared the great adventure
Of service to their state;
Urged on by an inexplicable instinct
To dream of unreachable horizons
Yet doggedly explore paths by which they might be reached.

In our remembering it is not difficult
To envision them in some perfected state
Joyously.....expectantly
Venturing still throughout eternity!

Prelude. Representative Julia Gentleman, Des Moines
No. 4 E Minor—Chopin

Invocation Senator Alvin V. Miller, Ventura

“Our God is a Rock” Katherine K. Davis

Legislative Chorus: Representative Reid W. Crawford, Ames, Director

Representative Nancy Shimanek, Monticello, Accompanist

MEMORIALS—SENATE

Reading: Senator Warren E. Curtis, Cherokee

“Ave Maria” Bach-Gounod

Senator Joan Orr, Soprano, Grinnell
Senator Earl Willits, Des Moines, Accompanist

MEMORIALS—SENATE

Reading: Senator John Scott, Pocahontas

“Once to Every Man and Nation” Thomas John Williams

Legislative Chorus

MEMORIALS—SENATE

Reading: Senator Louis P. Culver, Dunlap

Selections From Old Italian Masters Scarlatti and Corelli

Senator Earl Willits, Des Moines

MEMORIALS—HOUSE OF REPRESENTATIVES

Reading: Representative Opal Miller, Rockwell City

“The Lord’s Prayer” Albert Hay Malotte

David L. Wray, Tenor, Chief Clerk

Senator Earl Willits, Des Moines, Accompanist

MEMORIALS—HOUSE OF REPRESENTATIVES

Reading: Representative John Brunow, Centerville

“The New Twenty—third” Ralph Carmichael

Senate Pages — Rebecca Askew, Thurman; Carol Cox, Fort Dodge
House Pages — Chris Bishop, Boone; Kim Kolenbrander, Pella

MEMORIALS—HOUSE OF REPRESENTATIVES

Reading: Representative William H. Harbor, Henderson

“Battle Hymn of the Republic” William Steffe

Legislative Chorus

Benediction Representative Horace Daggett, Kent

“The Lord Bless You and Keep You” Peter C. Lutkin

Legislative Chorus

IN MEMORIAM

Served in the Senate and House of Representatives

Honorable Harlan C. Foster (Henry County) House—47th, 48th and 49th.
(Henry and Washington Counties) Senate—50th, 50 Ex., 51st, 52nd, 52 Ex.,
and 53rd.

Honorable John W. Graham (Ida County) House—59th, 60th and 60 Ex. (Ida and Sac Counties) House—61st, 62nd and 63rd. (Ida, Cherokee, Sac and Calhoun Counties) Senate—64th.

Honorable Homer H. Hush (Montgomery County) House—43rd and 44th. (Mills and Montgomery Counties) Senate—45th.

Honorable Hugh W. Lundy (Monroe and Marion Counties) Senate—47th, 48th, 49th, 50th and 50 Ex. (Monroe County) House—52nd and 52 Ex.

Honorable Karl Nolin (Carroll) House—62nd. (Carroll, Audubon, Cass, Crawford, Greene, Guthrie and Shelby Counties) Senate—65th.

Honorable Rudy Van Drie (Story County) House—62nd and 63rd. Assistant Majority Leader in House 63rd. (Story and Jasper Counties) Senate—64th.

Served in the Senate

Honorable A. Earl Augustine (Mahaska County) 46 Ex., 47th, 48th, 49th, 50th, 50 Ex., 51st, 52nd, 52 Ex., 53rd and 54th. Minority Floor Leader in Senate 54th.

Honorable Elmer K. Bekman (Wapello County) 48th, 49th, 50th, 50 Ex., 51st, 52nd, 52 Ex., 53rd, 54th and 55th.

Honorable Andrew B. Bell (Crawford, Monona and Harrison Counties) 46th, 46 Ex. and 47th.

Honorable Frank M. Hoxie (Fremont and Page Counties) 56th, 57th, 58th and 59th.

Honorable Garritt E. Roelofs (Lyon, O'Brien, Osceola and Sioux Counties) 45th and 45 Ex.

Served in the House of Representatives

Honorable W. Dean Aubrey (Wapello County) 51st, 53rd, 54th and 58th.

Honorable Carroll Brown (Mahaska County) 52nd, 52 Ex., 53rd, 54th and 55th.

Honorable Charles Burtch (Mitchell County) 55th, 56th, 57th and 58th.

Honorable James Caffrey (Polk County) 61st, 62nd, 63rd, 65th and 66th.

Honorable Bert Fullerton (Woodbury County) 62nd, 65th and 66th.

Honorable Fred B. Hanson (Mitchell County) 59th, 60th, 60 Ex., 62nd and 63rd.

Honorable Mattie Harper (Appanoose, Davis and Wapello Counties) 65th, 66th and 67th.

Honorable Raymond Harrington (Buchanan County) 58th and 61st.

Honorable Fred Jarvis (Buena Vista County) 56th, 57th, 58th and 59th.

Honorable Charles G. Johnson (Buena Vista County) 46th, 46 Ex. and 47th.

Honorable Harvey Johnson (Shelby County) 56th, 58th, 60th, 60 Ex., 62nd and 63rd.

Honorable John C. Mendenhall (Allamakee County) 63rd, 64th and 65th.

Honorable Edward J. Morrissey (Jasper County) 48th, 49th, 50th, 51st and 52nd.

Honorable Albert G. Olson (Mitchell County) 51st, 52nd, 53rd and 54th.

Honorable Conrad Ossian (Montgomery County) 57th, 58th, 59th, 60th, 60 Ex., 61st, 62nd and 63rd.

Honorable Richard Radl (Linn County) 61st, 62nd, 63rd and 64th.

Honorable Roy J. Smith (Dickinson County) 53rd, 54th, 55th, 56th, 59th and 60th.

Honorable John Speidel (Washington County) 45th and 45 Ex.

CANDLELIGHTERS

Senator Elizabeth Miller, Marshalltown
Senator Cliff Burroughs, Greene
Representative Nancy J. Shimanek, Monticello
Representative James D. Wells, Cedar Rapids

HOSTING

Senator Minnette Doderer, Iowa City
Senator David M. Readinger, Des Moines
Representative Patricia L. Thompson, West Des Moines
Representative Don W. Spencer, Ruthven

LEGISLATIVE CHORUS

SENATE: Senators C. Joseph Coleman, Joan Orr and Ray Taylor; Norma Bliquez, Vivian Haag, Bonnie King, Grace Rehnblom and Mary Wilcox.

HOUSE: Representatives Beje Clark, Walter Conlon, Sonja Egenes, Julia Gentleman, Arlo Hullinger, Arnold Lindeen, Opal Miller, Mary O'Halloran, Art Small, Douglas Smalley, Linda Svoboda and Tom Tauke; Fran Andrews, Ann Bausserman, Debra Foglesong, Virginia Garretson, Barb Harrison, Elizabeth Isaacson, Cathy Kelly, Joyce Lewis, Maxine Mann, Gerry Rydell, Anita Sand, Jeanne Schmidt, Mary Ann Scott, Mike Triggs, Bettie Wentz and David Wray.

Representative Reid W. Crawford, Director

Representative Nancy Shimanek, Accompanist

SENATE MEMORIAL COMMITTEE

Honorable Louis P. Culver, Dunlap, Chair
Honorable Warren E. Curtis, Cherokee
Honorable John Scott, Pocahontas
Honorable Elizabeth Shaw, Davenport

HOUSE MEMORIAL COMMITTEE

Honorable Rollin K. Howell, Rockford, Chair
Honorable Horace Daggett, Kent
Honorable Julia B. Gentleman, Des Moines
Honorable Opal L. Miller, Rockwell City

On motion by Dunton of Keokuk, the House adjourned at 8:30 p.m. until 9:00 a.m., Thursday, April 28, 1977.

JOURNAL OF THE HOUSE

One hundred ninth Calendar Day -- Seventy-fifth Session Day

Hall of The House of Representatives,
Des Moines, Iowa, Thursday, April 28, 1977

The House met pursuant to adjournment, Doyle of Woodbury in the chair.

Prayer was offered by the Reverend A. B. Neuenschwander, pastor of the Bethel Baptist Church, Harlan, Iowa.

The Journal of Wednesday, April 27, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John C. Barker, Davenport, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk on request of Nielsen of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Brandt of Black Hawk from three hundred forty-nine constituents and Garrison of Black Hawk from three hundred fifty constituents, all members from the John Deere Employees Credit Union, asking for legislative efforts in regard to the credit union movement of Iowa.

By Wulff of Black Hawk from twenty-four constituents and Miller of Buchanan from twenty-four salesmen and truckers of Iowa opposing House File 535 and Senate File 336, relating to a hotel-motel tax.

By Krause of Kossuth from thirty-two students from Nashua High School, Nashua, Iowa requesting that the State of Iowa

assume ownership, repair, and maintenance of the Nashua Iowa Dam and assume control of the existing impoundment, dredging it to its original depth.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 349, a bill for an act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision.

STEVEN C. CROSS, Secretary

COMMUNICATION FROM THE STATE OF UTAH

There is on file in the office of the Speaker an engrossed copy of House Joint Resolution 28 of the Forty-second Legislature of the State of Utah applying to the Congress of the United States to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States to guarantee the preservation of human life, received from the State of Utah.

QUORUM CALL

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of House File 187, a bill for an act to regulate the sale and use of certain beverage containers and providing penalties and the motion to reconsider amendment H-3775, to the committee amendment H-3526.

Smalley of Polk asked for unanimous consent to withdraw his motion to reconsider amendment H-3775.

Objection was raised.

Smalley of Polk moved to withdraw his motion to reconsider amendment H-3775.

Roll call was requested by Tauke of Dubuque and Schroeder of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall the Smalley motion to reconsider amendment H-3775 be withdrawn?"

The ayes were, 52:

Anderson	Bennett	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B. J.
Clark, J. H.	Crawford	Daggett	Davitt
Den Herder	Dieleman	Dunton	Evans
Fitzgerald	Garrison	Gentleman	Halvorson
Higgins	Howell	Husak	Jochum
Koogler	Krewson	Lageschulte	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, O.L.	Newhard	Norland	O'Halloran
Patchett	Pelton	Rinas	Schroeder
Shimanek	Small	Smalley	Spear
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Mr. Speaker (Doyle)

The nays were, 27:

Baker	Bina	Conlon	Connors
Crabb	Danker	Dyrland	Gilson
Hansen	Harbor	Hinkhouse	Hoffmann
Horn	Junker	Lindeen	Miller, K. D.
Oxley	Pavich	Pellet	Perkins
Poncy	Schneklath	Stephens	West
Woods	Wulff	Wyckoff	

Absent or not voting, 20:

Avenson	Byerly	Chiodo	Cochran
Cusack	Egenes	Gilloon	Griffee
Hargrave	Harvey	Hines	Hullinger
Jesse	Krause	Monroe	Nielsen
Scheelhaase	Spencer	Svoboda	Wells

The motion prevailed and the motion to reconsider amendment H-3775 was withdrawn.

Woods of Polk asked and received unanimous consent to withdraw the motion to reconsider amendment H-3776 filed by him on April 27, 1977.

O'Halloran of Black Hawk asked and received unanimous consent that action on the committee amendment H-3526, as amended, be temporarily deferred.

Smalley of Polk offered the following amendment H-3483 filed by him:

H-3483

- 1 Amend House File 187 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and in-
- 3 serting in lieu thereof the following:
- 4 "1. "Beverage" means alcoholic liquor and beer
- 5 as defined in section one hundred twenty-three point
- 6 three (123.3), subsections eight (8) and nine (9)".

Smalley of Polk asked and received unanimous consent to withdraw amendment H-3483.

Connors of Polk offered the following amendment H-3738 filed by Connors, et al.:

H-3738

- 1 Amend House File 187 as follows:
- 2 1. Page 1, by inserting after line 25 the following
- 3 subsection:
- 4 " — "Dislocated worker" means an individual
- 5 who suffers a loss of employment which is directly
- 6 related to or caused by the provisions of this Act."
- 7 2. Page 5, by inserting after line 9 the following
- 8 sections:
- 9 "Sec. 12. NEW SECTION. FUND CREATED. There is
- 10 created in the office of the treasurer of state a
- 11 dislocation allowance fund. The fund shall be used
- 12 to make payments to dislocated workers pursuant to
- 13 section thirteen (13) of this Act. The general
- 14 assembly shall appropriate sufficient moneys to the

15 dislocation allowance fund to administer the fund
 16 and meet the obligations of the fund to provide such
 17 payments.

18 **Sec. 13. NEW SECTION. DISLOCATION ALLOWANCE.**

19 A dislocated worker shall be entitled to a dislocation
 20 allowance equal to seventy-five percent of the worker's
 21 average weekly wage. The dislocation allowance shall
 22 be reduced by the amount of unemployment compensation
 23 benefits to which the dislocated worker is entitled
 24 under the provisions of chapter ninety-six (96) of
 25 the Code. A dislocation allowance shall not be paid
 26 to any dislocated worker for more than two years
 27 following the date of unemployment.

28 **Sec. 14. NEW SECTION. FILING AND ELIGIBILITY**
 29 **REQUIREMENTS.**

30 1. A dislocated worker shall apply to the
 31 department of job service for a dislocation allowance
 32 upon a form prescribed by the department. Upon receipt
 33 of an application, the department shall determine
 34 whether the individual is a dislocated worker, as
 35 defined in section one (1) of this Act, entitled to
 36 a dislocation allowance.

37 2. Before applying for a dislocation allowance,
 38 a dislocated worker shall apply for unemployment
 39 compensation benefits under chapter ninety-six (96)
 40 of the Code and shall meet the eligibility requirements
 41 of section ninety-six point four (96.4) of the Code
 42 as a condition of receipt of the dislocation allowance.

43 3. The department of job service shall provide
 44 reemployment assistance services to a dislocated
 45 worker who is determined eligible for a dislocation
 46 allowance under subsection one (1) of this section.

47 **Sec. 15. Section ninety-six point five (96.5),**
 48 **subsection five (5), Code 1977, is amended by adding**
 49 **the following unnumbered paragraph:**

50 **NEW UNNUMBERED PARAGRAPH. Provided that this**

Page 2

1 subsection shall not be interpreted to reduce Iowa
 2 unemployment compensation benefits for dislocated
 3 workers receiving a dislocation allowance pursuant
 4 to section thirteen (13) of this Act. "

5 3. By renumbering the remaining sections and
 6 correcting internal references in accordance with
 7 this amendment.

Millen of Van Buren rose on a point of order that amendment
 H-3738 was not germane.

The Speaker ruled the point not well taken and amendment H-3738 germane.

Connors of Polk moved the adoption of amendment H-3738.

Roll call was requested by Junker of Woodbury and Gentleman of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3738 be adopted?"

The ayes were, 43:

Avenson	Bina	Binneboese	Brandt
Brunow	Chiodo	Cochran	Conlon
Connors	Cusack	Dieleman	Dyrland
Egenes	Fitzgerald	Garrison	Griffee
Hargrave	Harvey	Higgins	Hines
Horn	Jesse	Jochum	Junker
Krause	Lonergan	Miller, K. D.	Monroe
Nielsen	O'Halloran	Oxley	Pavich
Pelton	Poncy	Rinas	Schnekloth
Small	Spear	Svoboda	Wells
Woods	Wulff	Mr. Speaker (Doyle)	

The nays were, 51:

Anderson	Baker	Bennett	Branstad
Brockett	Clark, B. J.	Clark, J. H.	Crabb
Crawford	Daggett	Danker	Davitt
Den Herder	Dunton	Evans	Gentleman
Gilson	Halvorson	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, O. L.	Newhard	Norland	Pellett
Perkins	Schroeder	Shimanek	Smalley
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	West	Wyckoff	

Absent or not voting, 5:

Byerly	Gilloon	Hansen	Patchett
Scheelhaase			

Amendment H—3738 lost.

The House resumed consideration of the committee amendment H—3526.

Koogler of Mahaska offered amendment H—3828, to the committee amendment H—3526, filed by Koogler, Fitzgerald and Smalley from the floor. Division was requested as follows:

H—3828

- 1 Amend the amendment, H—3526, to House File 187
- 2 as follows:
- 3 1. Page 1, by inserting after line 1 the following:
- 4 “ — Page 1, by inserting after line 25 the
- 5 following:

H—3828A

- 6 “Sec. 23. NEW SECTION. TAX ON NEWSPRINT.
- 7 1. There is imposed a tax at a rate of three hun—
- 8 dredths of one percent of the sale price of all news—
- 9 print and other paper products sold for the purpose
- 10 of printing or reproducing material for general public
- 11 distribution.
- 12 2. The tax imposed under subsection one (1) of
- 13 this section shall be collected by the department
- 14 of revenue from each person engaged in the business
- 15 of selling any of the tangible personal property items
- 16 specified in subsection one (1) of this section to
- 17 a person doing business in this state. The amount
- 18 of the tax shall be based on the value of such products
- 19 or the gross receipts of the sales of such tangible
- 20 personal property to the person. The tax collections
- 21 shall be credited to the litter control and resource
- 22 recovery account.
- 23 3. The director of revenue shall provide, by rule,
- 24 for the administration of the tax imposed by this
- 25 section. The rules shall provide for the issuance
- 26 of permits, the payment of taxes, penalties for late
- 27 payments, records, the filing of tax returns, and
- 28 such other procedures as deemed appropriate by the
- 29 director of revenue for the effective administration
- 30 of this section. The administration of this section
- 31 shall be based on the same procedures and requirements
- 32 as provided for the administration of the retail sales
- 33 tax, as applicable.

- 34 4. The director of revenue may define, by rule,
35 the categories of property or products subject to
36 the tax imposed under subsection one (1) of this
37 section. In making such definitions, the director
38 shall be guided by the following standards:
39 a. It is the purpose of this Act to promote
40 resource recovery, recycling, and accomplish effective
41 control of litter within this state.
42 b. It is the purpose of this Act to impose a tax
43 on industries manufacturing or distributing at
44 wholesale, newsprint and paper products, which are
45 reasonably related to litter problem in this
46 state.

H-3828B

- 47 Sec. 24. NEW SECTION. PRIORITY USE OF TAX
48 RECEIPTS. When allocating the proceeds of the litter
49 control and resource recovery account, the department
50 of environmental quality shall first allocate

Page 2

- 1 sufficient funds from the account to support the
2 county in the establishment and operation of litter
3 control programs and redemption centers required
4 under this Act." "
- 5 2. Page 1, line 11, by inserting after the word
6 "dealer" the words "or person operating a redemption
7 center".
- 8 3. Page 1, by striking line 12 and inserting in
9 lieu thereof the words "by the dealer or person
10 operating a redemption center, the dealer or person
11 operating a redemption center shall return the amount".
- 12 4. Page 1, line 20, by inserting after the word
13 "dealer" the words "or the person operating a
14 redemption center".
- 15 5. Page 1, by striking lines 21 through 40 and
16 inserting in lieu thereof the following:
17 " . . . By striking page 2, line 31 through page
18 3, line 18 and inserting in lieu thereof the following:
19 "Sec. 5. NEW SECTION. PAYMENT OF REFUND. Except
20 as provided in section six (6) of this Act:
21 1. A person operating a redemption center shall
22 not refuse to accept from a consumer any empty beverage
23 container having a refund value as provided in this
24 Act, or refuse to pay to the consumer for each beverage
25 container accepted the refund value of the beverage
26 container as determined under section two (2) of this

27 Act.

28 2. A distributor shall not refuse to accept from
29 a person operating a redemption center or a dealer
30 any empty beverage container of the kind, size and
31 brand sold by the distributor, or refuse to pay the
32 redemption center or dealer the refund value of the
33 beverage container as determined under section two
34 (2) of this Act.

35 Sec. 6. NEW SECTION. REFUSAL TO ACCEPT CON-
36 TAINERS.

37 1. A person operating a redemption center or a
38 dealer accepting empty beverage containers may refuse
39 to accept from a consumer and a distributor may refuse
40 to accept from a person operating a redemption center
41 or a dealer, any empty beverage container which does
42 not have stated on it the word "Iowa" as required
43 under section seven (7) of this Act.

44 2. A person operating a redemption center, a
45 distributor, or a dealer may refuse to redeem an empty
46 beverage container which is not clean." "

47 6. Page 2, by inserting after line 6 the fol-
48 lowing:

49 "____ By striking page 3, line 30 through page
50 4, line 29 and inserting in lieu thereof the follow-

Page 3

1 ing:

2 "Sec. 8. NEW SECTION. REDEMPTION CENTERS.

3 1. To facilitate the return of empty beverage
4 containers and to serve dealers of beverage, at least
5 one redemption center shall be established in each
6 county at which consumers may return empty beverage
7 containers and receive payment of the refund value
8 of such beverage containers. If there are no
9 applicants approved to establish and operate a
10 redemption center in a county, the department of
11 environmental quality shall notify the board of
12 supervisors of the county which shall be responsible
13 for the establishment and operation of a redemption
14 center. Each redemption center shall be established
15 and operated subject to the approval of the department
16 of environmental quality. A dealer may accept and
17 pay the refund value of any beverage container to
18 a consumer without approval of the department of
19 environmental quality.

20 2. An application for approval of a redemption
21 center shall be filed with the department of
22 environmental quality. The application shall state
23 the name and address of the person responsible for

24 the establishment and operation of the redemption
25 center. The application shall contain such other
26 information as the executive director may reasonably
27 require.

28 3. The department of environmental quality shall
29 approve a redemption center if it finds that the
30 redemption center will provide a convenient service
31 to consumers for the return of empty beverage
32 containers. The department of environmental quality
33 may review the approval of any redemption center at
34 any time. After written notice to the person
35 responsible for the establishment and operation of
36 the redemption center, the department may, after
37 hearing, withdraw approval of a redemption center
38 if the department finds there has not been compliance
39 with the department's order approving the redemption
40 center.

41 4. Each redemption center shall also meet the
42 minimum sanitary requirements for its operation as
43 determined by the local board of health.

44 5. The executive director shall adopt, with the
45 approval of the executive committee of the depart-
46 ment of environmental quality, the rules necessary
47 to carry out the provisions of this section.

48 6. Redemption center means any facility, approved
49 by the department of environmental quality, operated
50 for the purpose of redeeming reusable and nonreusable

Page 4

1 beverage containers from consumers" "

2 7. Page 2, by striking lines 7 and 8 and insert-
3 ing in lieu thereof the following:

4 "___ Page 5, by striking line 13 and insert-
5 ing in lieu thereof the following:

6 "Sec. Sections one (1), two (2), three (3),
7 thirteen (13), fourteen (14), fifteen (15), sixteen
8 (16), seventeen (17), eighteen (18), nineteen (19),
9 twenty (20), twenty-one (21), twenty-two (22), twenty-
10 three (23) and twenty-four (24) of this Act shall
11 be effective January 1, 1978. Sections four (4),
12 five (5), six (6), seven (7), eight (8), nine (9),
13 ten (10), eleven (11) and twelve (12) of this Act
14 shall be effective on January 1, 1979." "

15 8. By renumbering sections and internal references
16 to sections to conform to this amendment.

Speaker Cochran in the chair at 10:35 a.m.

Koogler of Mahaska moved the adoption of amendment H-3828A, to the committee amendment H-3526.

Roll call was requested by Woods of Polk and Chiodo of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3828A, to amendment H-3526, be adopted?":

The ayes were, 47:

Anderson	Avenson	Baker	Brunow
Chiodo	Conlon	Connors	Daggett
Davitt	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gilloon
Halvorson	Hargrave	Harvey	Hines
Hinkhouse	Horn	Husak	Jesse
Koogler	Miller, K.D.	Monroe	Nielsen
Norland	Oxley	Pavich	Pellett
Perkins	Scheelhaase	Schnekloth	Smalley
Spear	Stephens	Thompson	Tofte
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 46:

Bennett	Bina	Binneboese	Brandt
Branstad	Clark, B.J.	Clark, J.H.	Crabb
Crawford	Cusack	Danker	Den Herder
Doyle	Egenes	Gentleman	Gilson
Griffee	Hansen	Harbor	Higgins
Hoffmann	Howell	Hullinger	Jochum
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, O.L.	Newhard	O'Halloran
Pelton	Schroeder	Shimenek	Small
Spencer	Stromer	Svoboda	Tauke
Varley	Walter		

Absent or not voting, 6:

Brockett	Byerly	Krause	Patchett
Poncy	Rinas		

Amendment H-3828A was adopted.

(House File 187 and amendment H-3828A, to the committee amendment H-3526, pending at recess.)

On motion by Fitzgerald of Webster the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

HOUSE FILE 571, by committee on human resources, a bill for an act relating to granting an easement at the Woodward hospital-school.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 572, by committee on human resources, a bill for an act relating to work release programs for inmates of institutions.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 573, by committee on budget, a bill for an act appropriating funds to Iowa state university of science and technology for coal research.

Read first time and PLACED ON THE BUDGET CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 261, a bill for an act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects.

Read first time and referred to committee on ENERGY.

SENATE FILE 356, a bill for an act relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves

territory in more than one county, clarifying the publication requirements for notice of election results, and allowing chapter three hundred sixty-eight (368) of the Code to prevail over chapter seventeen A (17A) of the Code in certain instances.

Read first time and referred to committee on CITIES.

REREFERRED TO COMMITTEE ON BUDGET
(House File 512)

Cusack of Scott asked and received unanimous consent that House File 512, presently on the budget calendar be rereferred to the committee on budget.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 69 was invoked. The vote revealed eighty-three members present, sixteen absent.

BUSINESS PENDING

The House resumed consideration of House File 187, a bill for an act to regulate the sale and use of certain beverage containers and providing penalties, and amendment H-3828B to the committee amendment H-3526.

Koogler of Mahaska moved the adoption of amendment H-3828B, to the committee amendment H-3526.

Roll call was requested by Fitzgerald of Webster and Husak of Tama.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-3828B, to amendment H-3526, be adopted?"

The ayes were, 57:

Anderson
Brunow

Avenson
Chiodo

Baker
Conlon

Brandt
Connors

Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gilloon
Gilson	Halvorson	Hargrave	Harvey
Higgins	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Lageschulte	Lindeen	Loneragan
Middleswart	Miller, K.D.	Miller, O.L.	Norland
O'Halloran	Pavich	Pelton	Perkins
Poncy	Schneklath	Small	Smalley
Spear	Stephens	Svoboda	Thompson
Varley	Walter	Wells	Wulff
			Mr. Speaker

The nays were, 32:

Bennett	Bina	Binneboese	Branstad
Brockett	Clark, B.J.	Clark, J.H.	Crabb
Danker	Evans	Gentleman	Hansen
Harbor	Hines	Hoffmann	Krewson
Lipsky	Menke	Millen	Monroe
Oxley	Pellett	Schroeder	Shimanek
Spencer	Stromer	Tauke	Tofte
Welden	West	Woods	Wyckoff

Absent or not voting, 10:

Byerly	Den Herder	Griffee	Jesse
Krause	Newhard	Nielsen	Patchett
Rinas	Scheelhaase		

Amendment H-3828B was adopted.

Lipsky of Linn offered the following amendment H-3855, to the committee amendment H-3526, filed by her from the floor and moved its adoption:

H-3855

- 1 Amend the amendment, H-3526, to House File 187
- 2 as follows:
- 3 1. Page 1, by inserting after line 1 the follow-
- 4 ing:
- 5 "— Page 1, by inserting after line 25 the
- 6 following:
- 7 "Sec. NEW SECTION. EXCEPTION TO TAXES.
- 8 The taxes imposed under this Act to be collected from

- 9 a person selling at wholesale, paper products,
10 wrappings, packaging materials and related containers
11 shall not apply to any such person whose gross sales
12 of such products in this state does not exceed thirty—
13 five thousand dollars in any tax year. The director
14 of revenue shall adopt rules to administer and enforce
15 this section.” ”
16 2. By numbering sections to conform to this
17 amendment.

Admendment H—3855 was adopted.

Fitzgerald of Webster moved the previous question on House File 187, with respect to the filing of amendments only.

A non—record roll call was requested.

The ayes were 55, nays 28.

The motion prevailed.

Schnekloth of Scott offered the following amendment H—3835, to the committee amendment H—3526, filed by him from the floor and moved its adoption:

H—3835

- 1 Amend the amendment, H—3526, to House File 187
2 as follows:
3 1. By striking page 1, line 2 through page 2,
4 line 6 and inserting in lieu thereof the following:
5 “ ___ By striking page 1, line 1 through page
6 5, line 12.
7 _____. Amend the title, lines 1 and 2, by striking
8 the words “to regulate the sale and use of certain
9 beverage containers”.”
10 2. By renumbering sections to conform to this
11 amendment.

Roll call was requested by Miller of Buchanan and Pelton of Clinton.

On the question “Shall amendment H—3835, to amendment H—3526, be adopted?”

The ayes were, 27:

Baker	Bina	Chiodo	Conlon
Connors	Daggett	Den Herder	Garrison
Harbor	Harvey	Hinkhouse	Hoffmann
Horn	Junker	Miller, K.D.	Nielsen
Oxley	Pavich	Pellett	Pelton
Perkins	Schneklath	Schroeder	Thompson
Wells	Woods	Wyckoff	

The nays were, 63:

Anderson	Avenson	Bennett	Binneboese
Brandt	Branstad	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Crabb	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Gentleman	Gilloon	Gilson	Halvorson
Hargrave	Higgins	Hines	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, O.L.	Monroe	O'Halloran
Patchett	Poncy	Scheelhaase	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Welden
West	Wulff	Mr. Speaker	

Absent or not voting, 9:

Byerly	Danker	Fitzgerald	Griffee
Hansen	Husak	Newhard	Norland
Rinas			

Amendment H-3835 lost.

Schroeder of Pottawattamie offered amendment H-3860, to the committee amendment H-3526, filed by him from the floor.

O'Halloran of Black Hawk rose on a point of order that amendment H-3860 was not germane.

The Speaker ruled the point well taken and amendment H-3860 not germane.

Schroeder of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H-3860.

The Speaker ruled that the motion, having received debate, was not in order.

Clark of Lee moved that the rules governing germaneness be suspended for the consideration of amendment H-3860.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 40, nays 51.

The motion lost.

Pelton of Clinton offered the following amendment H-3859, to the committee amendment H-3526, filed by Newhard, Pelton and Gentleman from the floor:

H-3859

- 1 Amend amendment H-3526 to House File 187 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the
- 4 following:
- 5 "Sec. ____ . NEW SECTION. There shall be
- 6 imposed a tax of three (3) cents for each copy
- 7 of an amendment or amendment thereto to House
- 8 File 187. This tax shall apply only to those
- 9 copies which appear in the clip sheet or which
- 10 are distributed on the floor of the House. The
- 11 tax imposed shall be paid by the member or
- 12 members proposing the amendment at the time of
- 13 filing the amendment.
- 14 Sec. ____ . NEW SECTION. The receipts from
- 15 the tax imposed under the above section shall be
- 16 deposited in the Chief Clerk's coffee fund."
- 17 Sec. ____ . NEW SECTION. This amendment shall
- 18 take effect immediately upon its passage and shall
- 19 be retroactive to all amendments previously filed
- 20 to House File 187."

Dyrland of Clayton rose on a point of order that amendment H-3859 was dilatory and, therefore, not in order.

The Speaker ruled the point well taken and amendment H-3859 out of order.

Thompson of Polk moved to reconsider the vote by which amendment H-3828A, to the committee amendment H-3526, was adopted by the House.

Roll call was requested by Woods of Polk and Chiodo of Polk.

Rule 70 was invoked.

On the question "Shall the vote by which amendment H-3828A was adopted be reconsidered?"

The ayes were, 51:

Bennett	Bina	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Den Herder	Dieleman	Doyle
Egenes	Evans	Garrison	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Hullinger
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, O.L.
O'Halloran	Pelton	Scheelhaase	Shimanek
Small	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	West	

The nays were, 43:

Anderson	Avenson	Baker	Binneboese
Brandt	Brockett	Brunow	Chiodo
Connors	Cusack	Danker	Davitt
Dunton	Dyrland	Fitzgerald	Gilloon
Gilson	Hargrave	Higgins	Hines
Horn	Husak	Jesse	Koogler
Miller, K.D.	Monroe	Nielsen	Norland
Oxley	Pavich	Pellett	Perkins
Poncy	Schneklath	Schroeder	Smalley
Spear	Welden	Wells	Woods
Wulff	Wyckoff	Mr. Speaker	

Absent or not voting, 5:

Byerly	Griffee	Newhard	Patchett
Rinas			

The motion prevailed and the House reconsidered amendment H-3828A.

Koogler of Mahaska moved the adoption of amendment H-3828A, to the committee amendment H-3526.

Roll call was requested by Koogler of Mahaska and Woods of Polk.

On the question "Shall amendment H-3828A, to amendment H-3526, be adopted?"

The ayes were, 49:

Anderson	Avenson	Baker	Brandt
Brockett	Brunow	Chiодо	Connors
Davitt	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gilloon
Gilson	Griffee	Harvey	Higgins
Hines	Hinkhouse	Horn	Husak
Jesse	Jochum	Junker	Koogler
Miller, K. D.	Monroe	Nielsen	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schnekloth
Smalley	Spear	Spencer	Tofte
Wells	Woods	Wulff	Wyckoff
Mr. Speaker			

The nays were, 45:

Bennett	Bina	Binneboese	Branstad
Clark, B. J.	Clark, J. H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Den Herder	Doyle	Egenes	Gentleman
Halvorson	Hansen	Harbor	Hoffmann
Howell	Hullinger	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	O'Halloran
Patchett	Schroeder	Shimanek	Small
Stephens	Stromer	Svoboda	Tauke
Thompson	Varley	Walter	Welden
West			

Absent or not voting, 5:

Byerly
Scheelhaase

Hargrave

Miller, O. L.

Newhard

Amendment H-3828A was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffmann of Muscatine for the remainder of the day on request of Conlon of Muscatine.

O'Halloran of Black Hawk moved the adoption of the committee amendment H-3526, as amended.

A non-record roll call was requested.

The ayes were 62, nays 25.

Amendment H-3526, as amended, was adopted.

The Speaker ruled the following amendments out of order:

H-3512 (to page 3) filed by Varley of Adair on April 5, 1977.

H-3620 (to page 3) filed by Wyckoff of Benton on April 18, 1977.

H-3772 (to amendment H-3565) filed by Pellett of Cass on April 26, 1977.

H-3810 (to amendment H-3526) filed by Koogler, et al., on April 27, 1977.

H-3826 (to amendment H-3526) filed by Koogler, et al., on April 27, 1977.

H-3468 (to page 3) filed by Spencer of Clay on April 1, 1977.

H-3783 (to page 3) filed by Perkins of Green on April 27, 1977.

Pelton of Clinton asked and received unanimous consent to withdraw amendment H-3780 filed by him on April 26, 1977.

Perkins of Greene offered the following amendment H-3808 filed by Perkins, et al., and moved its adoption:

H-3808

- 1 Amend House File 187 as follows:
- 2 1. Page 1, by inserting after line 25, the
- 3 following new section:
- 4 "Sec. ____ **NEW SECTION.** Alcoholic beverages
- 5 defined in section one hundred twenty-three point
- 6 three (123.3) subsection eight (8) of the Code shall
- 7 be subject to the provisions of this Act. However,
- 8 this Act shall not apply to bottles containing
- 9 alcoholic liquor which are purchased from a state
- 10 liquor store by a holder of a liquor control license
- 11 who is required by section one hundred twenty-three
- 12 point thirty-three (123.33) of the Code to destroy
- 13 such bottles immediately after they are emptied."

A non-record roll call was requested.

The ayes were 64, nays 22.

Amendment H-3808 was adopted.

Perkins of Greene offered amendment H-3781 filed by him. Division was requested as follows:

H-3781

- 1 Amend House File 187 as follows:

H-3781A

- 2 1. Page 4, by striking lines 30 through 34,
- 3 and inserting in lieu thereof the following:
- 4 "Sec. 9. **NEW SECTION. DETACHABLE TOPS PROHIBITED**
- 5 Effective January 1, 1979, no person shall sell or
- 6 offer for sale at retail in this state any metal
- 7 beverage container which is so constructed that
- 8 the metal opener is designed to be completely
- 9 detachable from the container."

H-3781B

- 10 2. Page 5, line 13, by striking the figure
- 11 "1978" and inserting in lieu thereof the figure
- 12 "1979".

Perkins of Greene moved the adoption of amendment H-3781A.

Amendment H-3781A was adopted.

Perkins of Greene asked and received unanimous consent to withdraw amendment H-3781B.

The Speaker ruled the following amendments out of order:

H-3785 (to page 4) filed by Spencer of Clay on April 27, 1977.

H-3787 (to page 5) filed by Thompson of Polk on April 27, 1977.

Hargrave of Johnson offered the following amendment H-3796 filed by him:

H-3796

- 1 Amend House File 187 as follows:
- 2 1. Page 4, by inserting after line 34 the
- 3 following:
- 4 "Sec. NEW SECTION. Any litter receptacle
- 5 provided for in this Act shall be composed of
- 6 recycled materials."

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H-3796.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo for the remainder of the day on request of Wulff of Black Hawk.

Perkins of Greene offered the following amendment H-3788 filed by him:

H-3788

- 1 Amend House File 187 as follows:
- 2 1. Page 5, by inserting after line 12 the
- 3 following section:
- 4 "Sec. ____ Chapter one hundred twenty-three
- 5 (123), Code 1977, is amended by adding the following
- 6 new section:
- 7 NEW SECTION. No person shall import into Iowa
- 8 or have in his or her possession any beer beverage
- 9 container unless such container has a refund value
- 10 of not less than five cents as provided in this Act,
- 11 except that an individual of legal age may import
- 12 and have in his or her possession a beer beverage
- 13 container containing an amount of beer which does
- 14 not exceed seventy-two (72) fluid ounces for
- 15 personal consumption only."

By unanimous consent the following amendment H-3875, to amendment H-3788, filed by Perkins of Greene from the floor was adopted:

H-3875

- 1 Amend H-3788 to House File 187 as follows:
- 2 1. Page 1, line 10, by striking the word
- 3 "five" and inserting in lieu thereof the word
- 4 "ten".

Perkins of Greene asked for unanimous consent to amend amendment H-3788 by adding on line 13 after the word "container" the words "or containers".

Objection was raised.

Perkins of Greene moved the adoption of amendment H-3788, as amended.

Roll call was requested by Tauke of Dubuque and Bina of Scott.

On the question "Shall amendment H-3788, as amended, be adopted?"

The ayes were, 25:

Avenson	Baker	Branstad	Chiodo
Daggett	Danker	Davitt	Dunton
Evans	Fitzgerald	Gilloon	Gilson
Halvorson	Hansen	Harbor	Hullinger
Jesse	Koogler	Menke	Miller, K.D.
Perkins	Schnekloth	Spear	Woods
Wyckoff			

The nays were, 61:

Anderson	Bennett	Bina	Binneboese
Brandt	Brockett	Brunow	Clark, J.H.
Conlon	Crabb	Crawford	Den Herder
Dieleman	Doyle	Dyrland	Egenes
Garrison	Gentleman	Griffee	Harvey
Hines	Hinkhouse	Horn	Howell
Husak	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Middleswart	Millen	Monroe
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	Wulff
			Mr. Speaker

Absent or not voting, 13:

Byerly	Clark, B.J.	Connors	Cusack
Hargrave	Higgins	Hoffmann	Miller, O.L.
Newhard	Nielsen	Oxley	Poncy
West			

Amendment H-3788, as amended, lost.

Harvey of Scott offered the following amendment H-3791 filed by him and moved its adoption:

H-3791

- 1 Amend House File 187 as follows:
- 2 1. Page 5, by inserting after line 12 the follow-
- 3 ing:
- 4 " NEW SECTION. SURVEY.

- 5 1. Commencing July 1, 1978 the director shall
6 cause a study to be conducted of the effects of this
7 Act. The study shall include, but need not be limited
8 to, an analysis of the following:
- 9 a. The economic impact of this Act on persons
10 engaged in the business of manufacturing nonalco-
11 holic beverages, on persons engaged in the business
12 of manufacturing beer and other malt beverages, and
13 on persons engaged in the business of manufacturing
14 beverage containers in compliance with the provi-
15 sions of this Act;
- 16 b. The problems, if any, incurred in the distri-
17 bution, sale, and return of beverage containers sub-
18 ject to the provisions of this Act;
- 19 c. The effectiveness of the provisions of this
20 Act in reducing the incidence of littering of bever-
21 age containers in this state;
- 22 d. The costs incurred in the enforcement of this
23 Act;
- 24 e. The volume and importance of the recycled
25 material and an approximation of the energy saved
26 as a result of this Act;
- 27 f. The effect on consumer prices of beverages;
- 28 g. The degree of consumer acceptance of the program
29 established pursuant to this Act; and
- 30 h. The reduction in solid waste disposal cost.
- 31 2. On or before January 1, 1980, the director
32 shall prepare and submit to the general assembly a
33 report of findings made pursuant to subsection one
34 (1) of this section and recommendations with respect
35 to any legislative proposals considered by the director
36 to be necessary as a result of the study conducted
37 pursuant to subsection one (1) of this section."
- 38 2. By renumbering sections in conformity with
39 this amendment.

Amendment H-3791 was adopted.

Lipsky of Linn asked and received unanimous consent to withdraw the motion to reconsider amendment H-3775 (to amendment H-3526) filed by her on April 27, 1977.

Junker of Woodbury asked and received unanimous consent to withdraw the motion to reconsider amendment H-3786 (to amendment H-3526) filed by him on April 27, 1977.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 187)

The ayes were, 62:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Bransted	Brockett
Brunow	Clark, J.H.	Crawford	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Griffee	Halvorson	Hargrave
Hines	Howell	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, O.L.
Monroe	Norland	O'Halloran	Patchett
Pellett	Pelton	Perkins	Rinas
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
West	Mr. Speaker		

The nays were, 31:

Bina	Chiodo	Conlon	Connors
Crabb	Daggett	Danker	Den Herder
Doyle	Gilson	Hansen	Harbor
Harvey	Hinkhouse	Horn	Hullinger
Junker	Miller, K.D.	Nielsen	Oxley
Pavich	Poncy	Scheelhaase	Schnekloth
Schroeder	Stephens	Welden	Wells
Woods	Wulff	Wyckoff	

Absent or not voting, 6:

Byerly	Clark, B.J.	Cusack	Higgins
Hoffmann	Newhard		

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

MOTION TO RECONSIDER LOST
(House File 187)

O'Halloran of Black Hawk asked for unanimous consent that House File 187 be immediately messaged to the Senate.

Objection was raised.

O'Halloran of Black Hawk moved to reconsider the vote by which House File 187 passed the House.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 30, nays 41.

The motion lost.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, April 26, 1977. Had I been present, I would have voted "aye" on House File 564; Senate Files 288 and 317.

KOGLER of Mahaska

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the dates indicated:

House Clerk

Bettie J. Wentz

Step 4 to Step 5
on 2/4/77

Also:

Your committee on House administration reports the following appointments to the officers and employees of the House:

Aide to Chief Clerk
File Clerk

Linda Mae Elvers
Joseph D. Brammer

4/28/77
4/29/77

Also:

Your committee on House administration reports the following resignation from the officers and employees of the House:

File Clerk

Laure Donlon

4/28/77

WELLS of Linn, chair

PRESENTATION OF VISITORS

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

Forty—one sixth and seventh grade students from Whiting Community School, Whiting, Iowa, accompanied by Mr. Williams and Mrs. Baker. By Scheelhaase of Woodbury.

Forty—five members of the 4—H group from Waukon, Iowa, accompanied by Shirley Meyer. By Halvorson of Clayton.

Forty—five sixth grade students from Farragut Community School, Farragut, Iowa, accompanied by Mrs. Henstorf and Mrs. Wing. By Harbor of Mills.

Twenty—four members of Newton Junior High School's debate team, Newton, Iowa, accompanied by Mryt Levin. By Anderson of Jasper.

Forty—five eighth grade students from Pella Middle School, Pella, Iowa, accompanied by Mrs. Caldwell. By Dieleman of Marion.

Forty—five students from Fort Dodge High School, Fort Dodge, Iowa, accompanied by Ron Hagman. By Cochran of Webster and Fitzgerald of Webster.

One hundred forty seniors from Grinnell Community Senior High School, Grinnell, Iowa, accompanied by Mr. Crawford. By Husak of Tama.

Forty fifth and sixth grade students from Amana Community School, Amana, Iowa, accompanied by Beverly Merritt. By Svoboda of Iowa.

Forty students from Armstrong High School, Armstrong, Iowa. By Branstad of Winnebago.

Thirty members of the Camp Fire Girls, from Chickasaw County. By Griffee of Chickasaw.

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., April 27, 1977

Present: Connors, chair; Jochum, vice-chair; Gilloon, Lageschulte, Pavich, Small and Wells.

Absent: Egenes, Branstad, Brockett, Chiodo, Crabb, Halvorson, Hines, Horn, Smalley and Thompson.

Excused: Poncy.

At 8:30 a.m. Connors of Polk adjourned the meeting for lack of a quorum.

AMENDMENTS FILED

H-3827	S.F. 340	Stromer of Hancock Dunton of Keokuk Varley of Adair Miller of Buchanan
H-3829	H.F. 491	Horn of Linn
H-3830	S.F. 167	Middleswart of Warren
H-3831	H.F. 248	Branstad of Winnebago
H-3832	H.F. 248	Branstad of Winnebago
H-3833	H.F. 148	Doyle of Woodbury
H-3834	H.F. 248	Junker of Woodbury
H-3836	H.F. 248	Junker of Woodbury

H-3837	H.F. 248	Junker of Woodbury
H-3838	H.F. 248	Junker of Woodbury
H-3839	H.F. 248	Junker of Woodbury
H-3840	H.F. 248	Junker of Woodbury
H-3841	H.F. 248	Junker of Woodbury
H-3842	H.F. 248	Junker of Woodbury
H-3843	H.F. 248	Junker of Woodbury
H-3844	H.F. 248	Junker of Woodbury
H-3845	H.F. 248	Junker of Woodbury
H-3846	H.F. 248	Junker of Woodbury
H-3847	H.F. 248	Junker of Woodbury
H-3848	H.F. 248	Junker of Woodbury
H-3849	H.F. 248	Junker of Woodbury
H-3850	H.F. 248	Junker of Woodbury
H-3851	H.F. 248	Junker of Woodbury
H-3852	H.F. 488	Small of Johnson
H-3853	H.F. 248	Junker of Woodbury
H-3854	S.F. 289	Branstad of Winnebago Jesse of Polk
H-3856	H.F. 248	Monroe of Des Moines
H-3857	S.F. 318	Jesse of Polk
H-3858	H.F. 490	Evans of Grundy Middleswart of Warren Bennett of Ida Scheelhaase of Woodbury Pellett of Cass Wyckoff of Benton
H-3861	S.F. 137	Schroeder of Pottawattamie
H-3862	H.F. 248	Junker of Woodbury
H-3863	H.F. 248	Junker of Woodbury
H-3864	S.F. 35	Brandt of Black Hawk
H-3865	H.F. 248	Smalley of Polk Higgins of Scott Conlon of Muscatine
H-3866	H.F. 248	Schroeder of Pottawattamie
H-3867	H.F. 491	Spencer of Clay
H-3868	H.F. 491	Spencer of Clay
H-3870	S.F. 318	Jesse of Polk
H-3871	S.F. 279	Millen of Van Buren

H-3872

H.F. 372

Monroe of Des Moines

H-3873

H.F. 351

Shimanek of Jones

Newhard of Jones

H-3874

S.F. 167

Krause of Kossuth

On motion by Avenson of Fayette the House adjourned at 6:50 p.m., until 9:00 a.m., Friday, April 29, 1977.

JOURNAL OF THE HOUSE

One hundred tenth Calendar Day--Seventy--sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 29, 1977

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

Prayer was offered by the Reverend Walter S. Wendt, Chaplain of the Davenport Lutheran Home, Davenport, Iowa.

"The Battle Hymn Of The Republic" and "May The Lord Bless You And Keep You" were presented by the Legislative Chorus under the direction of Representative Reid Crawford and accompanied by Representative Nancy Shimanek.

The Journal of Thursday, April 28, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Kalpaxis, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass on request of Lageschulte of Bremer; Byerly of Polk on request of Nielsen of Polk; Spencer of Clay on request of Speaker Cochran of Webster; Husak of Tama on request of Wyckoff of Benton; Oxley of Linn on request of Miller of Calhoun; Scheelhaase of Woodbury on request of Hinkhouse of Cedar.

PETITIONS FILED

The following petitions were received and placed on file:

By Representative Dunton of Keokuk from one-hundred twenty-one residents of Washington County favoring House File 488, an Act relating to public employment relations, amending the public employment relations Act, and providing penalties for violations.

By Bennett of Ida from forty-four constituents in support of a total solid waste litter control and resource recovery program similar to the provisions as contained in House File 379 in lieu of the adoption of mandatory deposits on beer and soft drink containers.

By Dieleman of Marion from one hundred eighteen interested citizens opposing 3% sales tax on draft horses weighing one thousand pounds or more.

INTRODUCTION OF BILLS

HOUSE FILE 574, by Cusack, a bill for an act to change the time specified by law for holding the city primary election and city political party conventions in special charter cities.

Read first time and referred to committee on CITIES.

HOUSE FILE 575, by Hansen, a bill for an act to include the president of the Iowa hearing aid society or that president's designee on the medical assistance advisory council.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 576, by Branstad, Halvorson, Harbor, Millen, Wyckoff, Smalley and Bennett, a bill for an act relating to eligibility for unemployment compensation benefits.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 577, by Anderson, a bill for an act limiting the amount of federal income taxes deductible for purposes of determining Iowa income taxes.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 578, by Walter, Brockett, Jochum, Bina, and Tauke, a bill for an act providing that companies writing automobile liability policies, product liability policies, medical malpractice policies, or policies of liability insurance described in section six hundred thirteen A point seven (613A.7) of the Code shall report annually specified information relating to claims, premiums, income and expense ratios, and other matters pertaining to the costs of writing such policies.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 579, by Branstad, Halvorson, Smalley, Harbor, Millen, Wyckoff and Bennett; a bill for an act relating to qualifications for unemployment compensation.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 580, by Byerly, Hines, Woods, Monroe, Branstad, Tauke, Wulff, Jochum, Harvey and Brunow, a bill for an act authorizing the director of general services to invite bids for purchases from small businesses only.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 581, by Hansen, a bill for an act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty-day notification to each customer.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 582, by committee on state government, a bill for an act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties.

Read first time and referred to committee on **STATE GOVERNMENT**.

SENATE FILE 145, a bill for an act relating to teaching of the free enterprise economic system in high schools.

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

SENATE FILE 337, a bill for an act to provide a funding system for unemployment compensation benefits.

Read first time and referred to committee on **LABOR AND INDUSTRIAL RELATIONS**.

SENATE FILE 349, a bill for an act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision.

Read first time and referred to committee on **JUDICIARY AND LAW ENFORCEMENT**.

SENATE FILE 361, a bill for an act relating to rules of appellate procedure in the courts.

Read first time and referred to committee on **JUDICIARY AND LAW ENFORCEMENT**.

SENATE FILE 362, a bill for an act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties.

Real first time and referred to committee on **JUDICIARY AND LAW ENFORCEMENT**.

SENATE FILE 363, a bill for an act to make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the general assembly, to provide that consents to adoption obtained prior to January 1, 1977 shall be unaffected by the termination requirements which became effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 364, a bill for an act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system.

Read first time and referred to committee on BUDGET.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1977, he approved and transmitted to the Secretary of State the following bills:

House File 197, an act relating to certain bikeway and walkway construction projects.

House File 277, an act relating to the authority of the Iowa Natural Resources Council.

House File 445, an act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

CONSIDERATION OF BILLS

Budget Calendar

Senate File 340, a bill for an act appropriating funds from the military service tax credit fund to the general fund, with report of committee recommending passage, was taken up for consideration.

Stromer of Hancock offered the following amendment H-3827 filed by Stromer, et al.

H-3827

1 Amend Senate File 340 as follows:

2 1. Page 1, line 2, by inserting after the comma
3 the words "if there are sufficient funds in the mili-
4 tary service tax credit fund to finance the exemption
5 provided in subsection four (4) of section four hundred
6 twenty-seven point three (427.3) of the Code as amended
7 by this Act".

8 2. Page 1, by inserting after line 6 the follow-
9 ing:

10 "Sec. 2. Section four hundred twenty-seven point
11 three (427.3), subsection four (4), Code 1977, is
12 amended to read as follows:

13 4. The property, not to exceed one thousand eight
14 hundred fifty-two dollars in taxable value of any
15 honorably separated, retired, furloughed to a reserve,
16 placed on inactive status, or discharged soldier,
17 sailor, marine, or nurse of the second World War from
18 December 7, 1941 to December 31, 1946, army of
19 occupation in Germany November 12, 1918, to July 11,
20 1923, American expeditionary forces in Siberia November
21 12, 1918, to April 30, 1920, second Nicaraguan campaign
22 with the navy or marines in Nicaragua or on combatant
23 ships 1926-1933, second Haitian suppressions of
24 insurrections 1919-1920, navy and marine operations
25 in China 1937-1939 an Yangtze service with navy and
26 marines in Shanghai or in the Yangtze Valley 1926-
27 1927 and 1930-1932 or of the Korean Conflict at any
28 time between June 25, 1950, and January 31, 1955,
29 both dates inclusive, ~~or those who served on active~~
30 ~~duty during the Vietnam Conflict beginning August~~
31 ~~5, 1964, and ending June 30, 1973, both dates~~
32 inclusive, and as defined in section 35C.2, or who
33 served on active duty for a period of at least one

- 34 year at any time after December 31, 1946."
 35 3. Title page, line 1, by inserting after the
 36 word "Act" the words "relating to and".

Griffie of Chickasaw rose on a point of order that amendment H-3827 was not germane.

The Speaker ruled the point well taken and amendment H-3827 not germane.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H-3827.

Roll call was requested by Stromer of Hancock and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-3827?"

The ayes were, 42:

Bennett	Branstad	Brockett	Clark, B. J.
Clark, J. H.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Dieleman
Dunton	Egenes	Evans	Gentleman
Halvorson	Harvey	Hoffmann	Jesse
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, K. D.
O'Halloran	Pelton	Schnekloth	Schroeder
Shimanek	Stephens	Stromer	Tauke
Thompson	Tofte	Welden	West
Woods	Wulff		

The nays were, 43:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Connors
Cusack	Davitt	Doyle	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Griffie	Hankor	Hargrave	Higgins
Hines	Hinkhouse	Horn	Howell
Hullinger	Jochum	Koogler	Lonergan
Middleswart	Miller, O. L.	Monroe	Nielsen

Norland
Small
Wells

Pavich
Spear
Wyckoff

Perkins
Svoboda
Mr. Speaker

Poncy
Walter

Absent or not voting, 14:

Byerly
Krause
Pellett
Spencer

Chiodo
Newhard
Rinas
Varley

Hansen
Oxley
Scheelhaase

Husak
Patchett
Smalley

The motion lost.

Branstad of Winnebago offered the following amendment H-3877 filed by him from the floor:

H-3877

- 1 Amend Senate File 340 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the words "1978 one-half of which shall
- 4 be deposited in the county government assistance fund
- 5 and one-half of which shall be deposited in the general
- 6 fund of the state, the sum of nine million (9,000,000)
- 7 dollars."

Avenson of Fayette rose on a point of order that amendment H-3877 was not germane.

The Speaker ruled the point well taken and amendment H-3877 not germane.

Branstad of Winnebago moved that the rules governing germaneness be suspended for the consideration of amendment H-3877.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 46, nays 43.

The motion, having failed to receive a constitutional majority, lost.

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

On the question "Shall the bill pass?" (S. F. 340)

The ayes were, 87:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brockett	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Monroe	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 2:

Baker	Branstad
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Absent or not voting, 10:

Brunow	Byerly	Chiodo	Husak
Newhard	Oxley	Pellett	Scheelhaase
Spencer	Varley		

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

Senate File 341, a bill for an act making an appropriation to the moneys and credits replacement fund, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S. F. 341)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B. J.	Clark, J. H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K. D.	Miller, O. L.	Monroe
Nielsen	Norland	O'Halloran	Patchett
Pavich	Pelton	Perkins	Poney
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 10:

Byerly	Chiodo	Harvey	Husak
Newhard	Oxley	Pellett	Scheelhaase
Spencer	Varley		

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

Senate File 155, a bill for an act appropriating funds to the department of general services for a demonstration solar energy unit, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F.155)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, O. L.	Monroe	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 1:

Miller, K. D.

Absent or not voting, 10:

Byerly	Harvey	Husak	Jesse
Newhard	Oxley	Pellett	Scheelhaase
Spencer	Varley		

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

Senate File 185, a bill for an act making appropriations to the department of justice, with report of committee recommending

amendment and passage was taken up for consideration.

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

The House resumed session, Speaker Cochran in the chair.

Wyckoff of Benton offered the following amendment H-3764 filed by the committee on budget and moved its adoption:

H-3764

- 1 Amend Senate File 185 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 25 the
- 4 following:
- 5 "4. Prosecuting intern program. . . . \$35,000
- 6 Funds appropriated by this
- 7 subsection may be used to
- 8 match federal funds. Counties
- 9 participating in the prosecuting
- 10 intern program shall provide funds
- 11 that total the amount appropriated
- 12 by this subsection."

Amendment H-3764 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the remainder of the day on request of Millen of Van Buren.

Monroe of Des Moines offered the following amendment H-3622 filed by him and moved its adoption:

H-3622

- 1 Amend Senate File 185 as amended and passed by
- 2 the Senate as follows:
- 3 Page 1, by inserting after line 12, the following:
- 4 "The state comptroller shall not issue any warrants
- 5 for the payment of funds appropriated by this
- 6 subsection until such time as the office of attorney
- 7 general complies with the provisions of sections
- 8 seventeen A point three (17A.3) and seventeen A point
- 9 nine (17A.9) of the Code."

Roll call was requested by Schroeder of Pottawattamie and Branstad of Winnebago.

On the question "Shall amendment H-3622 be adopted?"

The ayes were, 48:

Anderson	Avenson	Bina	Binneboese
Brandt	Brockett	Brunow	Chiodo
Connors	Crawford	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Garrison	Gilloon	Gilson	Griffee
Hargrave	Higgins	Hines	Howell
Hullinger	Jesse	Jochum	Koogler
Lindeen	Lonergan	Miller, K.D.	Miller, O.L.
Monroe	O'Halloran	Patchett	Pavich
Pelton	Poncy	Rinas	Shimanek
Small	Spear	Svoboda	Tauke
Walter	Wells	West	Mr. Speaker

The nays were, 33:

Bennett	Branstad	Clark, B. J.	Clark, J. H.
Conlon	Crabb	Cusack	Daggett
Danker	Den Herder	Egenes	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Junker	Krewson
Lageschulte	Menke	Millen	Schnekloth
Schroeder	Smalley	Stephens	Stromer
Thompson	Tofte	Weiden	Wulff
Wyckoff			

Absent or not voting, 18:

Baker	Byerly	Fitzgerald	Horn
Husak	Krause	Lipsky	Middleswart
Newhard	Nielsen	Norland	Oxley
Pellett	Perkins	Scheelhaase	Spencer
Varley	Woods		

Amendment H-3622 was adopted.

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

On the question "Shall the bill pass?" (S.F. 185)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, J. H.
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Monroe	Nielsen	O'Halloran
Patchett	Pavich	Pelton	Perkins
Poncy	Rinas	Schneklath	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

The nays were, 2:

Conlon	Schroeder
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Absent or not voting, 13:

Byerly	Clark, B. J.	Husak	Krause
Lipsky	Newhard	Norland	Oxley
Pellett	Scheelhaase	Spencer	Varley
Woods			

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

Senate File 342, a bill for an act making appropriations to the municipal assistance fund and county government assistance fund, with report of committee recommending passage was taken up for consideration.

Stromer of Hancock offered the following amendment H-3879 filed by him from the floor and moved its adoption:

H-3879

1 Amend Senate File 342, as passed by the Senate,
 2 as follows:
 3 1. Page 1, by inserting after line 9 the
 4 following section:
 5 "Sec. ____ Section three hundred thirty-four
 6 A point one (334A.1), Code 1977, is amended to
 7 read as follows:
 8 334A.1 FUND CREATED. There is created a
 9 "county government assistance fund" in the office
 10 of the treasurer of state. Funds appropriated to
 11 such fund and distributed pursuant to section 334A.2
 12 shall be used, ~~insofar as practicable~~, for projects
 13 and programs developed and maintained for citizens
 14 of the county residing outside the incorporated
 15 areas of any city in the county."

Amendment H-3879 lost.

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

On the question "Shall the bill pass?" (S.F. 342)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K. D.	Miller, O. L.	Monroe	Nielsen
O'Halloran	Pavich	Pelton	Perkins
Poncy	Rinas	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke

Thompson
Wells

Tofte
Wulff

Walter
Wyckoff

Welden
Mr. Speaker

The nays were, none:

Absent or not voting, 15:

Byerly
Lipsky
Patchett
Varley

Hullinger
Newhard
Pellett
West

Husak
Norland
Scheelhaase
Woods

Krause
Oxley
Spencer

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

FURTHER CONSIDERATION OF MOTION TO RECONSIDER (House File 381)

The House resumed consideration of the motion to reconsider House File 381, filed by Hargrave of Johnson on April 18, 1977.

Hargrave of Johnson moved to reconsider the vote by which House File 381, a bill for an act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services, passed the House on April 18, 1977.

Roll call was requested by Hullinger of Decatur and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall the vote by which House File 381 passed the House be reconsidered?"

The ayes were, 43:

Bennett
Conlon
Danker
Gilson
Hinkhouse
Junker
Lonergan
Miller, O.L.
Stephens

Branstad
Crabb
Den Herder
Halvorson
Hoffmann
Krewson
Menke
Pelton
Stromer

Clark, B.J.
Crawford
Dieleman
Hansen
Horn
Lageschulte
Middleswart
Schnekloth
Svoboda

Clark, J.H.
Daggett
Doyle
Harbor
Hullinger
Lindeen
Millen
Shimanek
Tauke

Thompson	Tofte	Welden	West
Woods	Wulff	Wyckoff	

The nays were, 43:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Connors	Cusack	Davitt	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffee
Hargrave	Higgins	Hines	Howell
Jesse	Jochum	Koogler	Miller, K.D.
Monroe	Nielsen	Norland	O'Halloran
Patchett	Pavich	Perkins	Poncy
Schroeder	Small	Smalley	Spear
Walter	Wells	Mr. Speaker	

Absent or not voting, 13:

Byerly	Chiodo	Harvey	Husak
Krause	Lipsky	Newhard	Oxley
Pellett	Rinas	Scheelhaase	Spencer
Varley			

The motion lost placing out of order amendments H-3884 and H-3885 filed by Hullinger of Decatur from the floor.

REGULAR CALENDAR

Senate File 318, a bill for an act making technical changes of a corrective nature to the criminal code revision, with report of committee recommending amendment and passage was taken up for consideration.

Jesse of Polk offered the following amendment H-3857 filed by him and moved its adoption:

H-3857

- 1 Amend Senate File 318 as follows:
- 2 1. Page 1, line 11, by inserting after the number
- 3 "(1408)," the words and numbers "division fourteen
- 4 (XIV), sections".
- 5 2. Page 5, by inserting after line 10 the following
- 6 section:
- 7 "Sec. _____ Division fourteen (XIV) is amended
- 8 by adding the following new section:

9 NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

10 1. Except as provided in subsection three (3),
11 it is unlawful for a person knowingly to:

12 a. Transfer or cause to be transferred any sounds
13 recorded on a phonograph record, disc, wire, tape,
14 film or other article without the consent of the
15 owner; or

16 b. Sell; distribute; circulate; offer for sale,
17 distribution or circulation; possess for the purpose
18 of sale, distribution or circulation; or cause to
19 be sold, distributed, circulated; offered for sale,
20 distribution or circulation; or possessed for sale,
21 distribution or circulation, any article or device
22 on which sounds have been transferred without the
23 consent of the person who owns the master phonograph
24 record, master disc, master tape or other device or
25 article from which the sounds are derived.

26 2. It is unlawful for a person to sell, distribute,
27 circulate, offer for sale, distribution or circulation
28 or possess for the purposes of sale, distribution
29 or circulation, any phonograph record, disc, wire,
30 tape, film or other article on which sounds have been
31 transferred unless the phonograph record, disc, wire,
32 tape, film or other article bears the actual name
33 and address of the transferor of the sounds in a
34 prominent place on its outside face or package.

35 3. This section does not apply to a person who
36 transfers or causes to be transferred sounds intended
37 for or in connection with radio or television broadcast
38 transmission or related uses, synchronized sound
39 tracks of motion pictures or sound tracks recorded
40 for synchronizing with motion pictures, for archival
41 purposes or for the personal use of the person
42 transferring or causing the transfer and without any
43 compensation being derived by the person from the
44 transfer.

45 4. A person who violates the provisions of this
46 section is guilty of theft."

47 3. Page 31, line 33, by inserting after the number
48 "(78)," the words and number one hundred forty
49 "(140),".

50 4. Page 32, by inserting after line 13 the

Page 2

1 following section:

2 "Sec. _____ Section one hundred forty (140),
3 amending section 135C.21 of the 1975 Code is amended
4 by striking the section and inserting in lieu thereof

5 the following:

6 Sec. 140. Section one hundred thirty-five C point
7 twenty-one (135C.21), subsections one(1) and two
8 (2), Code 1977, are amended to read as follows:

9 1. Any person establishing, conducting, managing,
10 or operating any health care facility without a license
11 shall be guilty of a serious misdemeanor, and upon
12 conviction thereof, shall be fined not less than one
13 hundred dollars nor more than one thousand dollars
14 or be imprisoned in the county jail for not more than
15 six months, or both. Each day of continuing violation
16 after conviction or notice from the department by
17 certified mail of a violation shall be considered
18 a separate offense or chargeable offense. Any such
19 person establishing, conducting, managing or operating
20 any health care facility without a license may be
21 by any court of competent jurisdiction temporarily
22 or permanently restrained therefrom in any action
23 brought by the state.

24 2. Any person who prevents or interferes with
25 or attempts to impede in any way any duly authorized
26 representative of the department or of any of the
27 agencies referred to in section 135C.17 in the lawful
28 enforcement of this chapter or of the rules adopted
29 pursuant to it is guilty of a simple misdemeanor and,
30 upon conviction, shall be subject to a fine of not
31 less than fifty nor more than five hundred dollars
32 or imprisonment in the county jail for not more than
33 ninety days or both. As used in this subsection,
34 lawful enforcement includes but is not limited to:"

35 5. Page 44, by inserting after line 5 the following
36 section:

37 "Sec. ____ Chapter four (4) is amended by adding
38 the following section after section twenty-five (25):

39 Sec. ____ . Section fifty-six point twenty-nine
40 (56.29), subsection five (5), Code 1977, is amended
41 to read as follows:

42 5. Any person convicted of a violation of any
43 of the provisions of this section shall be subject
44 to imprisonment in the county jail for not more than
45 one year and by a fine not to exceed one thousand
46 dollars guilty of a serious misdemeanor."

47 6. Page 44, by inserting after line 15 the
48 following sections:

49 "Sec. ____ . Chapter four (4) is amended by adding
50 the following section after section thirty-eight(38):

Page 3

1 Sec. ____ Section eighty-three A point thirteen
2 (83A.13), subsection four (4), Code 1977, is amended
3 to read as follows:

4 4. A person who falsifies information required
5 to be submitted under this section shall be guilty
6 of a simple misdemeanor and ~~upon conviction shall~~
7 ~~be punished by a fine not to exceed one hundred dollars~~
8 ~~or by imprisonment for a period not to exceed thirty~~
9 ~~days or be punished by both such fine and imprisonment.~~

10 Sec. ____ Chapter four (4) is amended by adding
11 the following sections after section sixty-nine (69):

12 Sec. ____ Section ninety-nine B point two (99B.2),
13 subsection three (3), Code 1977, is amended to read
14 as follows:

15 3. Each licensee required by subsection 2 to
16 maintain records shall submit quarterly reports to
17 the department on forms furnished by the department.
18 The reports shall contain a compilation of the
19 information required to be recorded by subsection
20 2, and shall include all of the transactions occurring
21 during the three-month period for which the report
22 is submitted. Failure to submit the quarterly reports
23 shall constitute grounds for revocation of the license.
24 Willful failure to submit quarterly reports is a
25 serious misdemeanor.

26 Sec. ____ Section ninety-nine B point six (99B.6),
27 subsection one (1), paragraph k, Code 1977, is amended
28 to read as follows:

29 k. No person under the age of eighteen years may
30 participate in the gambling except pursuant to sections
31 99B.3, 99B.4, 99B.5 and 99B.7. Any licensee knowingly
32 allowing a person under the age of eighteen to
33 participate in the gambling prohibited by this
34 paragraph or any person knowingly participating in
35 such gambling with a person under the age of eighteen,
36 shall be guilty of a simple misdemeanor and, ~~upon~~
37 ~~conviction, be punished by imprisonment in the county~~
38 ~~jail for not more than thirty days and a fine of not~~
39 ~~more than one hundred dollars or both.~~

40 Sec. ____ Section ninety-nine B point six (99B.6),
41 subsection four (4), Code 1977, is amended to read
42 as follows:

43 4. The holder of a license issued pursuant to
44 this section and every agent of that licensee who
45 is required by the licensee to exercise control over
46 the use of the premises who knowingly permits or
47 engages in acts or omissions which constitute a
48 violation of subsection 1 commits a serious
49 misdemeanor. A licensee has knowledge of acts or
50 omissions if any agent of the licensee has knowledge

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1 of those acts or omissions.

2 Sec. ____ . Section ninety-nine B point nine (99B.9),
3 subsection four (4), Code 1977, is amended to read
4 as follows:

5 4. The holder of a license issued pursuant to
6 this section and every agent of that licensee who
7 is required by the licensee to exercise control over
8 the use of the premises who knowingly permits acts
9 or omissions which constitute a violation of subsection
10 1 commits a serious misdemeanor. A licensee has
11 knowledge of acts or omissions if any agent of the
12 licensee has knowledge of those acts or omissions.

13 Sec. ____ . Section ninety-nine B point fifteen
14 (99B.15), Code 1977, is amended to read as follows:

15 99B.15 APPLICABILITY OF CHAPTER. It is the intent
16 and purpose of this chapter to authorize gambling
17 in this state only to the extent specifically permitted
18 by a section of this chapter. Except as otherwise
19 provided in this chapter, the knowing failure of any
20 person to comply with the limitations imposed by this
21 chapter constitutes unlawful gambling, a serious
22 misdemeanor, ~~which is punishable as provided in chapter~~
23 ~~726.~~

24 Sec. ____ . Section ninety-nine B point sixteen
25 (99B.16), Code 1977, is amended to read as follows:

26 99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS.

27 A licensee who willfully fails to maintain the records
28 when required by section 99B.2, or who willfully fails
29 to submit records when required by that section commits
30 a serious misdemeanor ~~punishable by imprisonment in-~~
31 ~~the county jail for not more than one year, or by~~
32 ~~a fine of not more than one thousand dollars, or by-~~
33 ~~both imprisonment and fine.~~

34 Sec. ____ . Chapter four (4) is amended by adding
35 the following section after section ninety (90):

36 Sec. ____ . Section one hundred nine A point ten
37 (109A.10), Code 1977, is amended to read as follows:

38 109A.10 PENALTIES. Whoever violates any of the
39 provisions of this chapter shall be fined not less
40 than ten dollars nor more than one hundred dollars
41 or be imprisoned in the county jail not more than
42 thirty days guilty of a simple misdemeanor.

43 Sec. ____ . Chapter four (4) is amended by adding
44 the following section after section ninety-four (94):

45 SEC. ____ . Section one hundred ten B point six
46 (110B.6), Code 1977, is amended to read as follows:

47 110B.6 PENALTY. Any person violating any of the
48 provisions of this chapter shall be guilty of a simple

49 misdemeanor and, upon conviction, shall be fined not
50 less than ten dollars nor more than one hundred dollars

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1 or imprisoned in the county jail for not more than
2 thirty days.

3 Sec. ____ Chapter four (4) is amended by adding
4 the following sections after section one hundred
5 ninety (190):

6 SEC. ____ Section one hundred seventy-two A point
7 ten (172A.10), unnumbered paragraph two (2), Code
8 1977, is amended to read as follows:

9 Any person convicted of violating any provision
10 of this chapter shall be punished by a fine of not
11 less than five hundred dollars nor more than two
12 thousand five hundred dollars, or by imprisonment
13 in the county jail for not more than six months, or
14 by both fine and imprisonment guilty of a serious
15 misdemeanor.

16 SEC. ____ Section one hundred seventy-two B point
17 six (172B.6), Code 1977, is amended to read as follows:

18 172B.6 OFFENSES AND PENALTIES.

19 1. A person who is convicted of violating section
20 172B.2 may be sentenced to a fine not to exceed one
21 hundred dollars, or to imprisonment in the county
22 jail for a period not to exceed thirty days, or both
23 the fine and imprisonment shall be guilty of a simple
24 misdemeanor.

25 2. A person who makes or utters a transportation
26 certificate with knowledge that some or all of the
27 information contained in the certificate is false,
28 or a person who alters, forges, or counterfeits a
29 transportation certificate, or the receipt prescribed
30 in section 172B.4, commits a public offense and upon
31 conviction may be sentenced to a term in the state
32 penitentiary not to exceed ten years, to a fine not
33 to exceed five thousand dollars, or to both the fine
34 and imprisonment class C felony.

35 Sec. ____ Chapter four (4) is amended by adding
36 the following section after section two hundred (200):

37 SEC. ____ Section one hundred eighty-five C point
38 thirty-one (185C31), Code 1977, is amended to read
39 as follows:

40 185C.31 PENALTY. It is a simple misdemeanor for
41 any person to willfully violate any provision of this
42 chapter or for any person to willfully render or
43 furnish a false or fraudulent report, statement, or
44 record required by the secretary."

45 7. Page 45, by inserting after line 4 the following
46 sections:

47 "Sec. ____ Chapter four (4) is amended by adding

48 the following section after section two hundred fifty
49 (250):
50 SEC._____ Section two hundred thirty-seven A point

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1 nineteen (237A.19), Code 1977, is amended to read
2 as follows:

3 237A.19 PENALTY. A person who establishes,
4 conducts, manages, or operates a center without a
5 license shall be guilty of a serious misdemeanor.
6 Each day of continuing violation after conviction,
7 or notice from the department by certified mail of
8 the violation, shall be considered a separate offense.

9 Sec.____. Chapter four (4) is amended by adding
10 the following section after section two hundred fifty-
11 seven (257):

12 Sec.____. Section two hundred fifty-two B point
13 ten (252B.10), subsection one (1), Code 1977, is
14 amended to read as follows:

15 1. Any person who willfully requests, obtains,
16 or seeks to obtain paternity determination and support
17 collection data available under section 252B.9 under
18 false pretenses, or who willfully communicates or
19 seeks to communicate such data to any agency or person
20 except in accordance with this chapter, shall upon
21 conviction, ~~for each such offense be punished by a~~
22 ~~fine of not more than one thousand dollars or by~~
23 ~~imprisonment in the state penitentiary for not more~~
24 ~~than two years, or by both fine and imprisonment he~~
25 guilty of an aggravated misdemeanor. Any person who
26 knowingly, but without criminal purposes, communicates
27 or seeks to communicate paternity determination and
28 support collection data except in accordance with
29 this chapter shall ~~for each such offense be fined~~
30 ~~not more than one hundred dollars or be imprisoned~~
31 ~~not more than ten days be guilty of a simple~~
32 misdemeanor.

33 Sec.____. Chapter four (4) is amended by adding
34 the following section after section two hundred
35 seventy-eight (278):

36 Sec.____. Section three hundred twenty-one point
37 one hundred ninety (321.190), subsection two (2),
38 unnumbered paragraph one (1), Code 1977, is amended
39 to read as follows:

40 It is a simple misdemeanor, punishable as provided
41 in section 321.482, for any person:

42 Sec.____. Chapter four (4) is amended by adding
43 the following section after section two hundred eighty-
44 one (281):

45 Sec. ____ . Section three hundred twenty-one point
46 two hundred sixty-six (321.266), subsection four (4),
47 Code 1977, is amended to read as follows:

48 4. Any carrier transporting hazardous materials
49 by rail, air, water, or upon a public highway in this
50 state, in the case of an accident involving the

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1 transportation of hazardous materials, shall
2 immediately notify the police radio broadcasting
3 system established by the commissioner of public
4 safety pursuant to section 750.1 or shall notify a
5 peace officer of the county, township, or municipality
6 in which the accident occurs. When a local law
7 enforcement agency is informed of the accident, the
8 agency shall notify the Iowa highway safety patrol.
9 For purposes of this section "hazardous substances"
10 shall mean hazardous substances as defined in the
11 federal Transportation Safety Act of 1974 (Public
12 Law 93-633, section 103). A person who violates any
13 provision of this subsection shall, upon conviction,
14 be guilty of a serious misdemeanor."

15 8. Page 47, by inserting after line 27 the
16 following section:

17 "Sec. ____ . Chapter four (4) is amended by adding
18 the following section after section three hundred
19 seventy-seven (377):

20 Sec. ____ . Section four hundred seventy-six A point
21 fourteen (476A.14), subsection three (3), Code 1977,
22 is amended to read as follows:

23 3. Persons convicted of violating any provision
24 of this chapter shall be guilty of a simple misdemeanor
25 ~~and shall be fined not more than one hundred dollars~~
26 ~~or be imprisoned for not more than thirty days ."~~

27 9. Page 48, by inserting after line 2 the following
28 section:

29 "Sec. ____ . Chapter four (4) is amended by adding
30 the following section after section four hundred
31 seventy-one(471):

32 Sec. ____ . Section five hundred fifty-three point
33 fourteen (553.14), Code 1977, is amended to read as
34 follows:

35 553.14 CRIMINAL PENALTIES. A person or a natural
36 person having substantial control over an enterprise
37 who knowingly and willfully engages in conduct
38 prohibited by this chapter shall be, upon conviction,
39 ~~fined not to exceed twenty-five thousand dollars,~~
40 ~~imprisoned in the county jail for not more than six~~
41 ~~months or both so fined and imprisoned guilty of a~~

42 serious misdemeanor."

43 10. Page 49, by inserting after line 5 the
44 following sections:

45 "Sec. _____. Chapter four (4) is amended by adding
46 the following sections after section five hundred
47 five (505):

48 Sec. _____. Section seven hundred twenty-six point
49 one (726.1), Code 1977, is amended to read as follows:

50 726.1 KEEPING GAMBLING HOUSES. Any person who

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1 keeps a house, shop, or place resorted to for the
2 purpose of gambling, or permits any person in any
3 house, shop, or other place under his or her control
4 or care to conduct bookmaking or to play at cards,
5 dice, faro, roulette, equality, punchboard, slot
6 machine or other game for money or other thing, commits
7 a serious misdemeanor.

8 Sec. _____. Section seven hundred twenty-six point
9 three (726.3), Code 1977, is amended to read as
10 follows:

11 726.3 GAMING AND BETTING--PENALTY. Any person
12 who participates in any game for any sum of money
13 or other property of any value, or who makes any bet
14 or wager for money or other property of value, or
15 who engages in bookmaking commits a serious
16 misdemeanor.

17 Sec. _____. Chapter four (4) is amended by adding
18 the following sections after section five hundred
19 six (506):

20 Sec. _____. Section seven hundred twenty-six point
21 eight (726.8), unnumbered paragraph one (1), Code
22 1977, is amended to read as follows:

23 If any person make or aid in making or establishing,
24 or advertise or make public any scheme for any lottery;
25 or advertise, offer for sale, sell, negotiate, dispose
26 of, purchase, or receive any ticket or part of a
27 ticket in any lottery or number thereof; or have in
28 his or her possession any ticket, part of a ticket,
29 or paper purporting to be the number of any ticket
30 of any lottery, with the intent to sell or dispose
31 of the same on his or her own account or as the agent
32 of another, the person commits a serious misdemeanor.

33 Sec. _____. Section seven hundred twenty-six point
34 fourteen (726.14), Code 1977, is amended to read as
35 follows:

36 726.14 PENALTY. A person who commits an offense
37 declared in this chapter or chapter 99B to be a
38 misdemeanor shall be subject to imprisonment in the

39 ~~county jail for a period not exceeding one year, or~~
40 ~~to a fine not exceeding one thousand dollars, or to~~
41 ~~both fine and imprisonment guilty of a serious~~
42 ~~misdemeanor.~~

43 Sec. ____ Section seven hundred twenty-six point
44 fifteen (726.15), Code 1977, is amended to read as
45 follows:

46 726.15 PROTECTION MONEY PROHIBITED. Any officer
47 or employee of this state, or of a county, city, or
48 judicial district who asks for, receives or collects
49 any money or other consideration for and with the
50 understanding that the officer or employee will aid,

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1 exempt, or otherwise protect another person from
2 detection, arrest or conviction of any violation of
3 this chapter or chapter 99B commits a felony punishable
4 ~~by a fine not to exceed five thousand dollars or by~~
5 ~~imprisonment for a term not to exceed two years, or~~
6 ~~by both fine and imprisonment an aggravated~~
7 ~~misdemeanor.~~

8 Sec. ____ Section seven hundred twenty-six point
9 sixteen (726.16), Code 1977, is amended to read as
10 follows:

11 726.16 COLLECTION SERVICE PROHIBITED. Any person
12 who knowingly offers, gives or sells his or her
13 services for use in collecting or enforcing any debt
14 arising from gambling, whether or not lawful gambling,
15 commits a felony, punishable by a fine not to exceed
16 five thousand dollars or by imprisonment for a term
17 not to exceed two years, or by both fine and
18 imprisonment an aggravated misdemeanor."

19 11. Page 50, line 8, by striking the word "Section"
20 and inserting in lieu thereof the word "Sections".

21 12. Page 50, line 9, by inserting after the number
22 "(339.5)" the words and numbers "and seven hundred
23 thirteen point forty-five (713.45)".

24 13. Page 50, line 9, by striking the word "is"
25 and inserting in lieu thereof the word "are".

26 14. By renumbering sections to conform to this
27 amendment.

28 15. By changing internal references to conform
29 to this amendment.

Amendment H-3857 was adopted.

Jesse of Polk offered amendment H-3718 filed by the
committee on judiciary and law enforcement on April 21, 1977

and found on pages 1580 and 1581 of the House Journal and moved its adoption.

Amendment H-3718 was adopted.

Danker of Pottawattamie offered amendment H-3800 filed by Danker, et al.

Jesse of Polk rose on a point of order that amendment H-3800 was not germane.

The Speaker ruled the point well taken and amendment H-3800 not germane.

Dieleman of Marion moved that the rules governing germaneness be suspended for the consideration of amendment H-3800.

Roll call was requested by Lageschulte of Bremer and Bennett of Ida.

Rule 70 was invoked.

On the question "Shall the rules be suspended for the consideration of amendment H-3800?"

The ayes were, 46:

Bennett	Binneboese	Branstad	Brockett
Chiodo	Clark, B.J.	Conlon	Crabb
Daggett	Danker	Davitt	Den Herder
Dieleman	Egenes	Evans	Gilson
Halvorson	Hansen	Harvey	Hinkhouse
Howell	Hullinger	Junker	Lageschulte
Lindeen	Menke	Miller, K.D.	Miller, O.L.
Pavich	Perkins	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Tauke	Thompson	Tofte
Walter	Wells	West	Woods
Wulff	Wyckoff		

The nays were, 38:

Anderson	Avenson	Baker	Bina
Brunow	Clark, J.H.	Connors	Crawford

Cusack	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gentleman	Gilloon
Griffee	Hargrave	Higgins	Hines
Hoffmann	Horn	Jesse	Jochum
Koogler	Krewson	Loneragan	Millen
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Small	Svoboda
Welden	Mr. Speaker		

Absent or not voting, 15:

Brandt	Byerly	Harbor	Husak
Krause	Lipsky	Middleswart	Oxley
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Spencer	Varley	

The motion, having failed to receive a constitutional majority, lost.

Schroeder of Pottawattamie offered the following amendment H-3607 filed by him and moved its adoption:

H-3607

- 1 Amend Senate File 318, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the figure
- 4 "(2409)," the words and figure "two thousand five
- 5 hundred five (2505)."
- 6 2. Page 7, by inserting after line 8 the following
- 7 sections:
- 8 "Sec.—. Section two thousand five hundred five
- 9 (2505), unnumbered paragraph one (1):
- 10 A holder of a liquor license or beer permit or
- 11 any owner, manager, or person who exercises direct
- 12 control over any licensed premises defined in section
- 13 one hundred twenty-three point three (123.3),
- 14 subsection thirty-one (31) of the Code shall be guilty
- 15 of a serious misdemeanor and shall be imprisoned not
- 16 to exceed one year or fined not to exceed one thousand
- 17 dollars or both under any of the following
- 18 circumstances:
- 19 Sec.—. Section two thousand five hundred five
- 20 (2505) is amended by adding the following new
- 21 unnumbered paragraph:
- 22 NEW UNNUMBERED PARAGRAPH. This section shall be
- 23 effective July 1, 1977."
- 24 3. Page 50, by striking line 10 and inserting
- 25 in lieu thereof the following:

- 26 "Sec. . Except as other specifically
 27 provided, this Act is effective on the date set forth".
 28 4. By renumbering sections and changing internal
 29 references to conform with this amendment.

Roll call was requested by Schroeder of Pottawattamie and Crabb of Crawford.

On the question "Shall amendment H-3607 be adopted?"

The ayes were, 40:

Bennett	Binneboese	Branstad	Brockett
Clark, B.J.	Conlon	Crabb	Daggett
Danker	Den Herder	Dieleman	Doyle
Evans	Griffee	Halvorson	Hansen
Harvey	Hoffmann	Howell	Hullinger
Junker	Lageschulte	Lindeen	Menke
Miller, K.D.	Miller, O.L.	Pavich	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Tauke	Thompson	Tofte	Walter
Welden	West	Wulff	Wyckoff

The nays were, 42:

Anderson	Avenson	Baker	Bina
Brandt	Brunow	Chiodo	Clark, J.H.
Connors	Crawford	Cusack	Davitt
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Jesse	Jochum	Krewson
Lonergan	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Perkins
Small	Spear	Svoboda	Wells
Woods	Mr. Speaker		

Absent or not voting, 17:

Byerly	Harbor	Husak	Koogler
Krause	Lipsky	Middleswart	Millen
Oxley	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Spencer	Stromer
Varley			

Amendment H-3607 lost.

Gilloon of Dubuque offered amendment H-3878 filed by him from the floor.

Jesse of Polk rose on a point of order that amendment H-3878 was not germane.

The Speaker ruled the point well taken and amendment H-3878 not germane.

Gilloon of Dubuque moved that the rules governing germaneness be suspended for the consideration of amendment H-3878.

A non-record roll call was requested.

The ayes were 35, nays 40.

The motion lost.

Doyle of Woodbury offered the following amendment H-3801 filed by him and moved its adoption:

H-3801

- 1 Amend Senate File 318, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9; line 1, by inserting after the numeral
- 4 "(1203)," the words and numerals "section one thousand
- 5 three hundred two (1302), Rule fifty-three (53)."
- 6 2. Page 19, by inserting after line 11 the follow-
- 7 ing:
- 8 "Sec. ____ Section one thousand three hundred
- 9 two (1302), Rule fifty-three (53):
- 10 Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF
- 11 APPEARANCE. In a specified simple misdemeanor other
- 12 than one charged upon a uniform citation and complaint
- 13 a court may accept a forfeiture of collateral security
- 14 in lieu of appearance, as a proper disposition of
- 15 a case; ~~except for nonscheduled traffic violations.~~
- 16 Each judicial district, by action of a majority of
- 17 the district judges, may determine the misdemeanors
- 18 subject to such disposition and promulgate by rule
- 19 a list of same and disseminate to all magistrates
- 20 in the district. A copy of such rule shall be
- 21 transmitted to the clerk of the supreme court. Prior
- 22 to termination of the case by forfeiture under this
- 23 rule, the defendant must execute a written request
- 24 for same. Unless vacated upon application within
- 25 thirty days of the forfeiture, such forfeiture shall

26 constitute a conviction in satisfaction.
27 In the event a simple misdemeanor is charged upon
28 the uniform citation and complaint defined in section
29 seven hundred fifty-three point thirteen (753.13)
30 of the Code and the defendant either has submitted
31 unsecured appearance bond as provided in that section
32 or has submitted bail as provided in subsection three
33 (3) of section seven hundred fifty-three point sixteen
34 (753.16) of the Code, the court may enter a conviction
35 pursuant to his or her written appearance and may
36 enter a judgment of forfeiture of the collateral in
37 satisfaction of the judgment and sentence; provided
38 that if the defendant submitted unsecured appearance
39 bond or if bail remains uncollected, execution may
40 issue upon the judgment of the court at any time after
41 entry of the judgment."

42 3. Page 26, line 4, by striking the words "not
43 requiring a court appearance".

44 4. Page 26, by striking line 6 and inserting in
45 lieu thereof the words "has submitted an unsecured
46 appearance bond or has submitted bail in the form
47 of cash, check,".

48 5. Page 26, line 12, by inserting after the word
49 "bond" the words "or bail".

50 6. Page 36, line 12, by inserting the letter "a."

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1 after the numeral "1."

2 7. Page 37, by inserting after line 21 the follow-
3 ing new paragraphs:

4 "b. The uniform citation and complaint shall
5 contain the following statement with a space
6 immediately below it for the signature of the person
7 being charged:

8 "I hereby give my unsecured appearance bond in
9 the amount of _____ dollars and enter my
10 written appearance. I agree that if I fail to appear
11 in person or by counsel to defend against the offense
12 charged in this citation the court is authorized to
13 enter a conviction and render judgment against me
14 for the amount of my appearance bond in satisfaction
15 of the penalty plus court costs."

16 c. Unless the officer issuing the citation arrests
17 the alleged offender, or permits admission or requires
18 submission of bail as provided in subsection three
19 (3) of section seven hundred fifty-three point sixteen
20 (753.16) of the Code, the officer shall enter in the
21 blank contained in the statement required by paragraph
22 a of this subsection one of the following amounts
23 and shall require the person to sign the written

24 appearance:

25 (1) If the offense is one to which a scheduled
26 fine is applicable, an amount equal to one and one—
27 half times the scheduled fine plus five dollars costs;
28 or

29 (2) If the offense is one for which a court appear—
30 ance is mandatory, the amount of one hundred dollars
31 plus five dollars costs.

32 d. The written appearance defined in paragraph
33 b of this subsection shall not be used for any offense
34 other than a simple misdemeanor.

35 8. Page 40, by striking lines 20 through 35 and
36 inserting in lieu thereof the following:

37 "Sec. —, Section five hundred nineteen (519),
38 amending section seven hundred fifty—three point
39 sixteen (753.16) of the Code is amended by striking
40 the section and inserting in lieu thereof the follow—
41 ing:

42 SEC. 519. Section seven hundred fifty—three point
43 sixteen (753.16), subsections one (1), two (2), and
44 three (3), Code 1977, are amended to read as follows:

45 1. In cases of scheduled violations, the defen—
46 dant, before the time specified in the citation and
47 complaint for appearance before the court, may sign
48 the admission of violation on the citation and
49 complaint and deliver or mail the citation and
50 complaint, together with the minimum fine for the

Page 3

1 violation, plus five dollars costs, to a ~~traffic~~
2 scheduled violations office in the county. The office
3 shall, if the offense is a moving violation under
4 chapter three hundred twenty—one (321) of the Code,
5 forward a copy of the citation and complaint and
6 admission to the ~~commissioner of public safety~~
7 department of transportation as required by section
8 321.207. Thereupon the defendant shall not be required
9 to appear before the court. The admission shall
10 constitute a 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 he or she is
14 required to appear before the court, deliver or mail
15 such copies, together with his or her admission, fine,
16 and five dollars costs, to the ~~traffic~~ scheduled
17 violations office in the county. The procedure, fine,
18 and costs shall be the same as when the charge is
19 by citation and complaint, with the admission and

20 the number of the defendant's operator's or chauffeur's
21 license placed upon the information when the violation
22 involves the use of a motor vehicle."

23 3. When section 753.15 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 him the person mail the citation and complaint,
30 admission, and minimum fine, together with five dollars
31 costs, to a traffic violations office in the county,
32 in an envelope furnished by the officer. The admission
33 shall constitute a conviction and judgment in the
34 amount of the scheduled fine plus five dollars costs.
35 The officer may allow the defendant to use a credit
36 card pursuant to rules adopted pursuant to section
37 753.21 by the department of public safety or to mail
38 a check in the proper amount in lieu of cash. If
39 the check is not paid by the drawee for any reason,
40 the defendant may be held in contempt of court. The
41 officer shall advise the defendant of the penalty
42 for nonpayment 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 him mail to a court in the
46 county the citation and complaint and one and one-
47 half times the minimum fine together with five dollars
48 costs, or in lieu of one and one-half times the fine
49 and the costs, a guaranteed arrest bond certificate
50 as provided in section 321.1, subsection 71, as bail

Page 4

1 together with the following statement signed by the
2 defendant:

3 "I agree that either (1) I will appear pursuant
4 to this citation or (2) if I do not ~~so~~ appear the
5 amount deposited as bail will be forfeited in person
6 or by counsel to defend against the offense charged
7 in this citation the court is authorized to enter
8 a conviction and render judgment against me for the
9 amount of one and one-half times the scheduled fine
10 plus five dollars costs."

11 c. If the defendant does not comply with paragraph
12 "a" or "b", or in any event when section 755.4 four
13 hundred seven (407) of chapter two (2) of this Act
14 is applicable, the officer may arrest and confine
15 the defendant if authorized by the latter section,
16 and proceed with him according to ~~chapter 757 or 758~~

- 17 division four (IV) of chapter two (2) of this Act."
 18 9. By renumbering sections and correcting internal
 19 references in conformance with this amendment.

Amendment H-3801 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton for the remainder of the day on request of Schnekloth of Scott.

Branstad of Winnebago offered the following amendment H-3802 filed by him and Jesse of Polk and moved its adoption:

H-3802

- 1 Amend Senate File 318, as amended and passed by
 2 the Senate, as follows:
 3 1. Page 9, line 21, by inserting after the letter
 4 "b" the letter " , c ,".
 5 2. Page 9, by inserting after line 22 the following
 6 paragraph:
 7 "c. ~~Special agents appointed by the commissioner~~
 8 ~~of public safety and Peace officer~~ members of the
 9 department of public safety, ~~except members of the~~
 10 ~~clerical force~~; as defined in ~~section ninety seven--~~
 11 ~~A point one (97A.1), subsection two (2) chapter eighty~~
 12 ~~(80) of the Code.~~"

Amendment H-3802 was adopted.

Doyle of Woodbury offered the following amendment H-3880 filed by Doyle, Scheelhaase and Junker from the floor and moved its adoption:

H-3880

- 1 Amend Senate File 318 as follows:
 2 1. Page 32, by inserting after line 6 the following
 3 new section:
 4 "Sec. — Section ninety-nine B. point eleven
 5 (99B.11), subsection two (2), Code 1977, is amended
 6 by adding the following new paragraph:
 7 **NEW PARAGRAPH** . Cribbage, bridge, chess, checkers,
 8 dominoes, pinochle and similar contests, leagues or

- 9 tournaments. The provisions of this paragraph are
10 retroactive to August 15, 1975.”
11 2. By renumbering sections of the bill and by
12 correcting internal references as necessary.

Amendment H-3880 was adopted.

Tauke of Dubuque offered amendment H-3803 filed by him.

Jesse of Polk rose on a point of order that amendment H-3803 was not germane.

The Speaker ruled the point well taken and amendment H-3803 not germane.

Tauke of Dubuque moved that the rules governing germaneness be suspended for the consideration of amendment H-3803.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 47, nays 36.

The motion, having failed to receive a constitutional majority, lost.

Doyle of Woodbury offered the following amendment H-3881 filed by Doyle, Scheelhaase and Junker from the floor and moved its adoption:

H-3881

- 1 Amend Senate File 318 as follows:
2 1. Page 35, by inserting after line 32 the
3 following new section:
4 “Sec. ____ Section six hundred two point forty-
5 two (602.42); Code 1977, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. A member of a judicial magis-
8 trate nominating commission shall be reimbursed for
9 actual and necessary expenses reasonably incurred
10 in the performance of official duties. Reimburse-

11 ments shall be payable out of the court expense fund
 12 of the county in which the member serves, upon
 13 certification of such expenses to the county auditor
 14 by the district court clerk. Each judicial district
 15 may make rules under rule three hundred seventy-two
 16 (372) of the rules of civil procedure to provide for
 17 the administration of this subsection."
 18 2. By renumbering sections and correcting internal
 19 references as necessary.

Amendment H-3881 was adopted.

Schroeder of Pottawattamie offered the following amendment
 H-3779 filed by him and moved its adoption:

H-3779

1 Amend Senate File 318 as amended, passed and re-
 2 printed by the Senate as follows:
 3 1. Page 39, line 8, by inserting after the word
 4 "paragraphs" the letter "b,".
 5 2. Page 39, by inserting after line 15 the fol-
 6 lowing:
 7 "b. For registration violations under sections
 8 three hundred twenty-one point seventeen (321.17),
 9 three hundred twenty-one point thirty-two (321.32),
 10 three hundred twenty-one point thirty-four (321.34),
 11 three hundred twenty-one point thirty-seven (321.37),
 12 three hundred twenty-one point thirty-eight (321.38),
 13 three hundred twenty-one point forty-one (321.41),
 14 ~~three hundred twenty-one point ninety-eight (321.98)~~
 15 and three hundred twenty-one point one hundred ninety
 16 (321.190) of the Code, the scheduled fine is five
 17 dollars. For violations of section three hundred
 18 twenty-one point one hundred ninety (321.190) of the
 19 Code, the case shall be dismissed without imposition
 20 of fine or costs if a license valid at the time of
 21 the issuance of the citation is presented by the
 22 defendant to the magistrate or scheduled violations
 23 office."

A non-record roll call was requested.

The ayes were 62, nays 0.

Amendment H-3779 was adopted.

Schroeder of Pottawattamie offered the following amendment H-3777 filed by him and moved its adoption:

H-3777

1 Amend Senate File 318 as amended, passed and re-
2 printed by the Senate as follows:

3 1. Page 39, line 8, by striking the word and
4 letters "k and l" and inserting in lieu thereof the
5 word and letters "k, l and n".

6 2. Page 40, by inserting after line 19 the fol-
7 lowing:

8 "n. For violation of intrastate hauling on foreign
9 registration under sections three hundred twenty-one
10 point fifty-four (321.54) and three hundred twenty-
11 one point fifty-five (321.55) of the Code; use of
12 registration under section three hundred twenty-one
13 point ninety-nine (321.99) of the Code; and display
14 of registration or plates under section three hundred
15 twenty-one point ninety-eight (321.98) of the Code,
16 the scheduled fine is twenty dollars.

17 For no evidence or improper evidence of intra-
18 state authority carried or displayed under section
19 three hundred twenty-five point thirty-four (325.34);
20 operation of vehicle by an unqualified driver under
21 sections three hundred twenty-five point thirty-four
22 (325.34) and three hundred twenty-seven point twenty-
23 two (327.22); and operating a vehicle in violation
24 of maximum hours of service or failure to maintain
25 and display evidence of hours of service under sections
26 three hundred twenty-five point thirty-four (325.34)
27 and three hundred twenty-seven point twenty-two
28 (327.22) of the Code, the scheduled fine is twenty-
29 five dollars.

30 For no or improper carrier identification markings
31 under section three hundred twenty-seven B point one
32 (327B.1) of the Code, the scheduled fine is fifteen
33 dollars.

34 For no or improper evidence of interstate authority
35 carried or displayed under section three hundred
36 twenty-seven B point one (327B.1) of the Code, the
37 scheduled fine is one hundred dollars.

Amendment H-3777 was adopted.

Jesse of Polk offered the following amendment H-3812 filed by him and moved its adoption:

H-3812

- 1 Amend Senate File 318 as amended, passed and re-
 2 printed by the Senate as follows:
 3 1. Page 39, line 34, by inserting after the word
 4 "weight" the words "length, width".
 5 2. Page 40, line 5, by inserting after the numerals
 6 "(321,437)," the words and numerals "three hundred
 7 twenty-one point four hundred fifty-four (321.454),"

Amendment H-3812 was adopted.

Jesse of Polk offered the following amendment H-3870 filed by him and moved its adoption:

H-3870

- 1 Amend Senate File 318, page 48, line 2, by striking
 2 the words "an aggravated misdemeanor" and inserting
 3 in lieu thereof the words "a class D felony".

Amendment H-3870 was adopted.

Spear of Lee moved to reconsider the vote by which amendment H-3607 failed to be adopted by the House.

A non-record roll call was requested.

The ayes were 28, nays 44.

The motion lost.

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

On the question "Shall the bill pass?" (S.F. 318)

The ayes were, 76:

Anderson
 Bina
 Brunow
 Connors
 Daggett

Avenson
 Brandt
 Clark, B.J.
 Crabb
 Danker

Baker
 Branstad
 Clark, J.H.
 Crawford
 Davitt

Bennett
 Brockett
 Conlon
 Cusack
 Den Herder

Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffie	Halvorson
Hansen	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Nielsen	Norland	O'Halloran	Patchett
Pavich	Perkins	Poncy	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Svoboda	Tauke	Thompson
Walter	Wulff	Wyckoff	Mr. Speaker

The nays were, 2:

Dieleman Wells

Absent or not voting, 21:

Binneboese	Byerly	Chiodo	Harbor
Husak	Krause	Lipsky	Newhard
Oxley	Pellett	Rinas	Rinard
Scheelhaase	Spencer	Stephens	Stromer
Tofte	Varley	Welden	West
Woods			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day on request of Speaker Cochran of Webster.

Senate File 289, a bill for an act to propose changes in the rules of criminal procedure, with report of committee recommending amendment and passage was taken up for consideration.

Jesse of Polk offered amendment H-3719 filed by the committee on judiciary and law enforcement on April 22, 1977 and found on pages 1578 through 1580 of the House Journal. Division of the amendment was requested, lines 26 through 29,

page 1, to be amendment H-3719A and the balance of the amendment to be amendment H-3719B.

Jesse of Polk asked and received unanimous consent to withdraw amendment H-3719A.

Jesse of Polk offered the following amendment H-3886, to the committee amendment H-3719B, filed by him from the floor and moved its adoption:

H-3886

- 1 Amend H-3719 to Senate File 289 as follows:
- 2 1. Page 1, by inserting after line 33 the following
- 3 section:
- 4 " ____ . Page 11, lines 11 and 12, by striking the
- 5 words "~~on the grounds that it was illegally obtained~~"
- 6 and inserting in lieu thereof the words "on the ground
- 7 that it was illegally obtained including, but not
- 8 limited to, motions on any ground listed in rule
- 9 eleven (11) of the rules of criminal procedure"."
- 10 2. Page 1, line 36, by inserting after the number
- 11 "22" the words "and inserting in lieu thereof the
- 12 following:
- 13 "Sec. 35. Rule eleven (11), headnote, is amended
- 14 to read as follows:
- 15 Rule 11. SUPPRESSION OF EVIDENCE OBTAINED BY AN
- 16 UNLAWFUL SEARCH AND SEIZURE."

Amendment H-3886 was adopted.

On motion by Jesse of Polk, the committee amendment H-3719B, as amended, was adopted.

Branstad of Winnebago offered the following amendment H-3854 filed by him and Jesse of Polk and moved its adoption:

H-3854

- 1 Amend Senate File 289 as follows:
- 2 1. Page 5, by inserting after line 6 the following
- 3 section:
- 4 "Sec. ____ Rule five (5), subsection one (1) is
- 5 amended by striking that subsection and inserting in
- 6 lieu thereof the following:
- 7 "1. PROSECUTION ON INFORMATION. All indictable

- 8 offenses may be prosecuted by a trial information.
 9 An information charging a person with an indictable
 10 offense may be filed with the clerk of the district
 11 court at any time, whether or not the grand jury is in
 12 session. The county attorney shall have the sole
 13 authority to file such a trial information unless that
 14 authority is specifically granted to other prosecuting
 15 attorneys by statute."
 16 2. Page 5, line 7, by striking the words "one (1),".
 17 3. Page 5, by striking lines 9 through 14.
 18 4. By renumbering sections as necessary.

Amendment H-3854 was adopted.

By unanimous consent the following amendment H-3887 filed by Jesse of Polk from the floor was adopted:

H-3887

- 1 Amend Senate File 289, as passed by the
 2 Senate and reprinted, as follows:
 3 1. Page 36, by striking lines 26 through 35.
 4 2. Page 37, by striking lines 1 through 16.

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

On the question "Shall the bill pass?" (S.F. 289)

The ayes were, 71:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Hansen	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krewson
Lageschulte	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Patchett	Pavich	Perkins	Poncy

Schnekloth	Schroeder	Shimanek	Smalley
Spear	Tauke	Thompson	Walter
Wulff	Wyckoff	Mr. Speaker	

The nays were, none:

Absent or not voting, 28:

Binneboese	Brockett	Byerly	Chiodo
Griffie	Halvorson	Harbor	Husak
Junker	Krause	Lipsky	Newhard
Oxley	Pellett	Pelton	Rinas
Scheelhaase	Small	Spencer	Stephens
Stromer	Svoboda	Tofte	Varley
Welden	Wells	West	Woods

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

REQUEST FOR RETURN OF BILL (House File 464)

Brunow of Appanoose asked and received unanimous consent to request that House File 464, messaged to the Senate April 25, 1977, be returned to the House for further consideration.

MOTIONS TO RECONSIDER

(Senate File 185)

I move to reconsider the vote by which Senate file 185 passed the House on April 29, 1977.

WYCKOFF of Benton

(Senate File 318)

I move to reconsider the vote by which Senate File 318 passed the House on April 29, 1977.

LAGESCHULTE of Bremer

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 256 Commerce

Relating to financial institutions.

S.B. 257 County Government

Relating to the duties of assessors.

S.B. 258 County Government

Relating to the platting of land.

PRESENTATION OF VISITORS

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

Thirty—five eighth grade students from St. Edwards School, Waterloo, Iowa. By O'Halloran of Black Hawk and Wulff of Black Hawk.

Twenty—one fifth grade students from Woden Elementary School, Woden, Iowa, accompanied by Marvin Hrubes. By Stromer of Hancock.

Thirty—five junior high students from Wall Lake High School, Wall Lake, Iowa, accompanied by Lynn Vilhauer. By Bennett of Ida.

Sixty fifth grade students from Maquoketa Valley School, Delhi, Iowa, accompanied by Mrs. Claude Keith and Steve Burrack. By Shimanek of Jones.

Thirty—four third and fourth grade students from Martin Luther King Elementary School, Des Moines, Iowa, accompanied by Judy Lindquist. By Chiodo of Polk.

Fifty—eight fifth grade students from Sheldahl Elementary School, Sheldahl, Iowa, accompanied by Colleen Twedt. By Crawford of Story and Krewson of Polk.

Thirteen students from the consumer education class of Cedar Falls High School, accompanied by Cecil Taylor and Laverne Junker. By Brandt of Black Hawk and O'Halloran of Black Hawk.

EXPLANATION OF VOTE

Due to my keeping a commitment made two months ago, I had to leave the House chamber shortly after 6:00 p.m. on Thursday, April 28, 1977. Had I been present I would have voted "nay" on House File 187.

CUSACK of Scott

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., April 28, 1977

Convened: 7:45 a.m.

Adjourned: 8:45 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gilson, Lindeen, Miller of Calhoun, Gentleman and Doyle.

Absent: Newhard, Hargrave and Hines.

Continued discussion of Oversight Commission, victim restitution and compensation.

COMMITTEE ON COMMERCE

Scheduled: 11:00 a.m., April 28, 1977

Convened: 11:15 a.m.

Adjourned: 12:13 p.m.

Present: Small, chair; Lonergan, vice-chair; Anderson, Bina, Brunow, Chiodo, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Schroeder, Tauke, Welden and West.

Absent: Walter (arrived 11:35 a.m.).

Excused: Brockett

Study Bill 256, a bill for an act creating a financial institution board.

Recommended AMEND AND DO PASS.

Aye: Small, Anderson, Brunow, Chiodo, Den Herder, Dieleman, Halvorson, Jochum, Tauke, Walter and West.

Nay: Lonergan, Schroeder and Welden

Absent or not voting: Brockett, Bina, Evans, Koogler and Krause.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 11:00 a.m., April 28, 1977

Convened: 11:14 a.m.

Adjourned: 11:55 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Baker (arrived 11:16 a.m.), Brandt (arrived 11:21 a.m.) and Byerly.

Study Bill 257, a bill for an act relating to the duties of assessors.

Recommended DO PASS.

Aye: Hullinger, Danker, Brandt, Clark of Lee, Gilson, Harvey, Hoffmann, Junker, Lindeen, Pellett, Stephens and Wyckoff.

Nay: Spear, Baker, Gilloon, Hinkhouse, Miller of Calhoun, Oxley, Stromer and Wells.

Absent or not voting: Byerly.

Study Bill 258, a bill for an act relating to the platting of land.

Recommended AMEND AND DO PASS.

Aye: Hullinger, Spear, Danker, Baker, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer and Wyckoff.

Nay: Brandt and Wells.

Absent or not voting: Byerly.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 11:00 a.m., April 28, 1977

Convened: 11:20 a.m.

Adjourned: 12:10 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Nielsen, Patchett, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Absent: Smalley (arrived 11:35 a.m.).

House File 117, a bill for an act providing for separation of unconvicted and convicted prisoners in city and county jails.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Conlon, Connors, Doyle, Dyrland, Garrison, Higgins, Lipsky, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Gentleman.

Absent or not voting: Clark of Cerro Gordo and Patchett.

House File 304, a bill for an act relating to disclosure of criminal history and intelligence data and providing a penalty.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Patchett.

Presentation on House File 304 by Carroll Bidler. Assigned bills to subcommittee.

COMMITTEE ON EDUCATION

Scheduled: 12:45 p.m., April 28, 1977

Convened: 12:50 p.m.

Adjourned: 1:10 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Crawford, Gilson, Hansen, Koogler, Krewson, Norland, Poncy, Spear, Stromer and Thompson.

Absent: Baker, Byerly, Horn and Wulff.

Excused: Small and Dyrland.

Study Bill 227, a bill for an act relating to elementary and secondary education, including approval of school districts, reorganization procedures, employment procedures for reorganized districts, joint employment of school personnel and facilities, eligibility of certain districts for additional allowable growth, guaranteed state aid, authority of the school budget review committee, use of regularly administered basic skills test, and pilot programs for the gifted and talented pupils.

Recommended DO PASS.

Aye: Patchett, Miller of Calhoun, Daggett, Crawford, Gilson, Hansen, Koogler, Krewson, Poncy, Spear, Stromer, Thompson and Wulff.

Nay: None.

Absent or not voting: Baker, Brockett, Byerly, Dyrland, Horn, Norland and Small.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., April 28, 1977

Convened: 1:15 p.m.

Adjourned: 2:15 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke and Walter.

Absent: Patchett and West.

House File 64, a bill for an act providing for part-time career employment for state employees.

Recommended AMEND AND DO PASS.

H-3876

- 1 Amend House File 64 as follows:
- 2 1. Page 1, by striking lines 3 through 9 and
- 3 inserting in lieu thereof the following:
- 4 "1. "Flexible full-time employment" means full-
- 5 time employment of at least forty hours a week where
- 6 the employee works either a compressed work week or
- 7 a flexible time schedule, but does not include
- 8 temporary or intermittent employment."
- 9 2. Page 1, by inserting after line 14 the follow-
- 10 ing:
- 11 "___ "Compressed work week" means a work schedule
- 12 of four ten-hour days each week or three twelve-hour
- 13 days each week.
- 14 ___ "Flexible time schedule" means a work schedule
- 15 of eight hours a day where the employee may choose,
- 16 within certain guidelines, the actual working hours."
- 17 3. Page 1, line 17, by striking the words "part-
- 18 time career" and inserting in lieu thereof the words
- 19 "flexible full-time".
- 20 4. Page 1, line 29, by striking the words "part-
- 21 time career" and inserting in lieu thereof the words
- 22 "flexible full-time".
- 23 5. Page 1, line 32, by striking the words "part-
- 24 time career" and inserting in lieu thereof the words
- 25 "flexible full-time".
- 26 6. Page 2, by striking lines 18 through 35.
- 27 7. Page 3, by striking lines 1 through 6.
- 28 8. By renumbering the remaining sections and
- 29 correcting internal references in accordance with
- 30 this amendment.
- 31 9. Amend the title, line 1, by striking the words
- 32 "part-time career" and inserting in lieu thereof the
- 33 words "flexible full-time".

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Griffee, Jesse, Middleswart, Poncy, Shimanek, Tauke and Walter.

Nay: Dieleman, Hansen and Junker

Pass: Stromer.

Absent or not voting: Avenson, Higgins, Patchett and West.

House File 313, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties.

Recommended DO PASS.

Aye: Monroe, Woods, Brandt, Crawford, Griffee, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke and Walter.

Nay: Harvey.

Pass: Higgins.

Absent or not voting: Avenson, Dieleman, Patchett and West.

House File 351, a bill for an act to clarify and further define "licensed premises" or "premises"; to remove the restriction that the Iowa beer and liquor control department's headquarters and principal place of business be located only in the city of Des Moines; to prevent premises on which a liquor control license or beer permit has been suspended from being relicensed within a designated period of time; to prohibit a person holding a liquor control license or beer permit from permitting or engaging in illegal activities on the licensed premises; and to remove the restriction that a retail beer permittee can own only one class of retail beer permit.

Recommended DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke and Walter.

Nay: None.

Absent or not voting: Patchett and West.

Study Bill 253, a bill for an act to provide an election for coverage of employees of community action programs under the Iowa public employees' retirement system.

Recommended AMEND AND DO PASS.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Jesse, Junker, Middleswart, Shimanek, Stromer, Tauke and Walter.

Nay: Poncy.

Absent or not voting: Patchett and West.

COMMITTEE ON BUDGET

Scheduled: 2:00 p.m., April 28, 1977

Convened: 2:15 p.m.

Adjourned: 3:10 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Jesse, Koogler, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: Norland.

Study Bill 173, a bill for an act making appropriations to the department of general services and the executive council for capital improvements.

Recommended AMEND AND DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or not voting: Norland.

COMMITTEE ON RULES

Scheduled: 1:25 p.m., April 29, 1977

Convened: 1:25 p.m.

Adjourned: 1:35 p.m.

Present: Nielsen, chair; Fitzgerald, vice-chair; Conlon, Crabb, Cusack, Hargrave, Lonergan, Menke, Millen, Monroe and Tauke.

Absent: Harbor, Avenson and Husak.

House File 487, a bill for an act relating to the effective dates of codes of ethics adopted by the houses of the general assembly.

Recommended DO PASS.

Aye: Nielsen, Fitzgerald, Conlon, Crabb, Cusack, Hargrave, Lonergan, Menke, Millen, Monroe and Tauke.

Nay: None.

Absent or not voting: Harbor, Avenson and Husak.

Amendments to the Temporary Rules of the House, Rules 56, 68 and 69.

Recommended AMEND AND DO PASS.

H-3895

1 Amend the Temporary Rules of the House as
2 follows:

3 1. Rule 56, unnumbered paragraph three by in-
4 serting after the word "calendar." the following:
5 "The requirement for preparation and distribution of
6 a weekly debate calendar as provided in rule 33.2 is
7 suspended upon appointment of a sifting committee."

8 2. Rule 68, by striking unnumbered paragraph
9 one and inserting in lieu thereof the following:

10 "A person voting on the prevailing side of a
11 question may move to reconsider the question which
12 has been decided. The floor manager, if on the pre-
13 vailing side of the measure, shall have the prior
14 right to the motion if the motion is made on the
15 day the legislative action was taken and is printed
16 in the journal of that days action. If the floor
17 manager does not exercise that right, then any rep-
18 resentative voting on the prevailing side may, on
19 the same or the succeeding legislative day, move for
20 a reconsideration of the measure."

21 3. Rule 69, by striking unnumbered paragraph
22 one and inserting in lieu thereof the following:

23 "Upon the request of two members during the
24 taking of the vote of the House on any question only
25 those members at their desks and voting shall be
26 counted after this rule is invoked, except as fol-
27 lows:"

Aye: Nielsen, Fitzgerald, Conlon, Crabb, Cusack, Hargrave, Lonergan, Menke, Millen, Monroe and Tauke.

Nay: None.

Absent or not voting: Harbor, Avenson and Husak.

SUBCOMMITTEE ASSIGNMENTS

House File 473

Commerce
Small, chair
Brockett
Evans

House File 483

State Government
Dieleman, chair
Brandt
Junker

House File 513

State Government
Patchett, chair
Poncy
Junker

House File 520

Energy
Doyle, chair
Daggett
Hullinger
Middleswart
Pelton

House File 523

Energy
O'Halloran, chair
Evans
Norland
Svoboda
Varley

House File 525

State Government
Avenson, chair
Poncy
Shimanek

House File 526

State Government
Higgins, chair
Jesse
West

House File 527

State Government
Poncy, chair
Woods
Hansen

House File 541

State Government
Monroe, chair
Patchett
Crawford
Tauke
Walter

House File 548

State Government
Monroe, chair
Patchett
Walter
Tauke
Crawford

House File 551

Energy
O'Halloran, chair
Evans
Norland
Svoboda
Varley

House File 563

Judiciary and Law
Enforcement
Jesse, chair
Newhard
Branstad
Gentleman
Nielsen

House File 568

State Government
Poncy, chair
Jesse
Crawford

House Joint

Resolution 11
State Government
Monroe, chair
Patchett
Walter
Crawford
Tauke

Senate File 112

Budget
Brunow, chair
Hansen
Clark of Cerro Gordo
Daggett
Doyle
Gentleman
Gilson
Hargrave
Hines
Lindeen
Miller of Calhoun
Newhard

Senate File 222

State Government
Walter, chair
Woods
Stromer

Senate File 239

Judiciary and Law
Enforcement
Patchett, chair
Scheelhaase
Newhard

Senate File 251
 Judiciary and Law
 Enforcement
 Jesse, chair
 Newhard
 Branstad
 Nielsen
 Gentleman

Senate File 274
 Judiciary and Law
 Enforcement
 Lipsky, chair
 Newhard
 Dyrland

Senate File 280
 Judiciary and Law
 Enforcement
 Nielsen, chair
 Shimanek
 Connors

Senate File 292
 Ways and Means
 Bina, chair
 Wells
 Dunton
 Wyckoff
 West
 Conlon
 Thompson

Senate File 308
 State Government
 Avenson, chair
 Monroe
 West

Senate File 310
 Energy
 Welden, chair
 Doyle
 Perkins

Senate File 355
 Judiciary and Law
 Enforcement
 Jesse, chair
 Newhard
 Branstad
 Gentleman
 Nielsen

STUDY BILL SUBCOMMITTEE ASSIGNMENT

S. B. 255
 Judiciary and Law
 Enforcement
 Jesse, chair
 Lipsky
 Newhard

AMENDMENTS FILED

H-3882	H.F. 488	Branstad of Winnebago
H-3883	H.F. 488	Branstad of Winnebago
H-3888	H.F. 491	Krause of Kossuth
		Rinas of Linn
H-3889	H.F. 488	Branstad of Winnebago
H-3890	H.F. 369	Walter of Pottawattamie
H-3891	H.F. 158	Evans of Grundy
		Middleswart of Warren
H-3892	H.F. 248	Wyckoff of Benton
H-3893	S.F. 167	Branstad of Winnebago

H-3894	H.F. 248	Higgins of Scott Conlon of Muscatine Branstad of Winnebago
H-3896	H.F. 248	Conlon of Muscatine Branstad of Winnebago Smalley of Polk Clark of Cerro Gordo Shimanek of Jones Junker of Woodbury Lipsky of Linn Gentleman of Polk Higgins of Scott Jesse of Polk

On motion by Fitzgerald of Webster the House adjourned at 1:18 p.m., until 10:00 a.m., Monday, May 2, 1977.

JOURNAL OF THE HOUSE

One hundred thirteenth Calendar Day--Seventy--seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 2, 1977

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

Prayer was offered by the Reverend Donald P. Weiss, pastor of the Immanuel Lutheran Church, Waterloo, Iowa.

The Journal of Friday, April 29, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rowe, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Evans of Grundy on request of Smalley of Polk; Crabb of Crawford for a portion of the morning session on request of Wyckoff of Benton; O'Halloran of Black Hawk on request of Hullinger of Decatur; Danker of Pottawattamie on request of Menke of O'Brien; Harvey of Scott on request of Tofte of Winneshiek. Spencer of Clay by Speaker Cochran of Webster.

PETITION FILED

The following petition was received and placed on file:

By Branstad of Winnebago from five members of the Emmet County Board of Supervisors expressing opposition to House File 488, a bill to make changes in Iowa's collective bargaining law.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate

has on April 28, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 449, a bill for an act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council.

Also: That the Senate has on April 28, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 336, a bill for an act imposing a hotel and motel tax by a city or county.

Also: That the Senate has on April 28, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 366, a bill for an act relating to vessel equipment requirements.

STEVEN C. CROSS, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1977, he approved and transmitted to the Secretary of State the following bills:

Senate File 243, an act relating to the qualifications required of the director of the Division of Mental Health Resources of the Department of Social Services.

Senate File 328, an act to resolve differences involving provisions of the workers' compensation law and the Iowa Administrative Procedure Act.

CONSIDERATION OF BILLS

Regular Calendar

House File 305, a bill for an act relating to legalizing the sale of real estate by school districts, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 305)

The ayes were, 74:

Anderson	Baker	Bennett	Bina
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	Patchett	Pavich	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Shimanek	Smalley	Spear	Stephens
Stromer	Tauke	Thompson	Tofte
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none:

Absent or not voting, 25:

Avenson	Binneboese	Branstad	Clark, J.H.
Danker	Egenes	Evans	Garrison
Griffie	Harvey	Hines	Howell
Jesse	Junker	O'Halloran	Oxley
Pellett	Rinas	Schroeder	Small
Spencer	Svoboda	Varley	Welden
Wulff			

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

Senate File 170, a bill for an act correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa insurance guaranty association, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 170)

The ayes were, 74:

Anderson	Baker	Bennett	Bina
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Higgins	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
Patchett	Pavich	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Shimanek
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none:

Absent or not voting, 25:

Avenson	Binneboese	Branstad	Clark, J.H.
Danker	Egenes	Evans	Garrison
Griffiee	Hargrave	Harvey	Hines
Howell	Jesse	Junker	O'Halloran
Oxley	Pellett	Rinas	Schroeder
Small	Spencer	Stephens	Varley
Welden			

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

Senate File 296, a bill for an act relating to the membership and duties of the state advisory council for vocational education and local advisory committees for vocational education, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 296)

The ayes were, 74:

Anderson	Baker	Bennett	Bina
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Higgins	Hinkhouse	Hoffmann	Horn
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Shimanek	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none:

Absent or not voting, 25:

Avenson	Binneboese	Branstad	Clark, J.H.
Connors	Danker	Egenes	Evans
Garrison	Griffie	Hargrave	Harvey
Hines	Howell	Hullinger	Jesse
Junker	O'Halloran	Oxley	Pellett
Rinas	Schroeder	Small	Spencer
Varley			

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

House File 338, a bill for an act to provide that corporations organized under chapter four hundred ninety-one (491) of the Code may elect to become cooperative associations under chapter

four hundred ninety—nine (499) of the Code, with report of committee recommending amendment and passage was taken up for consideration.

Chiodo of Polk offered amendment H—3521 filed by the committee on commerce on April 5, 1977, and found on pages 1244 and 1245 of the House Journal and moved its adoption.

Amendment H—3521 was adopted.

Daggett of Adams offered the following amendment H—3725 filed by him and moved its adoption:

H—3725

- 1 Amend House File 338 as follows:
- 2 1. Page 6, by inserting after line 21, the
- 3 following:
- 4 "Sec. . The provisions of this act are
- 5 repealed effective July 1, 1979.

Amendment H—3725 was adopted.

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

On the question "Shall the bill pass?" (H.F. 338)

The ayes were, 77:

Anderson	Baker	Bennett	Bina
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Higgins
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	Patchett	Pavich	Pelton
Perkins	Poney	Scheelhaase	Schnekloth

Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 22:

Avenson	Binneboese	Branstad	Clark, J. H.
Danker	Egenes	Evans	Garrison
Harvey	Hines	Howell	Jesse
Junker	Lindeen	O'Halloran	Oxley
Pellett	Rinas	Schroeder	Small
Spencer	Varley		

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

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

The House resumed session, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: In response to your message received from the House on May 2, 1977, the Senate hereby returns:

House File 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, to the House of Representatives for further consideration

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

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

INTRODUCTION OF BILLS

HOUSE FILE 583, by Small, Higgins, Dieleman, Jochum, Krause, Chiodo and Bina, a bill for an act amending the landlord and tenant laws to provide for distribution of interest earned on rental deposits, to provide a procedural framework for the resolution of rental deposit disputes, to provide a definitive explanation of what constitutes bad faith retention of a rental deposit, to require a rental property owner to disclose the name and address of the manager of the premises and of the owner or the owner's agent, to provide a procedure for determining the condition of the rental property at the time of commencement of occupancy, to provide for disposal of a former tenant's abandoned personal property, and providing penalties.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 584, by committee on budget, a bill for an act making appropriations to the department of general services and the executive council for capital improvements.

Read first time and PLACED ON THE BUDGET CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 336, a bill for an act relating to the imposition of a hotel and motel tax by a city or county.

Read first time and referred to committee on WAYS AND MEANS.

SENATE FILE 366, a bill for an act relating to vessel equipment requirements.

Read first time and referred to committee on NATURAL RESOURCES.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 444, a bill for an act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 444

H-3906

- 1 Amend House File 444 as follows:
- 2 1. Page 2, by striking lines 21 through 29
- 3 and inserting in lieu thereof the following:
- 4 "6. The prohibition of the use, sale, distribution
- 5 or offer to sell or distribute any aujeszky's disease
- 6 vaccine within this state if the secretary determines
- 7 that such a prohibition will aid in the control of the
- 8 transmission or incidence of aujeszky's disease in
- 9 this state; provided, however, that the secretary may
- 10 during this prohibition issue permits for the use of
- 11 a specified aujeszky's disease vaccine to an individ-
- 12 ual producer, if such use is required by an
- 13 individual hardship, and a biological laboratory,
- 14 governmental authority, or manufacturer of biological
- 15 products for the purpose of research or testing; if
- 16 such use, under the conditions imposed by the
- 17 secretary, will not be detrimental to the department's
- 18 statewide aujeszky's disease program. Every
- 19 permit shall specify those conditions of use which
- 20 in the opinion of the secretary are necessary to
- 21 prevent any detriment to the department's statewide
- 22 aujeszky's disease control program and shall authorize
- 23 the sale of the specified vaccine, in the amount stated
- 24 in the permit, to the permit holder."

CONSIDERATION OF BILLS

Regular Calendar

House File 248, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Higgins of Scott asked and received unanimous consent to suspend Rule 20 and that Professor Gittler from the University of Iowa School of Law be permitted in the House chamber during consideration of House File 248.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H-3707 filed by him on April 21, 1977.

Jesse of Polk offered amendment H-3516 filed by the committee on judiciary and law enforcement on April 5, 1977 and found on pages 1246 through 1251 of the House Journal.

Jesse of Polk offered the following amendment H-3909, to the committee amendment H-3516, filed by him from the floor and moved its adoption:

H-3909

- 1 Amend H-3516 to House File 248 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "out." the words "The term does not require".

Amendment H-3909 was adopted.

Conlon of Muscatine offered the following amendment H-3651, to the committee amendment H-3516, filed by him and moved its adoption:

H-3651

- 1 Amend the amendment H-3516 to House File 248 as
- 2 follows:
- 3 Page 1, by inserting after line 26 the following:
- 4 " . Page 9, by inserting the following after

5 line 33:
6 " . In determining jurisdiction, the marital
7 status of the child at the time a petition is filed
8 under section sixteen (16) of this Act is con-
9 trolling." "

Amendment H-3651 was adopted.

By unanimous consent, the following amendments, to the committee amendment H-3516, were withdrawn:

H-3650 filed by Pelton of Clinton on April 19, 1977.

H-3894 filed by Higgins, et al., on April 29, 1977.

Speaker pro tempore Nielsen of Polk in the chair at 4:07 p.m.

Higgins of Scott offered the following amendment H-3907, to the committee amendment H-3516, filed by him from the floor and moved its adoption:

H-3907

1 Amend H-3516 to House File 248 as follows:
2 1. Page 1, by striking lines 36 and 37 and
3 inserting in lieu thereof the following:
4 "10. Page 11, line 35, by striking the word
5 "waived." and inserting in lieu thereof the words
6 "waived by a child of any age. The child's right
7 to be represented by counsel under paragraph a of
8 subsection one (1) of this section shall not be waived
9 if the child is less than fourteen years of age except
10 when the child is alleged to have committed an offense
11 for which the informal adjustment demanded of the
12 child is monetary restitution of up to two hundred
13 dollars, which may include damages other than special
14 damages in an amount not more than fifty dollars." "

Amendment H-3907 was adopted.

On motion by Jesse of Polk the committee amendment H-3516, as amended, was adopted placing the following amendments out of order:

H-3823 filed by Junker of Woodbury on April 27, 1977.

H-3838 filed by Junker of Woodbury on April 28, 1977.

Junker of Woodbury asked and received unanimous consent that action on amendment H-3853 be deferred.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H-3863 filed by him on April 28, 1977.

Conlon of Muscatine asked and received unanimous consent to withdraw amendments H-3658 and H-3659 filed by him on April 19, 1977.

Conlon of Muscatine offered the following amendment H-3896 filed by Conlon, et al., and requested division as follows:

H-3896

- 1 Amend House File 248 as follows:

H-3896B

- 2 1. Page 1, by inserting after line 10 the
3 following:
4 "Sec. NEW SECTION. WAIVERABILITY OF PRO-
5 CEDURAL REQUIREMENTS. Unless otherwise provided,
6 and to the extent permitted by constitution and stat-
7 ute, the procedural requirements of this chapter are
8 waivable. Before allowing a waiver of any hearing
9 provided for in this chapter, the court shall inquire
10 of all parties to determine that their respective
11 waivers are knowing and voluntary."
- 12 2. Page 1, line 20, by striking the words "a long
13 or".
- 14 3. Page 1, line 21, by inserting after the word
15 "time." the words "Abandonment includes, but does
16 not require, willful and unreasonable delay by a
17 parent, guardian, or custodian in taking custody of
18 a child who has been taken into custody under section
19 nine (9), subsection one (1), paragraph c, of this
20 Act, or placed in shelter care under section ten (10),
21 subsection one (1), paragraph c, of this Act."

H-3896A

- 22 4. Page 9, by inserting the following after line

23 33:
24 " In determining jurisdiction, the marital
25 status of the child at the time a petition is filed
26 under section sixteen (16) of this Act is con-
27 trolling."

H-3896B

28 5. Page 9, by inserting after line 33 the
29 following:
30 "Violations by a child of provisions of chapters
31 one hundred six (106), one hundred twenty-three (123),
32 three hundred twenty-one (321), or three hundred
33 twenty-one G (321G) of the Code which would be simple
34 misdemeanors if committed by an adult, violations
35 of county or municipal curfew ordinances, and
36 violations by a child of the provisions of section
37 one hundred twenty-three point forty-seven (123.47)
38 of the Code, are excluded from the jurisdiction of
39 the juvenile court and shall be prosecuted as
40 nonindictable misdemeanors as provided by law. "

41 6. Page 10, by inserting after line 27 the
42 following:

43 "4. Nothing in this Act shall be interpreted as
44 affecting the statutory limitations on prosecutions
45 for murder in the first or second degree. "

46 7. Page 13, by inserting after line 11 the
47 following:

48 "Sec. NEW SECTION. SUSPENSION OF TIME LIMI-
49 TATIONS. Where the child requests a continuance of
50 delinquency proceedings, the court, in an order

Page 2

1 granting the continuance, may suspend the time
2 limitations imposed on the state by this division
3 for a period of time not to exceed the length of the
4 continuance. "

5 8. Page 18, by inserting after line 10 the
6 following:

7 "d. Examine any physical evidence pertinent to
8 the complaint.

9 e. Interview such persons as are necessary to
10 determine whether the filing of a petition would be
11 in the best interests of the child and the community
12 as provided in section sixteen (16), subsections
13 two (2) and three (3) of this Act. "

14 9. Page 23, line 12, by inserting after the word
15 "notification" the words ", or if the court finds

16 that a reasonably diligent effort has been made to
 17 notify the child's parent, guardian, or custodian,
 18 and the effort was unavailing".

19 10. Page 28, line 35, by striking the words "
 20 without a jury, "

21 11. Page 29, line 22, by inserting after the word
 22 "determines" the words "or has previously determined
 23 in a detention hearing under section twenty-four (24)
 24 of this Act,".

25 12. Page 30, line 20, by inserting after the word
 26 "admissible" the words "as evidence in chief".

27 13. Page 32, by striking lines 3 through 8, and
 28 inserting in lieu thereof the words "ing a petition
 29 alleging a child to be delinquent."

30 14. Page 32, line 15, by striking the words "or
 31 a jury".

32 15. Page 32, line 23, by striking the words "into
 33 evidence" and inserting in lieu thereof the words
 34 "as evidence in chief".

35 16. Page 33, line 4, by striking the words "or
 36 jury".

37 17. Page 33, line 5, by striking the words "In
 38 a case heard without a "

39 18. Page 33, line 6, by striking the words "jury,
 40 the" and inserting in lieu thereof the word "The"

41 19. Page 33, line 9, by striking the words "or
 42 jury".

43 20. Page 33, line 12, by striking the words "or
 44 jury".

45 21. Page 34, by inserting after line 22 the
 46 following subsection:

47 " . At any time after the filing of a delin-
 48 quency petition the court may order a physical or
 49 mental examination of the child if the following cir-
 50 cumstances apply:

Page 3

1 a. The court finds such examination to be in the
 2 best interest of the child; and

3 b. The parent, guardian or custodian and the
 4 child's counsel agree. "

5 22. Page 60, line 28, by striking the words "or
 6 other services" and inserting in lieu thereof the
 7 words "and to comply with any other reasonable orders".

8 23. Page 65, by inserting after line 12 the
 9 following subsection:

10 " . The juvenile court judge for each county

11 in which a juvenile home has been established as
12 provided in this section shall annually review the
13 practices of said home and order the discontinuance
14 of any practice found not to be in the best inter-
15 ests of children placed therein by the court. ”
16 24. By renumbering sections and internal refer-
17 ences required by this amendment.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H-3896A.

Conlon of Muscatine moved the adoption of amendment H-3896B.

Amendment H-3896B was adopted, placing the following amendments out of order:

H-3665 filed by Branstad of Winnebago on April 19, 1977.

H-3682 filed by Conlon of Muscatine on April 20, 1977.

H-3798 filed by Smalley, et al., on April 27, 1977.

H-3799 filed by Branstad, et al., on April 27, 1977.

H-3657 filed by Conlon of Muscatine on April 19, 1977.

H-3740 filed by Harbor of Mills on April 25, 1977.

H-3770 filed by Smalley of Polk on April 26, 1977.

H-3656 filed by Conlon of Muscatine on April 19, 1977.

H-3660 filed by Bennett of Ida on April 19, 1977.

H-3683 filed by Conlon of Muscatine on April 20, 1977.

H-3652 filed by Conlon of Muscatine on April 19, 1977.

H-3815 filed by Branstad of Winnebago on April 27, 1977.

H-3681 filed by Smalley of Polk on April 20, 1977.

H-3661 filed by Conlon of Muscatine on April 19, 1977.

H-3680 filed by Smalley of Polk on April 20, 1977.

Junker of Woodbury asked and received unanimous consent to withdraw the following amendments filed by him:

H-3811 filed April 27, 1977.

H-3822 filed April 27, 1977.

H-3825 filed April 27, 1977.

H-3839 filed April 28, 1977.

H-3840 filed April 28, 1977.

H-3846 filed April 28, 1977.

H-3849 filed April 28, 1977.

H-3901 filed from the floor May 2, 1977.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H-3694 filed by him on April 20, 1977 and amendment H-3664 filed by him on April 19, 1977.

Branstad of Winnebago offered amendment H-3671 filed by him and requested division as follows:

H-3671

1 Amend House File 248 as follows:

H-3671A

- 2 1. Page 2, by striking all of lines 13, 14,
- 3 and 15 and inserting in lieu thereof the following:
- 4 "c. Who has suffered harmful effects as a result of:"

H-3671B

- 5 2. Page 2, line 19, by striking the word

- 6 "minimum" and inserting in lieu thereof the word
- 7 "reasonable".
- 8 3. Page 3, line 3, by striking the word
- 9 "minimum" and inserting in lieu thereof the word
- 10 "reasonable".

Branstad of Winnebago moved the adoption of amendment H-3671A.

Amendment H-3671A was adopted, placing out of order amendment H-3821 filed by Junker of Woodbury on April 27, 1977.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H-3671B.

By unanimous consent the following amendment H-3921 filed by Branstad of Winnebago from the floor was adopted:

H-3921

- 1 Amend House File 248 as follows:
- 2 1. Page 2, line 19, by striking the word
- 3 "minimum" and inserting in lieu thereof the
- 4 word "minimal".
- 5 2. Page 3, line 3, by striking the word
- 6 "minimum" and inserting in lieu thereof the
- 7 word "minimal".

Junker of Woodbury offered the following amendment H-3824 filed by him and moved its adoption:

H-3824

- 1 Amend House File 248 as follows:
- 2 1. Page 2, by striking lines 28 and 29 and
- 3 inserting in lieu thereof the words "do so or has
- 4 available other means to provide treatment".

Amendment H-3824 was adopted.

Svoboda of Iowa offered the following amendment H-3904 filed by her from the floor and moved its adoption:

H-3904

- 1 Amend House File 248 as follows:
- 2 1. Page 2, line 33, by adding after the word
- 3 "toward" the words "self or".

Amendment H-3904 was adopted.

Junker of Woodbury offered the following amendment H-3809 filed by him and moved its adoption:

H-3809

- 1 Amend House File 248 as follows:
- 2 1. Page 2, line 35, by striking all after the
- 3 word "so".
- 4 2. Page 3, by striking line 1 and inserting in
- 5 lieu thereof the words "or has available other means
- 6 to provide treatment."

Amendment H-3809 was adopted.

Junker of Woodbury offered the following amendment H-3807 filed by him and moved its adoption:

H-3807

- 1 Amend House File 248 as follows:
- 2 1. Page 3, by striking line 5 and inserting in
- 3 lieu thereof the words "or has available other means
- 4 to provide treatment."

Amendment H-3807 was adopted.

Speaker Cochran in the chair at 5:33 p.m.

Pelton of Clinton offered the following amendment H-3603 filed by him and moved its adoption:

H-3603

- 1 Amend House File 248 as follows:
- 2 1. Page 3, by inserting after line 8 the
- 3 following lettered paragraph:
- 4 " . Whose social habits and behavior exhibit

- 5 continual and unreasonable disrespect to parental,
6 school, or judicial authority, including but not
7 limited to runaway, truancy, or incorrigibility.”

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 21, nays 69.

Amendment H-3603 lost.

Fitzgerald of Webster asked and received unanimous consent for the previous question on House File 248, with respect to the filing of amendments only.

(House File 248 pending at adjournment.)

HOUSE RESOLUTION 19

By Koogler

- 1 *Whereas*, Randy Wilson, a student at the University
2 of Oklahoma and a native of Knoxville, Iowa, was
3 voted outstanding athlete of the 1977 Drake Relays,
4 and,
5 *Whereas*, this young man demonstrated tremendous
6 personal effort in this achievement; *Now Therefore*,
7 *Be It Resolved by the House of Representatives*,
8 that the Sixty-seventh General Assembly, 1977
9 Session, extends its heartiest congratulations to
10 Randy Wilson for his splendid example of tremendous
11 personal effort and athletic prowess; and
12 *Be It Further Resolved*, That a copy of this
13 resolution be sent to Randy Wilson and Coach
14 J.D. Martin of the University of Oklahoma.

Laid over under Rule 25.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber shortly after 12:00 p.m., April 29, 1977. Had I been present I would have voted “aye” on Senate Files 289 and 318.

I was necessarily absent from the House chamber on the morning of May 2, 1977. Had I been present I would have voted "aye" on House Files 305 and 338; Senate Files 170 and 296.

GARRISON of Black Hawk

I was necessarily absent from the House chamber, after 11:30 a.m., April 29, 1977. Had I been present I would have voted "aye" on Senate Files 289 and 318.

PELTON of Clinton

I was necessarily absent from the House chamber conducting legislative business the morning of April 29, 1977. Had I been present I would have voted "aye" on Senate Files 185 and 289; "nay" on amendment H-3622 to Senate File 185, the motion to reconsider House 381 and the motion to suspend the rules for consideration of amendment H-3800 to Senate File 318.

KRAUSE of Kossuth

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 259 State Government

Relating to substance abuse by changing the name of the division on alcoholism of the state department of health to the division on substance abuse, expanding the powers and duties of the division to reflect jurisdiction over programs relating to all forms of substance abuse, providing for the licensing of treatment facilities by the division and making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance.

PRESENTATION OF VISITORS

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

Twenty—five sixth grade students from Nesco Community School, McCallsburg, Iowa, accompanied by Margaret Ebert. By Egenes of Story and West of Marshall.

Fifty fifth grade students from Roosevelt Elementary School, Ames, Iowa, accompanied by Ruth Gammell, Nathan Tosten and Dorothy Sielert. By Crawford of Story and Hines of Story.

Fifty eighth grade students from Immaculate Conception School, Sioux City, Iowa, accompanied by Sister Margaret Ann Stratman and Sister Suzanne. By Doyle of Woodbury and Scheelhaase of Woodbury.

Twenty—five eighth grade students from St. John Elementary School, Independence, Iowa. By Miller of Buchanan.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., April 29, 1977

Convened: 8:10 a.m.

Adjourned: 9:10 a.m.

Present: Cusack, chair; Dunton, vice—chair; Den Herder, ranking member; Koogler, Stromer, Welden, Wells and Wulff.

Absent: Avenson (arrived 8:15 a.m.), Jesse (arrived 8:40 a.m.), Norland (arrived 8:55 a.m.) and O'Halloran (arrived 8:20 a.m.).

Excused: Varley

House File 512, a bill for an act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker—home health aide services to additional low-income elderly persons.

Recommended AMEND AND DO PASS.

H-3897

- 1 Amend House File 512 as follows:
- 2 1. Page 1, by striking lines 1 through 14 and
- 3 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, 1977 and ending June 30, 1978 to the department
- 7 of health one million six hundred thousand (1,600,000)
- 8 dollars to be used to extend availability of public
- 9 health nursing services or visiting nurse services
- 10 and home health aide services to additional elderly
- 11 persons in this state."
- 12 2. Page 1, by striking lines 31 through 35 and
- 13 inserting in lieu thereof the following:
- 14 "a. The local board of health having jurisdiction,
- 15 after consultation with any other agencies which
- 16 provide either public health nursing service, visit-
- 17 ing nurse service, or homemaker—home health aide
- 18 service in the jurisdiction, shall prepare a proposal
- 19 for the use of the funds available for that
- 20 jurisdiction which will provide the maximum benefits
- 21 of expanded home health care to the elderly persons
- 22 in the jurisdiction. After approval of the proposal
- 23 by the department, the department shall enter into
- 24 a contract with the local board of health. The local
- 25 board of health may subcontract with any nonprofit
- 26 nurses' association, independent nonprofit agency,
- 27 the department of social services or any suitable
- 28 local governmental body to use the funds to expand
- 29 nursing or homemaker—home health aide services."
- 30 3. Page 2, by striking lines 1 through 22 and
- 31 inserting in lieu thereof the following:
- 32 "b. It is the intent of the general assembly that
- 33 local boards of health or subcontracting agencies
- 34 not use any of the funds received under such".
- 35 4. Page 4, line 4, by inserting after the word
- 36 "reallocate" the words "not more than".
- 37 5. Page 4, lines 5 and 6, by striking the words
- 38 "making homemaker services available in counties where

39 such services do not now exist" and inserting in lieu
40 thereof the words "expanding homemaker services in
41 the counties where it is provided directly by the
42 department of social services".

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland,
O'Halloran, Stromer and Wells.

Nay: Welden and Wulff.

Absent or not voting: Varley.

Senate File 344, a bill for an act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment.

Recommended AMEND AND DO PASS.

H-3902

1 Amend Senate File 344 as follows:

2 1. Page 1, lines 12 and 13, by inserting after
3 the word "development;" the word "shoreline".

4 2. Page 1, by inserting after line 16 the
5 following:

6 "Sec. . Chapter one thousand twenty-six (1026),
7 Acts of the Sixty-fifth General Assembly, 1974 Session,
8 section seven (7), as amended by Acts of the Sixty-
9 sixth General Assembly, 1975 Session, chapter sixty-
10 two (62), section eleven (11), and Acts of the Sixty-
11 sixth General Assembly, 1976 Session, chapter one
12 thousand two hundred five (1205), section seven (7),
13 is amended to read as follows:

14 SEC. 7. Funds appropriated by this Act shall not
15 be used for the purchase, construction, or leasing
16 of resort lodges. Unencumbered funds remaining as
17 of June 30, 1977 shall revert to the general fund
18 of the state on September 30, 1977 except those funds
19 unencumbered on June 30, 1979 and appropriated for
20 the Brushy Creek project shall revert September 30,
21 1979 and funds set aside for dredging under section
22 three (3) of this Act and funds appropriated by this
23 Act to the Volga River dam construction project shall
24 revert to the general fund on September 30, 1979,
25 if unencumbered as of June 30, 1979."

26 3. Page 1, line 25, by striking the words "shall
27 may" and inserting in lieu thereof the word "shall".

28 4. Page 1, by striking lines 27 through 34.

29 5. Page 2, by striking lines 3 through 14 and
30 inserting in lieu thereof the words: "of the state
31 to establish a revolving fund for the purpose of
32 providing assistance to local units of government
33 in obtaining federal bureau of outdoor recreation
34 reimbursement for capital improvement projects. The
35 state conservation commission shall make a report,
36 not later than January 15, 1978, to the budget natural
37 resources subcommittees of the house and senate with
38 regard to the feasibility and desirability of this
39 approach. The state conservation commission shall
40 not acquire further land for the expansion of the
41 Lake McBride project until this report is submitted."

42 6. Page 2, by inserting after line 20 the
43 following:

44 "Sec. . The state conservation commission shall
45 explore the feasibility of acquiring easements, scenic
46 or otherwise, in order to preserve scenic and natural
47 areas of the state and shall define the role of
48 easement acquisition in relation to the comprehensive
49 plans of the commission. The state conservation
50 commission shall report on these matters to the budget

Page 2

1 natural resources subcommittees of the house and
2 senate no later than January 15, 1978.

3 Sec. . When the development of projects in
4 which the state conservation commission has entered
5 into agreements with other units of governments would
6 be delayed in funding by the state conservation
7 commission, then the commission shall give priority
8 to such projects when allocating unobligated funds
9 appropriated by this Act.

10 Sec. . The state conservation commission shall,
11 from funds appropriated in section two (2) of this
12 Act, expend an amount not to exceed fifty-nine thousand
13 (59,000) dollars for the purpose of developing a
14 program to resolve problems associated with the
15 Missouri River. The state conservation commission
16 shall report on the development of this program to
17 the budget natural resources subcommittees of the
18 house and senate not later than January 15, 1978.

19 Sec. . There is appropriated from the general
20 fund of the state to the department of agriculture
21 for the fiscal year beginning July 1, 1977 and ending
22 June 30, 1978 the sum of eighty-four thousand (84,000)
23 dollars, or so much of that as is necessary, for the

- 24 purpose of purchasing or converting scale trucks or
 25 both purchasing and converting scale trucks.
 26 Sec. . . . There is appropriated from the general
 27 fund of the state to the Herbert Hoover birthplace
 28 foundation for the fiscal period beginning July 1,
 29 1977 and ending June 30, 1978 the sum of twenty
 30 thousand (20,000) dollars, or so much as is necessary,
 31 for the purpose of assisting with capital
 32 improvements.”
- 33 9. Title page, line 5, by inserting after the
 34 word “project,” the words “providing for a study of
 35 the Missouri River, providing funds to the department
 36 of agriculture for purchasing or converting scale
 37 trucks, providing funds to assist with capital
 38 improvements of the Herbert Hoover birthplace
 39 foundation.”
- 40 10. Renumber sections and correct internal
 41 references as required.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland,
 O'Halloran, Stromer, Welden, Wells and Wulff.

Nay: None.

Absent or not voting: Varley.

AMENDMENTS FILED

H-3898	H.F. 248	Junker of Woodbury
H-3899	H.F. 248	Junker of Woodbury
H-3900	H.F. 248	Junker of Woodbury
H-3903	H.F. 248	Higgins of Scott Conlon of Muscatine
H-3905	H.F. 248	Connors of Polk
H-3908	H.F. 248	Doyle of Woodbury
H-3910	H.F. 248	Halvorson of Clayton
H-3911	H.F. 248	Higgins of Scott
H-3912	H.F. 463	Baker of Buena Vista
H-3913	Temporary Rules of the House	Schroeder of Pottawattamie
H-3914	H.F. 63	Krause of Kossuth
H-3915	H.F. 63	Monroe of Des Moines
H-3916	S.F. 364	Miller of Buchanan
H-3917	H.F. 75	Perkins of Greene

H-3918	H.F. 488	Daggett of Adams
H-3919	H.F. 488	Daggett of Adams
H-3920	S.F. 167	Krause of Kossuth
H-3922	H.F. 362	Middleswart of Warren
		Nielsen of Polk
		Stromer of Hancock
H-3923	H.F. 491	Harbor of Mills
H-3924	H.F. 491	Horn of Linn
H-3925	H.F. 491	Wyckoff of Benton
		Miller of Buchanan
		Husak of Tama

On motion by Fitzgerald of Webster the House adjourned at 5:43 p.m., until 9:00 a.m., Tuesday, May 3, 1977.

JOURNAL OF THE HOUSE

One hundred fourteenth Calendar Day -- Seventy--eighth Session Day.

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 3, 1977

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

Prayer was offered by the Reverend Elwin A. Mack, pastor of the Christian Life Center, Decorah, Iowa.

The Journal of Monday, May 2, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Mulry, Council Bluffs, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Hullinger of Decatur from twenty--one constituents opposing House File 535 and Senate File 336 relating to hotel--motel room tax.

By Schroeder of Pottawattamie from eighteen constituents favoring returning old highway 100, from the bridge east of the former maintenance garage to the junction of the salvage yard, to a hard surface; from twenty--one constituents opposing the hotel--motel room tax.

By Dunton of Keokuk from twenty--four residents of Washington County favoring Senate File 3, an act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 370, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

Also: That the Senate has on May 2, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 371, a bill for an act extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor.

STEVEN C. CROSS, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of House File 248, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H-3696 filed by him on April 20, 1977.

Junker of Woodbury offered the following amendment H-3834 filed by him and moved its adoption:

H-3834

- 1 Amend House File 248 as follows:
- 2 1. Page 5, line 34, by striking the words "at
- 3 intake".

A non-record roll call was requested.

The ayes were 51, nays 11.

Amendment H-3834 was adopted.

Branstad of Winnebago offered the following amendment H-3820 filed by him:

H-3820

- 1 Amend House File 248 as follows:
- 2 1. Page 3, by inserting after line 8 the
- 3 following:
- 4 " . Who has been the subject of or a party
- 5 to sexual activities or poses for live display or
- 6 for photographic or other means of pictorial repro-
- 7 duction or display designed to appeal to the prurient
- 8 interest and is patently offensive; and taken as a
- 9 whole, lacks serious literary, scientific, political
- 10 or artistic value."

By unanimous consent the following amendment H-3926, to amendment H-3820, filed by Branstad of Winnebago from the floor was adopted:

H-3926

- 1 Amend amendment H-3820, to page 3 of House
- 2 File 248, as follows:
- 3 1. Page 1, line 5, by inserting after the
- 4 word "activities" the words "for hire".
- 5 2. Page 1, line 5, by inserting after the
- 6 first word "or" the word "who".
- 7 3. Page 1, line 7, by inserting after the
- 8 word "display" the words "which is".

Branstad of Winnebago moved the adoption of amendment H-3820, as amended.

Amendment H-3820, as amended, was adopted.

Branstad of Winnebago offered the following amendment H-3817 filed by him and moved its adoption:

H-3817

- 1 Amend House File 248 as follows:
- 2 1. Page 3, line 11, by inserting after the
- 3 word "a" the words "verbal or written".

Amendment H-3817 was adopted.

Junker of Woodbury offered the following amendment H-3836 filed by him and moved its adoption:

H-3836

- 1 Amend House File 248 as follows:
- 2 1. Page 9, by striking lines 19 through 21 and
- 3 inserting in lieu thereof the following:
- 4 "54. "Termination of the parent-child relation-
- 5 ship" means the mutual divestment of the parent and
- 6 child of privileges, duties and powers with respect
- 7 to each other."

Amendment H-3836 was adopted.

Pelton of Clinton asked and received unanimous consent to withdraw amendment H-3604 filed by him on April 18, 1977.

Junker of Woodbury offered the following amendment H-3837 filed by him and moved its adoption:

H-3837

- 1 Amend House File 248 as follows:
- 2 1. Page 11, line 21, by striking the words "at
- 3 an intake interview or otherwise" and inserting in
- 4 lieu thereof the words "at an interview".

Amendment H-3837 was adopted.

Branstad of Winnebago offered the following amendment H-3814 filed by him:

H-3814

- 1 Amend House File 248 as follows:
- 2 1. Page 13, line 10, by inserting after the
- 3 word "state" the words ", at the request of the
- 4 court,".

Branstad of Winnebago asked and received unanimous consent that action on amendment H-3814 be temporarily deferred.

Monroe of Des Moines offered the following amendment H-385G filed by him and moved its adoption:

H-3856

- 1 Amend House File 248 as follows:
- 2 1. Page 13, line 29, by inserting after the
- 3 word "possible" the following:
- 4 "and shall not physically restrain such child
- 5 unless the child physically resists or threatens
- 6 physical violence when being taken into custody".

Amendment H-3856 was adopted.

Smalley of Polk offered the following amendment H-3865 filed by Smalley, et al., and moved its adoption:

H-3865

- 1 Amend House File 248 as follows:
- 2 1. Page 14, by striking lines 16 through 33 and
- 3 inserting in lieu thereof the following:
- 4 "2. No child shall be placed or retained in
- 5 detention unless:
- 6 a. The child is being held under warrant for
- 7 another jurisdiction; or
- 8 b. The child is an escapee from a juvenile
- 9 correctional or penal institution; or
- 10 c. There is probable cause to believe that the
- 11 child has violated conditions of release imposed under
- 12 section thirty-four (34) of this Act and there is
- 13 a substantial probability that the child will run
- 14 away or be otherwise unavailable for subsequent court
- 15 appearance; or
- 16 d. There is probable cause to believe the child
- 17 has committed a delinquent act and:
- 18 (1) There is substantial probability that the
- 19 child will run away or otherwise be unavailable for
- 20 subsequent court appearance; or,
- 21 (2) There is a serious risk that the child if
- 22 released may commit an act which would inflict serious
- 23 bodily harm on himself or herself or on another."

Amendment H-3865 was adopted, placing out of order the following amendments:

H-3841 filed by Junker of Woodbury on April 28, 1977.

H-3842 filed by Junker of Woodbury on April 28, 1977.

H-3663 filed by Bennett of Ida on April 19, 1977.

Junker of Woodbury offered the following amendment H-3843 filed by him and moved its adoption:

H-3843

- 1 Amend House File 248 as follows:
- 2 1. Page 15, line 1, by striking all after the
- 3 word "govern" in line 1 and lines 2 and 3 and insert—
- 4 ing in lieu thereof the words "the placement or
- 5 retention of the child in shelter care or detention."

Amendment H-3843 was adopted.

Junker of Woodbury offered the following amendment H-3844 filed by him and moved its adoption:

H-3844

- 1 Amend House File 248 as follows:
- 2 1. Page 15, line 17, by striking the words "police
- 3 station, lockup,".
- 4 2. Page 15, line 18, by striking the words "jail,
- 5 prison or other".

A non-record roll call was requested.

The ayes were 36, nays 24.

Amendment H-3844 was adopted.

Junker of Woodbury offered the following amendment H-3845 filed by him:

H-3845

- 1 Amend House File 248 as follows:
- 2 1. Page 16, lines 18 and 19, by striking the words
- 3 "in a police station, jail, lockup, or other facility".

By unanimous consent the following amendment H-3927, to amendment H-3845, filed by Lipsky of Linn from the floor was adopted:

H-3927

- 1 Amend amendment H-3845, to page 16 of House
- 2 File 248, as follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, line 18, by striking the words
- 6 "police station, jail, lockup, or other"."

Junker of Woodbury moved the adoption of amendment H-3845, as amended.

Amendment H-3845, as amended, was adopted.

Menke of O'Brien offered the following amendment H-3751 filed by him:

H-3751

- 1 Amend House File 248 as follows:
- 2 1. Page 17, line 1, by striking the words
- 3 "adjudicated delinquent only for a period of up",
- 4 2. Page 17, line 2, by striking the words
- 5 "to twenty-four hours".

Menke of O'Brien asked and received unanimous consent that action on amendment H-3751 be temporarily deferred.

Harbor of Mills offered the following amendment H-3741 filed by him and moved its adoption:

H-3741

- 1 Amend House File 248 as follows:
- 2 1. Page 18, line 25, by inserting after the
- 3 word "complaint" the words "subject to reversal with-
- 4 in five days by the county attorney or by the
- 5 juvenile court judge".
- 6 2. Page 18, line 31, by inserting after the
- 7 word "Act" the words "subject to reversal by the
- 8 juvenile court judge or his designee".

- 9 3. Page 19, line 2, by inserting after the
 10 word "Act" the words "or the intake officer may file
 11 a petition in accordance with section sixteen (16)
 12 of this Act".
- 13 4. Page 20, line 15, by inserting after the
 14 word "attorney" the words "or intake officer".
- 15 5. Page 20, by striking all of lines 17
 16 through 25.

Amendment H-3741 lost.

Speaker pro tempore Nielsen of Polk in the chair at 10:17 a.m.

Harbor of Mills offered the following amendment H-3742 filed by him and moved its adoption:

H-3742

- 1 Amend House File 248 as follows:
 2 1. Page 19, by inserting after line 2 the
 3 following:
 4 " . Communications between
 5 the child and the intake officer shall be confiden-
 6 tial as provided in section six hundred twenty-two
 7 point ten (622.10) of the Code."

A non-record roll call was requested.

The ayes were 28, nays 44.

Amendment H-3742 lost.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3866 filed by him on April 28, 1977.

Conlon of Muscatine offered the following amendment H-3655 filed by him and moved its adoption:

H-3655

- 1 Amend House File 248 as follows:
 2 1. Page 19, by striking lines 15 and 16 and
 3 inserting in lieu thereof the words "advice of his
 4 or her attorney, or by the child with the consent

- 5 of a parent, guardian, or custodian if the child is
- 6 not represented by counsel."

Amendment H-3655 was adopted.

Branstad of Winnebago offered the following amendment H-3832 filed by him:

H-3832

- 1 Amend House File 248 as follows:
- 2 1. Page 19, line 15, by inserting after the
- 3 word "attorney" the following: "if such has been
- 4 retained or appointed as provided in section five
- 5 (5) of this act."

Conlon of Muscatine rose on a point of order that amendment H-3832 was not in order.

The Speaker ruled the point not well taken and amendment H-3832 in order.

Branstad of Winnebago moved the adoption of amendment H-3832.

Amendment H-3832 was adopted.

Branstad of Winnebago offered the following amendment H-3816 filed by him:

H-3816

- 1 Amend House File 248 as follows:
- 2 1. Page 19, line 18, by inserting after the
- 3 word "agreement" the following: "and a copy of said
- 4 agreement shall be given to the child; the counsel
- 5 for the child; the parent, guardian or custodian;
- 6 and the intake officer, who shall retain the copy
- 7 in the case file."

By unanimous consent the following amendment H-3928, to amendment H-3816, filed by Conlon of Muscatine from the floor was adopted:

H-3928

- 1 Amend amendment H-3816, to page 19 of House
- 2 File 248, as follows:
- 3 1. Page 1, line 3, by striking the word
- 4 "said" and inserting in lieu thereof the word
- 5 "this".

Branstad of Winnebago moved the adoption of amendment H-3816, as amended.

Amendment H-3816, as amended, was adopted.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H-3847 filed by him on April 28, 1977.

Junker of Woodbury offered the following amendment H-3848 filed by him and moved its adoption:

H-3848

- 1 Amend House File 248 as follows:
- 2 1. Page 19, line 35, by inserting after the word
- 3 "agreement" the words "during the period stipulated
- 4 in the agreement".

Amendment H-3848 lost.

Conlon of Muscatine offered the following amendment H-3654 filed by him and moved its adoption:

H-3654

- 1 Amend House File 248 as follows:
- 2 1. Page 23, by striking line 21 and inserting
- 3 in lieu thereof the words: "proceedings under this
- 4 division. The court shall exclude the".
- 5 2. Page 23, by striking line 24 and inserting
- 6 in lieu thereof the words "are served by a public
- 7 hearing. The court shall admit the news media, or
- 8 any reasonable number of representatives thereof,
- 9 upon motion by the child. The court shall admit".

Roll call was requested by Tauke of Dubuque and Bina of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-3654 be adopted?"

The ayes were, 36:

Bennett	Branstad	Brockett	Byerly
Chiodo	Clark, B.J.	Conlon	Crabb
Daggett	Danker	Davitt	Den Herder
Gilloon	Gilson	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Hullinger
Jesse	Junker	Lageschulte	Millen
Monroe	Oxley	Pellett	Schneklath
Schroeder	Smalley	Stephens	Thompson
Tofte	Welden	West	Wyckoff

The nays were, 56:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Clark, J.H.
Cochran	Crawford	Cusack	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Griffie	Hargrave
Higgins	Hines	Hinkhouse	Horn
Howell	Husak	Jochum	Koogler
Krewson	Lindeen	Lipsky	Loneragan
Menke	Miller, K.D.	Miller, O.L.	Newhard
Norland	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Shimanek	Small	Spear	Spencer
Svoboda	Tauke	Varley	Walter
Wells	Woods	Wulff	Mr. Speaker (Nielsen)

Absent or not voting, 7:

Connors	Egenes	Evans	Krause
Middleswart	O'Halloran	Stromer	

Amendment H-3654 lost.

Junker of Woodbury offered the following amendment H-3850 filed by him and moved its adoption:

H-3850

1 Amend House File 248 as follows:

- 2 1. Page 23, line 23, by striking the words "and
3 the public".

Amendment H-3850 lost.

Junker of Woodbury offered the following amendment H-3851 filed by him and moved its adoption:

H-3851

- 1 Amend House File 248 as follows:
2 1. Page 23, line 34, by striking the word
3 "REPORTER" and inserting in lieu thereof the words
4 "TRANSCRIPT OF HEARING".

Amendment H-3851 was adopted.

Junker of Woodbury asked and received unanimous consent that action on amendment H-3862 be deferred.

Wyckoff of Benton offered the following amendment H-3753 filed by him and moved its adoption:

H-3753

- 1 Amend House File 248 as follows:
2 Page 26, line 7, by inserting after the word
3 "excluding" the word "Saturdays,"

Amendment H-3753 was adopted.

Jesse of Polk moved to reconsider the vote by which amendment H-3851 was adopted by the House.

The motion prevailed and the House reconsidered amendment H-3851.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H-3851.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H-3748 filed by him on April 25, 1977.

Junker of Woodbury asked and received unanimous consent that action on amendment H-3899 be deferred.

Conlon of Muscatine asked and received unanimous consent to withdraw the following amendments filed by him:

H-3653 filed on April 19, 1977.

H-3695 filed on April 20, 1977.

H-3749 filed on April 25, 1977.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H-3892 filed by him on April 29, 1977.

Crabb of Crawford offered the following amendment H-3771 filed by him:

H-3771

- 1 Amend House File 248 as follows:
- 2 1. Page 33, by inserting after line 18 the
- 3 following new subsection:
- 4 "10. A finding that the child is a child in
- 5 need of assistance in accordance with the provisions
- 6 of this Act, whether prior to or subsequent to an
- 7 adjudicatory hearing under this section, shall not
- 8 preclude or nullify a finding that the child
- 9 engaged in delinquent conduct."

Lipsky of Linn asked and received unanimous consent that action on amendment H-3771 be deferred.

Woods of Polk asked and received unanimous consent to withdraw amendment H-3756 filed by Chiodo of Polk on April 25, 1977.

Menke of O'Brien offered the following amendment H-3752 filed by him and moved its adoption:

H-3752

- 1 Amend House File 248 as follows:

- 2 1. Page 35, line 1, by inserting after the
- 3 word "may" the words "take the matter of disposi-
- 4 tion under advisement and order such care, custody
- 5 and treatment as the best interests of the child may
- 6 require for not longer than one year, or the court
- 7 may".

Amendment H-3752 lost.

Junker of Woodbury offered the following amendment H-3898 filed by him and moved its adoption:

H-3898

- 1 Amend House File 248 as follows:
- 2 1. Page 38, line 19, by striking the word "nine"
- 3 and inserting in lieu thereof the word "six".

A non-record roll call was requested.

The ayes were 49, nays 8.

Amendment H-3898 was adopted.

Junker of Woodbury offered the following amendment H-3900 filed by him and moved its adoption:

H-3900

- 1 Amend House File 248 as follows:
- 2 1. Page 44, by striking line 3 and inserting in
- 3 lieu thereof the words "within twenty-four hours of
- 4 such removal."

Amendment H-3900 was adopted.

Branstad of Winnebago offered the following amendment H-3818 filed by him:

H-3818

- 1 Amend House File 248 as follows:
- 2 1. Page 47, line 35, by inserting after the
- 3 word "assistance" the following: "unless the
- 4 attorney for the child consents to such a
- 5 finding."

By unanimous consent the following amendment H-3933, to amendment H-3818, filed by Branstad of Winnebago from the floor was adopted:

H-3933

- 1 Amend amendment H-3818, to page 47 of House
- 2 File 248, as follows:
- 3 1. Page 1, by striking line 4 and inserting
- 4 in lieu thereof the following: "attorneys for
- 5 the child and the parents consent to such a".

Branstad of Winnebago moved the adoption of amendment H-3818, as amended.

Amendment H-3818, as amended, was adopted.

Miller of Calhoun offered the following amendment H-3813 filed by her and moved its adoption:

H-3813

- 1 Amend House File 248 as follows:
- 2 Page 50, line 21, by inserting after the period
- 3 the following: "Such terms and conditions may
- 4 include the supervision of the child and of the
- 5 parent, guardian or custodian by the depart-
- 6 ment of social services, juvenile probation
- 7 office or other appropriate agency designated
- 8 by the court".

Amendment H-3813 was adopted.

Doyle of Woodbury offered the following amendment H-3797 filed by him. Division was requested as follows:

H-3797

- 1 Amend House File 248 as follows:

H-3797A

- 2 1. Page 53, line 33, by inserting after the word
- 3 "Act." the following: "In addition to or in lieu
- 4 of such an order, the court may impose a work
- 5 assignment or assignments to benefit the state or
- 6 a governmental subdivision of the state."

H-3797B

7 2. Page 61, by inserting after line 3 the follow-
8 ing:
9 "7. A child who is found in contempt of court
10 because of violation of conditions imposed under
11 section seventy (70) of this Act shall not be con-
12 sidered delinquent. Such a contempt may be punished
13 by imposition of a work assignment or assignments
14 to benefit the state or a governmental subdivision
15 of the state. In addition to or in lieu of such an
16 assignment or assignments, the court may impose one
17 of the dispositions set out in sections fifty-five
18 (55) through fifty-seven (57) of this Act."

Higgins of Scott offered the following amendment H-3903, to amendment H-3797B, filed by him and Conlon of Muscatine:

H-3903

1 Amend H-3797 to House File 248 as follows:
2 1. By inserting after line 18 the following:
3 "If the court finds that the child has refused
4 to comply with an order of the court under the pre-
5 ceding paragraph punishing him or her for contempt,
6 the court may order the child placed in a secure
7 facility for not more than two (2) weeks. The court
8 shall not place a child in a secure facility unless
9 it is satisfied that there exists no other way by
10 which the child can be effectively punished for the
11 contempt."

By unanimous consent the following amendment H-3934, to amendment H-3903, (to amendment H-3797B), filed by Conlon of Muscatine from the floor was adopted:

H-3934

1 Amend amendment H-3903, to amendment H-3797
2 to page 53 of House File 248, as follows:
3 1. Page 1, lines 6 and 7, by striking the
4 words "a secure facility" and inserting in lieu
5 thereof the word "detention".
6 2. Page 1, line 8, by striking the words
7 "a secure facility" and inserting in lieu thereof
8 the word "detention".

Higgins of Scott moved the adoption of amendment H-3903, as amended, to amendment H-3797.

Amendment H-3903, as amended, was adopted.

Doyle of Woodbury moved the adoption of amendment H-3797A.

Amendment H-3797A was adopted.

Doyle of Woodbury moved the adoption of amendment H-3797B, as amended.

Amendment H-3797B, as amended, was adopted.

(House File 248 pending at recess.)

On motion by Fitzgerald of Webster the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Avenson of Fayette in the chair.

QUORUM CALL

Roll call was requested by Hines of Story and Junker of Woodbury to determine that a quorum was present. The vote revealed:

Present: 85

Anderson	Baker	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger

Husak	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklöth	Schroeder	ShimaneK
Small	Smalley	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
			Mr. Speaker (Avenson)

Absent: 14

Bennett	Chiodo	Cusack	Davitt
Den Herder	Doyle	Egenes	Koogler
Nielsen	O'Halloran	Oxley	Patchett
Svoboda	Wulff		

COMMUNICATION FROM THE GOVERNOR Governor's Task Force on Mental Health

The following communication was received from the Governor and placed on file in the office of the Speaker:

April 29, 1977

TO: The Honorable Dale M. Cochran
Speaker of the House.

FROM: Robert D. Ray

SUBJECT: ESTABLISHMENT OF TASK FORCE ON MENTAL HEALTH

Pursuant to Chapter 1061 of the Acts of the Sixty-sixth General Assembly, 1976, I am transmitting official notice of the establishment and first meeting on April 20 of the Governor's Task Force on Mental Health.

Attached to this memo is an outline of the suggested scope of activities for that task force.

This memo is intended to represent the official notice required to the General Assembly under Chapter 1061 of the establishment by the Governor of any task force or study committee to be funded under that chapter.

ACTIVITIES OUTLINE
Governor's Task Force on Mental Health

1. To catalog and analyze state and federal legislation, administrative rules and regulations, and previous studies applicable to:
 - a. The delivery of mental health and related health services in the state of Iowa.
 - b. The interrelationship of mental health and comprehensive health planning functions.
2. To provide a description and inventory of mental health services available in the state, including:
 - a. An evaluation of the cost-effectiveness of existing services.
 - b. An identification of the gaps and duplications in existing services.
3. To assess the role of existing public and private agencies comprising the mental health service network, including:
 - a. The scope, extent, and resources of each provider and/or planning agency.
 - b. A description of the coordination activities and mechanisms existing among the agencies.
 - c. An identification of those agencies whose resources might be more fully utilized.
4. To articulate proposals and recommendations for legislative, administrative and organizational reforms.
5. To direct, with the designated legislative body, the research conducted by an independent consultant, if such research is funded.

SENATE MESSAGES CONSIDERED

SENATE FILE 370, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

Read first time and referred to committee on BUDGET.

SENATE FILE 371, a bill for an act extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor.

-Read first time and referred to committee on BUDGET.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 210, a bill for an act to provide for a state land use policy and create a department of soil conservation and land use and a land use policy commission.

Also: That the Senate has on May 2, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 210

H-3931

- 1 Amend House File 210 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. NEW SECTION. LEGISLATIVE INTENT.
- 6 It is the intent of the general assembly of the state
- 7 of Iowa to provide for the development of land
- 8 preservation policy recommendations for the
- 9 consideration of the general assembly through a process
- 10 that emphasizes the participation and recommendations
- 11 of citizens and local governments. The general
- 12 assembly intends to provide for the development of
- 13 recommendations which will provide for the orderly
- 14 use and development of land and related natural
- 15 resources in Iowa, preserve private property rights,
- 16 preserve the use of prime agricultural land for
- 17 agricultural production, preserve, guide the
- 18 development of critical areas, key facilities and
- 19 large-scale development, and provide for the future
- 20 housing, commercial, industrial and recreational needs
- 21 of the state.
- 22 Sec. 2. NEW SECTION. DEFINITIONS. As used in
- 23 this Act unless the context otherwise requires:

- 24 1. "State critical area" means an area where
25 substantial evidence indicates that uncontrolled or
26 incompatible development could result in damage to
27 the environment, life or property, or an area where
28 the long-term public interest is of more than local
29 significance. Such areas shall include but are not
30 limited to:
- 31 a. "Fragile or historic lands" where uncontrolled
32 or incompatible development could result in
33 irreversible damage to important historic, cultural,
34 scientific, or aesthetic values or natural systems
35 which are of more than local significance including
36 shorelands of rivers, lakes, and streams, rare or
37 valuable ecosystems and geological formations,
38 significant wildlife habitats, and unique scenic or
39 historic sites.
- 40 b. "Natural hazard lands" where uncontrolled or
41 incompatible development could unreasonably endanger
42 life and property including flood plains and areas
43 frequently subject to weather disasters, and areas
44 of unstable geological formations.
- 45 c. "Renewable resource lands" where uncontrolled
46 or incompatible development which results in the loss
47 or reduction of continued long-range productivity
48 could endanger future water, food, and fiber
49 requirements of more than local concern including
50 watershed lands, aquifers and aquifer recharge areas,

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- 1 and forest lands.
- 2 2. "Key facility" means a public facility which
3 is expected to result in development and urbanization
4 exceeding local impact, including but not limited
5 to major airports, major highway interchanges including
6 interchanges with frontage roads, access streets and
7 other limited access highways, major recreational
8 land and facilities and major facilities for the
9 development, generation or transmission of energy.
- 10 3. "Large-scale development" means any private
11 development which is likely to generate issues of
12 more than local significance because of its magnitude
13 or because of its location with respect to its
14 surroundings.
- 15 4. "Local critical area" means any fragile or
16 historic lands or sites, natural hazard lands, or
17 renewable resource lands of local significance where
18 substantial evidence indicates that the uncontrolled
19 or incompatible development could result in damage

20 to the environment, life or property or the long-term
21 public interest.

22 5. "Land preservation policy" means a definite
23 course of action selected after evaluation of alter-
24 native courses in order to effectuate wise and pru-
25 dent decisions for the preservation of land.

26 Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND
27 PRESERVATION POLICY COMMISSION CREATED.

28 1. There is created a temporary county land
29 preservation policy commission which shall consist
30 of nine members. Three members shall be appointed
31 by and shall be from the county board of supervisors,
32 three shall be appointed by and shall be from a
33 convention of mayors and council persons of the cities
34 in the county, and three shall be appointed by and
35 shall be from the district soil conservation
36 commissioners. The temporary county land preservation
37 policy commission shall meet and organize by the
38 election of a chairperson and vice chairperson from
39 among its members within sixty days of the effective
40 date of this Act. A majority of the members of the
41 temporary county land preservation commission shall
42 constitute a quorum and the concurrence of a quorum
43 shall be required to determine any matter relating
44 to its official duties. Each member of the temporary
45 county land preservation policy commission shall be
46 entitled to receive reimbursement for travel and other
47 necessary expenses incurred in the performance of
48 the member's official duties. The reimbursement shall
49 be made by the city or county government of which
50 the temporary county land preservation policy

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1 commissioner is a member.

2 2. The temporary county land preservation policy
3 commission shall submit its recommendations to the
4 state land preservation policy commission as to a
5 state land preservation policy and a land preservation
6 policy for that county within one year of the effective
7 date of this Act. The recommendation for the state
8 land preservation policy should address the issues
9 contained in the statement of legislative intent of
10 this Act and shall include the content of a state
11 land preservation policy and the method by which the
12 state land preservation policy should be implemented.
13 The latter recommendation shall include whether it
14 is necessary or desirable for an existing or new state
15 agency to be given the responsibility for monitoring,

16 reviewing or supervising the implementation of the
17 state land preservation policy. Prior to making its
18 recommendations, the temporary county land preservation
19 policy commission shall hold at least three public
20 hearings to receive testimony from citizens of the
21 county as to what provisions shall be included in
22 the recommendations to the state land preservation
23 policy commission. The temporary county land
24 preservation policy commission shall give public
25 notice of the date, time and location of each public
26 hearing in a newspaper having general circulation
27 within the county not later than two weeks before
28 the date of each public hearing.

29 3. The chairperson of the temporary county land
30 preservation policy commission of each county shall
31 file with the secretary of the senate and the chief
32 clerk of the house a written report to the general
33 assembly by July 1, 1978 containing the following:

34 a. The extent to which the county and the cities
35 in the county have adopted zoning ordinances and have
36 prepared comprehensive plans to be implemented by
37 the zoning ordinances.

38 b. Whether the county has established a county
39 conservation board and the extent to which it has
40 adopted a plan for the conservation and recreation
41 needs of the county.

42 c. The extent to which the county and the cities
43 and private agencies of the county have implemented
44 plans for the disposal of solid waste.

45 d. The extent to which a survey of the soil of
46 the county has been conducted.

47 e. The extent to which a comprehensive plan for
48 the conservation of soil resources and the control
49 and preservation of soil erosion has been prepared
50 and implemented.

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1 4. After making its recommendations to the state
2 land preservation policy commission and participating
3 in the convention to select the members of the state
4 land preservation policy commission, the temporary
5 county land preservation policy commission shall be
6 dissolved.

7 5. The office for planning and programming shall
8 assist temporary county land preservation policy
9 commissions upon request, with technical assistance,
10 and in obtaining information from government agencies

11 useful to the development of land preservation policy.
12 Sec. 4. NEW SECTION. TEMPORARY STATE LAND
13 PRESERVATION POLICY COMMISSION CREATED.

14 1. One year from the effective date of this Act,
15 the members of the temporary county land preservation
16 policy commissions in the counties located within
17 each of the sixteen planning areas designated by the
18 office for planning and programming shall convene
19 and elect a member to the temporary state land
20 preservation policy commission. The office for
21 planning and programming shall provide assistance
22 in making the arrangements for the conventions. Each
23 member present of each temporary county land
24 preservation policy commission shall have one vote
25 at the convention.

26 2. Within sixty days of the last election of a
27 member of the temporary state land preservation policy
28 commission, the temporary state land preservation
29 policy commission shall convene and organize by the
30 election of a chairperson and vice chairperson.
31 A majority of the members of the temporary state land
32 preservation policy commission shall constitute a
33 quorum and the concurrence of a quorum shall be
34 required to determine any matter relating to its
35 official duties. Each member of the temporary state
36 land preservation policy commission is entitled to
37 receive a forty dollar per diem and shall be reimbursed
38 for actual and necessary expenses.

39 3. The temporary state land preservation policy
40 commission shall receive the recommendations of the
41 temporary county land preservation policy commissions
42 and, within thirty months of the effective date of
43 this Act, shall file with the secretary of the senate
44 and the chief clerk of the house its written
45 recommendations to the general assembly. The
46 recommendations shall include a state land preservation
47 policy and the method by which the state land
48 preservation policy should be implemented. The latter
49 recommendation shall include whether it is necessary
50 or desirable for an existing or new state agency to

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1 be given the responsibility for monitoring, reviewing
2 or supervising the implementation of the state land
3 preservation policy.

4 4. The temporary state land preservation commission
5 shall, prior to making its recommendations to the

6/ general assembly:

7 a. Provide the citizens with information regarding
8 the extent of land use planning and regulation by
9 this state, other states, and the federal government
10 and other information important to stimulate public
11 interest in land preservation policy determination.

12 b. Hold public hearings inviting citizen
13 participation.

14 5. Each state agency and agency of a political
15 subdivision of the state shall cooperate, within time,
16 personnel and budgetary limitations, in providing
17 information, data, surveys and studies as requested
18 by the temporary state land preservation policy
19 commission. The temporary state land preservation
20 policy commission may contract with any public agency
21 for the performance of services or the exchange of
22 employees.

23 6. The temporary state land preservation policy
24 commission may apply for, receive and expend any
25 private or public funds for the purposes of carrying
26 out this Act.

27 7. The temporary state land preservation commission
28 shall use the completed state water plan, the completed
29 state standard soil survey and the completed state
30 recreational needs plan in conducting a comprehensive
31 land inventory. The inventory shall also show the
32 changes in the use of land in the state during the
33 preceding five years.

34 8. The temporary state land preservation policy
35 commission shall be dissolved upon final action by
36 the general assembly of the recommendations presented
37 by the temporary state land preservation policy
38 commission."

39 2. Amend the title, by striking lines 1 through
40 5 and inserting in lieu thereof the following: "An
41 Act to provide for the development of a temporary
42 state land preservation policy."

SENATE AMENDMENT TO
HOUSE FILE 354

H-3930

1 Amend House File 354 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 3, by inserting after line 14 the following
4 new subsection:

5 " "Home health agency" means an organization

6 primarily engaged in providing professional nursing
7 services and at least one of the following services,
8 directly or through contract arrangements; homemaker—
9 home health aide services, and other therapeutic and
10 related services, including but not limited to
11 physical, speech and occupational therapy and
12 nutritional and medical social services, to persons
13 in their place of residence on a part-time or
14 intermittent basis.”

15 2. Page 3, by inserting after line 28 the following
16 new paragraph:

17 “ . A home health agency.”

18 3. Page 6, by striking lines 5 through 16 and
19 inserting in lieu thereof the following:

20 “2. There is established a state health facili—
21 ties council consisting of five persons appointed
22 by the governor. The council shall be within the
23 department for administrative and budgetary purposes.

24 a. **QUALIFICATIONS.** The members of the council
25 shall be chosen so that the council as a whole is
26 broadly representative of various geographical areas
27 of the state, and no more than three of its members
28 are affiliated with the same political party. Each
29 council member shall be a person who has demonstrated
30 by prior activities an informed concern for the plan—
31 ning and delivery of health services. No member of
32 the council, nor any spouse of a member, shall during
33 the time that member is serving on the council:

34 (1) Be a health care provider nor be otherwise
35 directly or indirectly engaged in the delivery of
36 health care services nor have a material financial
37 interest in the providing or delivery of health
38 services; not

39 (2) Serve as a member of any board or other policy—
40 making or advisory body of a health systems agency,
41 an institutional health facility, a health maintenance
42 organization, or any health or hospital insurer.”

43 4. Page 6, by striking lines 22 through 32 and
44 inserting in lieu thereof the words “term. Each
45 appointment to the council shall be”.

46 5. Page 7, line 10, by striking the words “two
47 members” and inserting in lieu thereof the words “one
48 member”.

49 6. Page 7, line 11, by striking the word “terms”
50 and inserting in lieu thereof the words “a term”.

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1 7. Page 7, line 12, by striking the word “three”

2 and inserting in lieu thereof the word "two".

3 8. Page 7, line 18, by inserting after the word
4 "new" the words "appointee or".

5 9. Page 7, lines 24 and 25, by striking the words
6 "forty dollars per diem" and inserting in lieu thereof
7 the words "a salary as fixed by the general assembly".

8 10. Page 7, by inserting after line 33 the follow-
9 ing new subparagraph:

10 "() Have authority to direct staff personnel
11 of the department assigned to conduct formal or summary
12 reviews of applications for certificates of need."

13 11. Page 8, line 28, by striking the word and
14 figure "eighteen (18)" and inserting in lieu thereof
15 the word and figure "nineteen (19)".

16 12. Page 9, line 30, by inserting after the word
17 "application" the words ", as well as the probable
18 impact of the proposal on the costs of and charges
19 for providing health services by the person proposing
20 the new institutional health service."

21 13. Page 9, by striking lines 31 through 34.

22 14. Page 11, by inserting after line 33 the
23 following:

24 "3. In the evaluation of applications for
25 certificates of need submitted by university hospital
26 at Iowa City, the unique features of that institution
27 relating to statewide tertiary health care, health
28 science education, and clinical research shall be
29 given due consideration. Further, in administering
30 this Act, the unique capacity of university hospitals
31 for the evaluation of technologically innovative
32 equipment and other new health services shall be
33 utilized."

34 15. Page 12, by striking lines 1 through 26 and
35 inserting in lieu thereof the following:

36 "1. Before applying for a certificate of need,
37 the sponsor of a proposed new institutional health
38 service or changed institutional health service shall
39 submit to the department a letter of intent to offer
40 or develop a service requiring a certificate of need.
41 The letter shall be submitted as soon as possible
42 after initiation of the applicant's planning process,
43 and before substantial expenditures to offer or develop
44 the service are made. The letter shall include a
45 brief description of the proposed new or changed
46 service, its location, and its estimated cost.

47 2. Upon request of the sponsor of the proposed
48 new or changed service, the department shall make
49 a preliminary review of the letter for the purpose

50 of informing the sponsor of the project of any factors

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1 which may appear likely to result in denial of a
2 certificate of need, based on the criteria for
3 evaluation of applications in section four (4) of
4 this Act. A comment by the department under this
5 section shall not constitute a final decision."

6 16. Page 14, by striking lines 8 through 13 and
7 inserting in lieu thereof the words "submitted by
8 the health systems agency."

9 17. Page 14, lines 29 and 30, by striking the
10 words "damaged or destroyed by a disaster, and".

11 18. Page 14, line 32, by striking the word
12 "disaster" and inserting in lieu thereof the words
13 "repair or replacement".

14 19. Page 15, by striking lines 10 through 35.

15 20. Page 16, by striking lines 1 through 34 and
16 inserting in lieu thereof the following:

17 "Sec. 8. **NEW SECTION. STATUS REPORTS ON REVIEW**
18 **IN PROGRESS.** While formal review of an application
19 for a certificate of need is in progress, the
20 department shall upon request inform any affected
21 person of the status of the review, any findings which
22 have been made in the course of the review, and any
23 other appropriate information concerning the review.

24 **Sec. 9. NEW SECTION. COUNCIL TO MAKE FINAL**
25 **DECISION.** The department shall complete its formal
26 review of the application within ninety days after
27 acceptance of the application, except as otherwise
28 provided by section twelve (12), subsection four (4)
29 of this Act. Upon completion of the formal review,
30 the council shall approve, approve with conditions,
31 or deny the application. However, the council shall
32 not approve an application with conditions which
33 mandate new institutional health services not proposed
34 by the applicant. The council shall issue written
35 findings stating the basis for its decision on the
36 application, and the department shall send copies
37 of the council's decision and the written findings
38 supporting it to the applicant, to the designated
39 health systems agency in whose area the new or changed
40 institutional health service is proposed to be offered
41 or developed, and to any other person who so requests.
42 If the application is approved or approved with
43 conditions, the department shall issue a certificate
44 of need to the applicant at the time the applicant
45 is informed of the council's decision.

46 Failure by the council to issue a written decision
47 on an application for a certificate of need within
48 the time required by this section shall constitute
49 denial of and final administrative action on the
50 application, and is subject to appeal under section

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1 ten (10) of this Act.

2 Sec. 10. NEW SECTION. APPEAL OF CERTIFICATE OF
3 NEED DECISIONS. The council's final decision on an
4 application for a certificate of need, when announced
5 pursuant to section nine (9) of this Act, may be
6 appealed by any dissatisfied party who is an affected
7 person with respect to that application, and who
8 participated or sought unsuccessfully to participate
9 in the formal review procedure prescribed by section
10 six (6) of this Act. The appeal shall be taken in
11 the manner provided by chapter seventeen A (17A) of
12 the Code."

13 21. Page 17, line 2, by inserting after the word
14 "issuance" the words "; however, a council may grant
15 a certificate of need for a longer period of time
16 if the council determines that the project for which
17 the certificate is issued cannot be completed within
18 one year from the date of issuance".

19 22. Page 17, by striking lines 19, 20 and 21 and
20 inserting in lieu thereof the words "extension thereof,
21 any affected person shall have the right to submit
22 to the department information which may be relevant
23 to the question of granting an extension. The
24 department may call a public hearing for this purpose."

25 23. Page 18, lines 5 and 6, by striking the words
26 and numerals "eight (8), subsection two (2)" and
27 inserting in lieu thereof the word and numeral "nine
28 (9)".

29 24. Page 18, line 11, by inserting after the
30 period the words "However, no rule adopted under this
31 subsection shall permit a deferral of more than sixty
32 days beyond the time when a decision is required under
33 section nine (9) of this Act, unless both the applicant
34 and the department agree to a longer deferment."

35 25. Page 18, lines 17 and 18, by striking the
36 words "shall not be eligible for" and inserting in
37 lieu thereof the words "may be denied".

38 26. Page 21, by striking lines 23 through 35.

39 27. Page 22, by striking lines 1 and 2.

40 28. Page 22, line 35, by striking the word "four:"
41 and inserting in lieu thereof the word and numeral
42 "fourteen (14)".

43 29. Page 24, by inserting after line 9 the
 44 following new section:
 45 "Sec. . . Until such time as the agreement of
 46 the state of Iowa to conduct reviews pursuant to
 47 section one thousand one hundred twenty-two (1122)
 48 of the United States Social Security Act is terminated,
 49 the department shall furnish or prescribe forms so
 50 that the application for a certificate of need and

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1 the application for review pursuant to said section
 2 one thousand one hundred twenty-two (1122) may be
 3 made at the same time with minimal duplication, and
 4 shall provide coordinated procedures for review and
 5 action on both applications. This section shall not
 6 be construed to require or to indicate legislative
 7 intent that the state continue to conduct such reviews
 8 if federal law does not so require as a condition
 9 of federal participation in state programs including,
 10 but not limited to, the medical assistance program."

11 30. Page 24, by striking line 10 and inserting
 12 in lieu thereof the following:
 13 "Sec. 22. Sections one (1) and three (3) through
 14 twenty-one (21) of this Act shall take effect July
 15 1, 1978. The governor shall appoint the initial
 16 members of the health facilities council no later
 17 than October 1, 1977, and the council and depart-
 18 ment shall then begin preparations to implement this
 19 Act on July 1, 1978."

BUSINESS PENDING

The House resumed consideration of House File 248, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Doyle of Woodbury offered the following amendment H-3908 filed by him and moved its adoption:

H-3908

- 1 Amend House File 248 as follows:
 2 1. Page 56, line 20, by striking the words "clear
 3 and convincing".
 4 2. Page 56, line 21, by inserting after the word
 5 "evidence" the words "beyond a reasonable doubt".

- 6 3. Page 56, line 31, by striking the words "clear
7 and convincing evidence" and inserting in lieu thereof
8 the words "evidence beyond a reasonable doubt".
- 9 4. Page 57, line 8, by striking the words "clear
10 and convincing evidence" and inserting in lieu thereof
11 the words "evidence beyond a reasonable doubt".
- 12 5. Page 57, line 11, by striking the words "clear
13 and convincing evidence" and inserting in lieu thereof
14 the words "evidence beyond a reasonable doubt".
- 15 6. Page 57, line 22, by striking the words "clear
16 and convincing evidence" and inserting in lieu thereof
17 the words "evidence beyond a reasonable doubt".
- 18 7. Page 57, line 31, by striking the words "clear
19 and convincing evidence" and inserting in lieu thereof
20 the words "evidence beyond a reasonable doubt".
- 21 8. Page 58, line 7, by striking the words "by
22 clear" and inserting in lieu thereof the words "beyond
23 a reasonable doubt".
- 24 9. Page 58, line 8, by striking the words "and
25 convincing evidence".
- 26 10. Page 58, line 22, by striking the word "clear".
- 27 11. Page 58, line 23, by striking the words "and
28 convincing evidence" and inserting in lieu thereof
29 the words "evidence beyond a reasonable doubt".

A non-record roll call was requested.

The ayes were 21, nays 46.

Amendment H-3908 lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-3774 filed by him on April 26, 1977.

Halvorson of Clayton offered the following amendment H-3910 filed by him and moved its adoption:

H-3910

- 1 Amend House File 248 as follows:
2 1. Page 57, line 26, by striking the word
3 "shall" and inserting in lieu thereof the word
4 "need".

Amendment H-3910 was adopted.

Branstad of Winnebago offered the following amendment H-3831 filed by him:

H-3831

- 1 Amend House File 248 as follows:
- 2 1. Page 58, by striking lines 21 through 25,
- 3 and inserting in lieu thereof the following:
- 4 "4. If after a hearing the court does not
- 5 order the termination of parental rights but finds
- 6 that there is clear and convincing evidence that
- 7 the child is a child in need of assistance, under
- 8 section six (6) of this act, due to the acts or
- 9 omissions of one or both of his or her".

By unanimous consent the following amendment H-3935, to amendment H-3831, filed by Branstad of Winnebago from the floor was adopted:

H-3935

- 1 Amend amendment H-3831, to page 58 of House
- 2 File 248, as follows:
- 3 1. Page 1, line 8, by inserting after the
- 4 word "section" the following: "two (2), subsection".

On motion by Branstad of Winnebago, amendment H-3831, as amended, was adopted.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H-3737 filed by him on April 25, 1977.

Connors of Polk offered the following amendment H-3905 filed by him and moved its adoption:

H-3905

- 1 Amend House File 248 as follows:
- 2 1. Page 60, line 29, by inserting after the word
- 3 "relationship." the words "At the conclusion of such
- 4 services, or at any other time deemed necessary, the par-
- 5 ties shall be required to meet together and be apprised
- 6 of the findings and recommendations of such services."

Amendment H-3905 was adopted.

Hansen of O'Brien offered amendment H-3750 filed by him and requested division as follows:

H-3750

1 Amend House File 248 as follows:

H-3750A

- 2 1. Page 64, line 9, by striking the word
3 "may" and inserting in lieu thereof the word
4 "shall".
5 2. Page 64, by inserting after line 11 the
6 following: "Such homes shall be established in
7 such locations as to provide reasonable access
8 and availability to each county in the state. Such
9 homes must be provided not later than July 1,
10 1981."
11 3. Page 64, line 14, by striking the word
12 "may" and inserting in lieu thereof the word
13 "shall".

H-3750B

- 14 4. Page 64, line 32, by striking the word
15 "may" and inserting in lieu thereof the word
16 "shall".

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H-3750A.

Hansen of O'Brien moved the adoption of amendment H-3750B.

Amendment H-3750B was adopted.

Gentleman of Polk offered the following amendment H-3819 filed by her and moved its adoption:

H-3819

- 1 Amend House File 248 as follows:
2 1. Page 66, by inserting after line 2 the
3 following lettered paragraph:
4 "h. Representatives of the news media."

A non-record roll call was requested.

The ayes were 14, nays 48.

Amendment H-3819 lost.

Higgins of Scott offered the following amendment H-3911 filed by him and moved its adoption:

H-3911

- 1 Amend House File 248 as follows:
- 2 1. Page 76, by striking line 32 and inserting in
- 3 lieu thereof the following:
- 4 "January 1, 1979."

Amendment H-3911 was adopted.

The House resumed consideration of amendment H-3751.

Menke of O'Brien asked and received unanimous consent to offer the following amendment H-3929, to amendment H-3751, filed by him from the floor and moved its adoption:

H-3929

- 1 Amend amendment H-3751, to page 17 of House
- 2 File 248, as follows:
- 3 1. Page 1, line 5, by inserting after the
- 4 word "hours" the words "while the adjudicated
- 5 child is".

Amendment H-3929 was adopted.

On motion by Menke of O'Brien, amendment H-3751, as amended, was adopted.

Junker of Woodbury offered the following amendment H-3899 filed by him and moved its adoption:

H-3899

- 1 Amend House File 248 as follows:
- 2 1. Page 30, line 4, by striking the word "child's".

- 3 2. Page 30, lines 30 and 31, by striking the words
4 "may, on motion of the county attorney or counsel
5 for the child,".
6 3. Page 30, line 31, by inserting before the word
7 "suspend" the word "may".
8 4. Page 30, line 32, by inserting after the word
9 "proceedings" the words "on motion of the county
10 attorney or the child's counsel".
11 5. Page 31, line 8, by striking all after the
12 word "court" and lines 9 and 10 and inserting in lieu
13 thereof the words "shall proceed to determine the
14 appropriateness of entering a consent decree after
15 consideration of any objections or reasons for entering
16 such a decree."
17 6. Page 42, line 32, by striking the words "his
18 or her".
19 7. Page 43, line 25, by inserting after the word
20 "parent" the words "or parents".

Amendment H-3899 was adopted.

The House resumed consideration of amendment H-3771.

By unanimous consent the following amendment H-3939, to amendment H-3771, filed by Crabb of Crawford from the floor was adopted:

H-3939

- 1 Amend amendment H-3771, to page 33 of House
2 File 248, as follows:
3 1. Page 1, line 4, by inserting after the
4 word "A", the word "previous".

Crabb of Crawford moved the adoption of amendment H-3771, as amended.

Amendment H-3771, as amended, was adopted.

By unanimous consent the following amendment H-3940 filed by Branstad of Winnebago from the floor was adopted:

H-3940

- 1 Amend House File 248 as follows:

- 2 1. Page 13, line 10, by inserting after the
- 3 word "all" the word "adversary".

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H-3814 filed by him on April 27, 1977.

Junker of Woodbury offered the following amendment H-3853 filed by him and moved its adoption:

H-3853

- 1 Amend House File 248 as follows:
- 2 1. Page 1, line 4, by striking the words "coming
- 3 within" and inserting in lieu thereof the word "under".
- 4 2. Page 1, line 6, by inserting after the word
- 5 "will" the word "best".
- 6 3. Page 1, line 7, by striking the words "state,
- 7 and that" and inserting in lieu thereof the word
- 8 "state".
- 9 4. Page 1, line 10, by striking the words "him
- 10 or her by his or her" and inserting in lieu thereof
- 11 the words "by the".
- 12 5. Page 1, line 23, by striking the word "whether"
- 13 and inserting in lieu thereof the word "if".
- 14 6. Page 2, line 25, by striking the words
- 15 "suffering serious physical injury" and inserting
- 16 in lieu thereof the words "suffering, serious physical
- 17 injury,".
- 18 7. Page 3, line 12, by striking the word "which".
- 19 8. Page 3, line 20, by striking the word "step-
- 20 parent" and inserting in lieu thereof the word "step-
- 21 parent".
- 22 9. Page 3, line 30, by striking the word
- 23 "ordinary".
- 24 10. Page 4, line 25, by striking the word "at".
- 25 11. Page 4, line 26, by striking the word "intake".
- 26 12. Page 4, line 34, by striking the word "child"
- 27 and inserting in lieu thereof the word "child,".
- 28 13. Page 4, line 35, by striking the word "child"
- 29 and inserting in lieu thereof the word "child,".
- 30 14. Page 5, line 20, by striking the word
- 31 "reasonable" and inserting in lieu thereof the word
- 32 "periodic".
- 33 15. Page 7, line 29, by striking the word
- 34 "nonaccidental" and inserting in lieu thereof the
- 35 word "non-accidental".
- 36 16. Page 8, line 34, by striking the word "point"

- 37 and inserting in lieu thereof the word "time".
38 17. Page 9, by striking line 34 through page 10,
39 line 4 and inserting in lieu thereof the following:
40 "2. If a person has been charged with the commis-
41 sion of a public offense not exempted by law from
42 the jurisdiction of juvenile court in a court other
43 than a juvenile court, and if the alleged commission
44 of the offense occurred prior to the time that the
45 defendant was eighteen years of age, the case shall
46 be immediately transferred to the juvenile court.
47 The transferring court".
48 18. Page 11, line 18, by striking the word
49 "proceeding" and inserting in lieu thereof the words
50 "the proceedings".

Page 2

- 1 19. Page 12, line 2, by striking the words "who
2 is".
3 20. Page 12, line 9, by striking the words "an
4 attorney" and inserting in lieu thereof the word
5 "counsel".
6 21. Page 13, line 16, by striking the words
7 "Pursuant to an" and inserting in lieu thereof the
8 word "By".
9 22. Page 13, line 34, by striking the words "court,
10 if necessary," and inserting in lieu thereof the word
11 "court".
12 23. Page 14, line 7, by striking the word "super-
13 vision" and inserting in lieu thereof the word
14 "supervision."
15 24. Page 14, by striking line 8.
16 25. Page 16, lines 7 and 8, by striking the words
17 "services, or an institution or other facility" and
18 inserting in lieu thereof the words "services, or
19 one".
20 26. Page 17, line 22, by striking the word
21 "consulting" and inserting in lieu thereof the words
22 "after consultation".
23 27. Page 18, line 2, by striking the word "of,".
24 28. Page 18, line 3, by striking the word "to"
25 and inserting in lieu thereof the word "of".
26 29. Page 18, line 6, by striking the word "parent,"
27 and inserting in lieu thereof the words "parent or
28 parents,".
29 30. Page 18, line 12, by striking the word
30 "parent," and inserting in lieu thereof the words
31 "parent or parents,".

- 32 31. Page 18, line 14, by striking the word
33 "parent," and inserting in lieu thereof the words
34 "parent or parents,".
35 32. Page 20, by striking line 3 and inserting
36 in lieu thereof the following: "shall file a report
37 at least every six months with the court".
38 33. Page 23, line 29, by striking the words "or
39 in addition to".
40 34. Page 23, by striking line 31 and inserting
41 in lieu thereof the words "court, with the consent
42 of all necessary parties, may proceed".

Amendment H-3853 was adopted.

Junker of Woodbury offered the following amendment H-3862
filed by him and moved its adoption:

H-3862

- 1 Amend House File 248 as follows:
2 1. Page 24, lines 14 and 15, by striking the words
3 "engage in discussion with a view toward reaching"
4 and inserting in lieu thereof the words "mutually
5 consider".
6 2. Page 24, line 33, by striking the words "his
7 or her" and inserting in lieu thereof the word "the".
8 3. Page 24, line 34, by striking the words "That
9 he or she" and inserting in lieu thereof the words
10 "The defendant".
11 4. Page 25, line 1, by striking the words "That
12 if he or she" and inserting in lieu thereof the words
13 "If the defendant".
14 5. Page 25, line 2, by striking the words "he
15 or she" and inserting in lieu thereof the word
16 "defendant".
17 6. Page 25, line 15, by striking the word "address"
18 and inserting in lieu thereof the word "advise".
19 7. Page 25, line 16, by striking the words "and
20 advise the child".
21 8. Page 26, line 20, by striking the word "Notice"
22 and inserting in lieu thereof the words "A notice".
23 9. Page 27, line 16, by striking the word "abode"
24 and inserting in lieu thereof the word "residence".
25 10. Page 27, line 31, by striking the word "for"
26 and lines 32 and 33 and inserting in lieu thereof
27 the words "until the adjudicatory hearing is held
28 or for a period not exceeding seven days whichever

- 29 is shorter.”
- 30 11. Page 28, line 28, by striking the word
- 31 “alleging” and inserting in lieu thereof the words
- 32 “that alleges”.
- 33 12. Page 28, line 35, by striking the words “shall,
- 34 without a jury,” and inserting in lieu thereof the
- 35 word “shall”.
- 36 13. Page 29, line 1, by inserting after the word
- 37 “ing” the words “without a jury”.
- 38 14. Page 29, line 2, by striking the word “Notice”
- 39 and inserting in lieu thereof the words “A notice”.
- 40 15. Page 29, line 2, by striking the word “stating”
- 41 and inserting in lieu thereof the words “that states”.
- 42 16. Page 29, line 11, by striking the words “as
- 43 to whether”.
- 44 17. Page 29, line 12, by inserting after the word
- 45 “waive” the word “its”.
- 46 18. Page 29, line 28, by striking the word
- 47 “delinquent” and inserting in lieu thereof the word
- 48 “delinquent,”.

Amendment H-3862 was adopted.

Junker of Woodbury moved to reconsider the vote by which amendment H-3850 failed to be adopted by the House.

A non-record roll call was requested.

The ayes were 26, nays 33.

The motion lost.

Schroeder of Pottawattamie asked and received unanimous consent to offer amendment H-3937 filed by Schroeder, Higgins, Byerly, Garrison, Daggett, Millen, Hullinger, Varley, Harbor, Stromer, Crabb, Danker, Hansen, Oxley, Dieleman, Dunton, Welden, Wyckoff, Halvorson, Baker, Woods, Den Herder, West, Brockett, Smalley, Clark of Lee, Wells, Binneboese, Miller of Buchanan, Lindeen, Stephens, Walter, Menke, Hoffmann, Hinkhouse, Schneklath, Pelton, Bennett, Howell, Tofte, Spear, Clark of Cerro Gordo, Wulff, Tauke, Thompson, Pellett, Husak, Evans, Egenes, Spencer and Miller of Calhoun from the floor and moved its adoption:

H-3937

- 1 Amend House File 248 as follows:
 2 1. Page 30, by inserting after line 26 the
 3 following new subsection:
 4 " . If a child who is alleged to have
 5 delivered, manufactured, or possessed with intent
 6 to deliver or manufacture, a controlled substance
 7 except marijuana, as defined in chapter two hundred
 8 four (204) of the Code, is waived to district court
 9 for prosecution, the mandatory minimum sentence
 10 provided in chapter twelve hundred forty-five
 11 (1245), Acts of the Sixty-sixth General Assembly,
 12 1976 Session, chapter four (4), section two hundred
 13 twenty-five (225) shall not be imposed if a
 14 conviction is had; however, each child convicted
 15 of such an offense shall be confined for not less
 16 than thirty days in a secure facility.
 17 Upon application of a person charged or con-
 18 victed under the authority of this subsection, the
 19 district court shall order the records in the case
 20 sealed if:
 21 a. Five years have elapsed since the final
 22 discharge of that person; and
 23 b. The person has not been convicted of a
 24 felony or an aggravated or serious misdemeanor, or
 25 adjudicated a delinquent for an act which if committed
 26 by an adult would be a felony, or an aggravated or
 27 serious misdemeanor since the final discharge of
 28 that person."

Amendment H-3937 was adopted.

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

On the question "Shall the bill pass?" (H.F. 248)

The ayes were, 91:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton

Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	Woods
Wulff	Wyckoff	Mr. Speaker (Avenson)	

The nays were, 7:

Doyle	Griffee	Harbor	Hullinger
Norland	Pelton	West	

Absent or not voting, 1:

Chiodo

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

MOTION TO RECONSIDER LOST (House File 248)

Higgins of Scott moved to reconsider the vote by which House File 248 passed the House on May 3, 1977.

A non-record roll call was requested.

The ayes were 17, nays 59.

The motion lost.

REGULAR CALENDAR

House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation, was taken up for consideration.

Hansen of O'Brien offered the following amendment H-3442 filed by Hansen, et al., and moved its adoption:

H-3442

- 1 Amend House File 463 as follows:
- 2 1. Page 1, line 16, by striking the words "after
- 3 approval" and inserting in lieu thereof the words
- 4 "if the purchase price of the property to be acquired
- 5 pursuant to the lease-purchase agreement exceeds five
- 6 thousand dollars, the lease-purchase agreement must
- 7 be approved".

Amendment H-3442 was adopted.

Thompson of Polk offered the following amendment H-3563 filed by her and Patchett of Johnson:

H-3563

- 1 Amend House File 463 as follows:
- 2 1. Page 1, by inserting after line 21, the
- 3 following section:
- 4 "Sec. . Section two hundred seventy-three point
- 5 two (273.2), subsection five (5), Code 1977, is amended
- 6 to read as follows:
- 7 5. Other educational programs and services for
- 8 children under five years through grade twelve and
- 9 children requiring special education as defined in
- 10 section 281.2 and for employees of school districts
- 11 and area education agencies as approved by the
- 12 department of public instruction."
- 13 2. Page 1, line 23, by inserting after the word
- 14 "subsections" the word and figure "five (5)".
- 15 3. Page 1, by inserting after line 24 the follow-
- 16 ing:
- 17 "5. Be authorized, subject to rules and regulations
- 18 of the department of public instruction, to provide
- 19 directly or by contractual arrangement with public
- 20 or private agencies for special education programs

21 and services, media services, and other educational
22 programs and services requested by the local boards
23 of education as provided in this chapter, including
24 but not limited to contracts for the area education
25 agency to provide programs or services to the local
26 school districts and contracts for local school
27 districts, other educational agencies, and public
28 and private agencies to provide programs and services
29 to the local school districts in the area education
30 agency in lieu of the area education agency providing
31 such services. Contracts may be made with public
32 or private agencies located outside the state if the
33 programs and services comply with the rules of the
34 department. The cost of such programs and services
35 for each child shall not exceed the amount of money
36 available through the area education agency of the
37 child's residence for each child under chapters 281
38 and 442."

39 4. Page 3, by inserting after line 12 the following
40 section:

41 "Sec. . Section two hundred seventy—three point
42 nine (273.9), subsection five (5), Code 1977, is
43 amended to read as follows:

44 5. The costs of other educational services provided
45 through the area education agency shall be funded
46 within the limitations in section 442.27. The
47 department of public instruction shall promulgate
48 rules under chapter 17A, as necessary to implement
49 performance of its approval duties under this section."

50 5. Page 10, by inserting after line 26 the follow—

Page 2

1 ing section:

2 "Sec. . Section four hundred forty—two point
3 twenty—seven (442.27), unnumbered paragraph one (1),
4 Code 1977, is amended to read as follows:

5 Media services and other educational services
6 provided through the area education agencies shall
7 be funded, to the extent provided, by an addition
8 to the district cost of each school district, deter—
9 mined as follows:"

10 6. Page 13, line 1, by striking the word and
11 figure "subsection five (5)" and inserting in lieu
12 thereof the words and figures "subsections four (4)
13 through nine (9)".

14 7. Page 13, line 1, by striking the word "is"
15 and inserting in lieu thereof the word "are".

16 8. Page 13, by inserting after line 2 the follow-
17 ing:

18 "4. For the budget year beginning July 1, 1975,
19 the total amount funded in each area for other
20 educational services shall be an amount equal to ten
21 dollars times the enrollment served in the area in
22 the budget year."

23 9. Page 13, line 4, by striking the word "other"
24 and inserting in lieu thereof the words "other
25 educational".

26 10. Page 13, line 5, by striking the word "other"
27 and inserting in lieu thereof the words "other
28 educational".

29 11. Page 13, line 7, by striking the word "other"
30 and inserting in lieu thereof the words "other
31 educational".

32 12. Page 13, by inserting after line 10 the follow-
33 ing:

34 "6. Of the total amounts funded in each area each
35 year for media services and other educational ser-
36 vices, a portion shall be allocated to each district
37 in the area. The portion to be allocated to each
38 district in an area shall be the same percentage of
39 the total amount that the enrollment served in the
40 budget year in the district is of the enrollment
41 served in the budget year in the area.

42 7. The portion allocated to each district in an
43 area each budget year for media services and other
44 educational services shall be added to the district
45 cost of that district for the budget year as provided
46 in section 442. 9.

47 8. The department of public instruction and the
48 state comptroller shall determine the total amounts
49 funded in each area for media services and other
50 educational services each year, and the amounts to

Page 3

1 be allocated to each district. The state comptroller
2 shall deduct the amounts so calculated for each school
3 district from the state aid due to the district
4 pursuant to this chapter and shall pay the amounts
5 to the districts' area education agencies on a
6 quarterly basis during each school year. The state
7 comptroller shall notify each school district the
8 amount of state aid deducted for this purpose and

9 the balance which will be paid to the district.
10 If a district does not qualify for state aid under
11 this chapter in an amount sufficient to cover the
12 amount due to its area education agency as calculated
13 by the state comptroller, the school district shall
14 pay the deficiency to its area education agency from
15 other moneys received by the district, on a quarterly
16 basis during each school year.

17 9. "Enrollment served" means the basic enroll-
18 ment plus the number of nonpublic school pupils served
19 with media services or other educational services,
20 as applicable, except that if a nonpublic school pupil
21 receives services through an area other than the area
22 of the pupil's residence, the pupil shall be deemed
23 to be served by the area of his residence, which shall
24 by contractual arrangement reimburse the area through
25 which the pupil actually receives services. For the
26 budget year beginning July 1, 1975, the total number
27 of nonpublic pupils served by each area education
28 agency and the number of nonpublic school pupils
29 residing within each school district in the area to
30 be served by the area education agency for media and
31 other educational services shall be submitted by the
32 department of public instruction to the state
33 comptroller within one week after this Act is duly
34 published. For school years subsequent to the school
35 year beginning July 1, 1975, each school district
36 shall include in the second Friday in January
37 enrollment report the number of nonpublic school
38 pupils within each school district for media and other
39 educational services served by the area."

40 13. By numbering and renumbering sections as
41 necessary.

Thompson of Polk asked and received unanimous consent that action on amendment H-3563 be temporarily deferred.

Baker of Buena Vista offered the following amendment H-3912 filed by him and moved its adoption:

H-3912

1 Amend House File 463 as follows:

2 1. Page 2, line 9, by striking the word "thirty"
3 and inserting in lieu thereof the word "thirty-two".

- 4 2. Page 2, by striking lines 10 through 16 and
 5 inserting in lieu thereof the words "dollars per
 6 annum, including additional benefits, over and above
 7 the".

Roll call was requested by Baker of Buena Vista and Small of Johnson.

On the question "Shall amendment H-3912 be adopted?"

The ayes were, 15:

Baker	Brandt	Byerly	Clark, J. H.
Dieleman	Garrison	Halvorson	Harvey
Howell	Koogler	Newhard	Norland
O'Halloran	Patchett	Tofte	

The nays were, 71:

Bennett	Bina	Binneboese	Branstad
Brockett	Clark, B. J.	Cochran	Conlon
Crabb	Crawford	Daggett	Danker
Davitt	Den Herder	Dunton	Dyrland
Egenes	Evans	Gentleman	Gilloon
Gilson	Hansen	Harbor	Hargrave
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Monroe	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklloth	Schroeder	Shimaneck	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Avenson)	

Absent or Not Voting, 13:

Anderson	Brunow	Chiodo	Connors
Cusack	Doyle	Fitzgerald	Griffie
Jesse	Nielsen	Rinas	Smalley
Welden			

Amendment H-3912 lost.

Speaker Cochran in the chair at 4:02 p.m.

Krause of Kossuth offered the following amendment H-3944 filed by him and Branstad of Winnebago from the floor and moved its adoption:

H-3944

- 1 Amend House File 463 as follows:
- 2 1. Page 2, line 27, by inserting after the figure
- 3 "281." the following: "The board shall give notice
- 4 of a public hearing on the proposed budget by
- 5 publication in an official county newspaper in each
- 6 county located wholly or partially in the merged area.
- 7 The notice shall specify the date which shall be not
- 8 later than November tenth of each year, time, and
- 9 location of the public hearing."
- 10 2. Page 2, line 27, by striking the word "shall"
- 11 and inserting in lieu thereof the words "as approved
- 12 by the board shall then".

A non-record roll call was requested.

The ayes were 69, nays 10.

Amendment H-3944 was adopted.

Thompson of Polk offered amendment H-3950 filed by her from the floor and requested division as follows:

H-3950

- 1 Amend House File 463 as follows:

H-3950A

- 2 1. Page 1, by striking lines 1 through 5.

H-3950B

- 3 2. Page 2, line 5, by striking the figure "279.14"
- 4 and inserting in lieu thereof the figures and words
- 5 "279.14 two hundred seventy-nine point twenty (279.20)
- 6 of the Code".

H-3950C

- 7 3. Page 2, by striking lines 7 through 17 and
 8 inserting in lieu thereof the words "salary range
 9 ~~for an area education agency administrator shall be~~
 10 ~~from seventeen thousand dollars to twenty-seven~~
 11 ~~thousand five hundred dollars per annum, including~~
 12 ~~additional benefits, over and above the additional~~
 13 ~~benefits given all full-time employees. The".~~

H-3950B

- 14 4. Page 2, line 18, by striking the word and
 15 figure "section 279.13" and inserting in lieu thereof
 16 the words and figures "~~section~~ sections 279.13 through
 17 two hundred seventy-nine point nineteen (279.19) of
 18 the Code".

H-3950A

- 19 5. Page 2, by striking lines 23 and 24.

Thompson of Polk moved the adoption of amendment
 H-3950A.

Roll call was requested by Byerly of Polk and Bina of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-3950A be adopted?"

The ayes were, 39:

Bina	Brandt	Byerly	Clark, B.J.
Conlon	Crabb	Den Herder	Dieleman
Dunton	Egenes	Evans	Gentleman
Griffee	Halvorson	Harbor	Harvey
Hines	Hoffmann	Horn	Hullinger
Husak	Lageschulte	Lipsky	Loneragan
Monroe	Nielsen	O'Halloran	Pelton
Poncy	Shimanek	Smalley	Spear
Thompson	Tofte	Varley	Welden
Wells	Wulff	Wyckoff	

The nays were, 54:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Brockett	Clark, J.H.

Crawford	Cusack	Daggett	Danker
Davitt	Doyle	Dyrland	Garrison
Gilloon	Gilson	Hansen	Hargrave
Higgins	Hinkhouse	Howell	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lindeen	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Newhard
Norland	Oxley	Patchett	Pellett
Perkins	Rinas	Scheelhaase	Schneklath
Schroeder	Spencer	Stephens	Stromer
Svoboda	Tauke	Walter	West
Woods	Mr. Speaker		

Absent or not voting, 6:

Brunow	Chiodo	Connors	Fitzgerald
Pavich	Small		

Amendment H-3950A lost.

On motion by Thompson of Polk, amendment H-3950B was adopted.

Thompson of Polk moved the adoption of amendment H-3950C.

A non-record roll call was requested.

The ayes were 25, nays 51.

Amendment H-3950C lost.

The House resumed consideration of amendment H-3563.

Thompson of Polk offered the following amendment H-3948, to amendment H-3563 filed by her from the floor and moved its adoption:

H-3948

- 1 Amend H-3563 to House
- 2 File 463 as follows:
- 3 1. Page 1, by inserting after line 49 the follow-
- 4 ing amendments:
- 5 " Page 3, line 32, by striking the word "other"
- 6 and inserting in lieu thereof the word "educational".

- 7 . Page 4, line 9, by striking the word "other"
8 and inserting in lieu thereof the word "educational".
9 . Page 8, by inserting after line 2 the
10 following section:
11 "Sec. . Section four hundred forty—two point
12 one (442.1), Code 1977, is amended to read as follows:
13 442.1 STATE SCHOOL FOUNDATION PROGRAM. This
14 chapter establishes a state school foundation program.
15 For each school year, each school district in the
16 state is entitled to receive state school foundation
17 aid, which shall be an amount per pupil equal to the
18 difference between the amount per pupil of foundation
19 property tax in the district, and the state foundation
20 base or the district cost per pupil, whichever is
21 less. However, if the amount so determined for any
22 district is less than two hundred dollars per pupil,
23 the district is entitled to receive not less than
24 two hundred dollars per pupil. However, if the receipt
25 of two hundred dollars by a school district plus the
26 money raised by the foundation property tax exceeds
27 the maximum allowed district cost for the budget year,
28 the district shall be entitled to receive in state
29 foundation aid an amount equal to the difference
30 between the money raised by the foundation property
31 tax for the budget year and the district cost for
32 the budget year. In making computations and payments
33 under this chapter, except in the case of computations
34 relating to funding of special education support
35 services, media services and other educational services
36 provided through the area education agencies, the
37 state comptroller shall round amounts to the nearest
38 whole dollar."
39 . Page 8, by striking line 26 and inserting
40 in lieu thereof the words "and educational services,
41 the funds for media services and educational".
42 . Page 8, line 33, by striking the word "other"
43 and inserting in lieu thereof the word "educational".
44 . Page 8, line 35, by striking the word "other"
45 and inserting in lieu thereof the word "educational".
46 . Page 9, line 16, by striking the word "other"
47 and inserting in lieu thereof the words "other
48 educational"."

Amendment H—3948 was adopted.

Thompson of Polk moved the adoption of amendment
H—3563, as amended.

Amendment H-3563, as amended was adopted.

Brockett of Marshall offered the following amendment H-3942 filed by him from the floor and moved its adoption:

H-3942

- 1 Amend House File 463 as follows:
- 2 1. Page 4, by striking lines 8 through 28.

Amendment H-3942 was adopted.

Schroeder of Pottawattamie offered amendment H-3548 filed by him on April 6, 1977.

Patchett of Johnson rose on a point of order that amendment H-3548 was not germane.

The Speaker ruled the point well taken and amendment H-3548 not germane.

Schroeder of Pottawattamie offered amendment H-3549 filed by him on April 6, 1977.

Patchett of Johnson rose on a point of order that amendment H-3549 was not germane.

The Speaker ruled the point well taken and amendment H-3549 not germane.

Byerly of Polk offered amendment H-3952 filed by him from the floor.

Wyckoff of Benton rose on a point of order that amendment H-3952 was not germane.

The Speaker ruled the point well taken and amendment H-3952 not germane.

Patchett of Johnson offered amendment H-3953 filed by Patchett, Stromer, Gilson and Daggett from the floor and requested division as follows:

H-3953

1 Amend House File 463 as follows:

H-3953A

2 1. Page 1, line 34, by striking the word and
3 figure "six (6)" and inserting in lieu thereof the
4 word and figure "five (5)".

H-3953B

5 2. Page 3, by inserting after line 12 the following
6 section:
7 "Sec. . . . Section two hundred seventy-three point
8 five (273.5), subsection six (6), Code 1977, is amended
9 by adding the following new unnumbered paragraph:
10 NEW UNNUMBERED PARAGRAPH. For the school year
11 beginning July 1, 1978, and each succeeding school
12 year, the support services programs shall not include
13 any cost of transportation of special education
14 pupils."

H-3953C

15 3. Page 4, by striking lines 8 through 28.

H-3953B

16 4. Page 9, by inserting after line 8 the follow-
17 ing sections:
18 "Sec. . . . Section four hundred forty-two point
19 seven (442.7), subsection seven (7), paragraph d,
20 Code 1977, is amended to read as follows:
21 d. For each year following the school year
22 beginning July 1, 1975, by adding to the basic
23 allowable growth an amount to compensate for the
24 additional costs of special education support services
25 provided through the area education agency. The For
26 the school year beginning July 1, 1978 and each school
27 year thereafter, the total amount for each area shall
28 ~~be based upon the amount needed in the area to serve~~
29 ~~children newly identified as requiring the services~~
30 ~~pursuant to plans submitted by the special education~~
31 ~~director of the area education agency as required~~
32 ~~by section 273.5, which shall be modified as neces-~~
33 ~~sary and approved by the department of public~~
34 ~~instruction according to the criteria and limitations~~
35 of section 273.5 and chapter 281 equal to the total

36 amount approved for special education support services
 37 for the base year times one hundred percent plus the
 38 state percent of growth. The amount of additional
 39 allowable growth per pupil for the budget year for
 40 each district in an area shall be determined by
 41 dividing the total amount for the area so determined
 42 by the weighted enrollment of the area for the budget
 43 year.

44 Sec. Section four hundred forty-two point
 45 eight (442.8), Code 1977, is amended by adding the
 46 following new unnumbered paragraph:
 47 **NEW UNNUMBERED PARAGRAPH.** For the school year
 48 beginning July 1, 1978, the state cost per pupil in
 49 weighted enrollment shall be reduced by the average
 50 amount per pupil in weighted enrollment by which

Page 2

1 special education support services of the area
 2 education agencies are reduced for the costs of
 3 transportation of special education pupils for the
 4 school year beginning July 1, 1977.

5 Sec. Section four hundred forty-two point
 6 nine (442.9), subsection one (1), paragraph a, Code
 7 1977, is amended to read as follows:
 8 a. As used in this chapter, "district cost per
 9 pupil" for the school year beginning July 1, 1974,
 10 and for prior school years means the district cost
 11 per pupil in enrollment, as enrollment was determined
 12 under section 442.4 prior to January 1, 1975, and
 13 "district cost per pupil" for the school year beginning
 14 July 1, 1975, and subsequent school years means district
 15 cost per pupil in weighted enrollment. The district
 16 cost per pupil for the budget year is equal to the
 17 district cost per pupil for the base year plus the
 18 allowable growth. However, for the school year begin-
 19 ning July 1, 1978, the district cost per pupil shall
 20 be reduced by the amount per pupil approved in the
 21 special education support services budget of the area
 22 education agency in which the district is located
 23 for transportation of special education pupils for
 24 the school year beginning July 1, 1977. "

H-3953D

25 5. Page 9, by striking lines 25 through 35.

26 6. Page 10, by striking lines 1 through 26.

H-3953B

27 7. Page 13, by inserting after line 10 the follow-

28 ing section:

29 "Sec. . Chapter four hundred forty-two (442),
30 Code 1977, is amended by adding the following new
31 section:

32 NEW SECTION. It is the intent of the general
33 assembly that commencing with the school year be-
34 ginning July 1, 1979 and each school year thereafter,
35 if the amount allowed under section four hundred
36 forty-two point seven (442.7) of the Code for an area
37 for special education support services is inadequate
38 to meet the needs of children newly-identified as
39 requiring special education support services in that
40 area, the general assembly will consider appropriating
41 additional amounts from the general fund of the state
42 to the department of public instruction to be allocated
43 to the area. The department shall submit the request
44 in writing, supported by program plans submitted by
45 the director of special education of the area education
46 agency, as modified and approved by the department,
47 to the appropriate committees of the general assembly.
48 The general assembly realizes that such appropria-
49 tions must be completed early in a legislative ses-
50 sion in order that the area education agencies can

Page 3

- 1 complete their budgets by the certification date."
2 8. Page 13, by striking lines 11 through 22.

H-3953E

- 3 9. Page 13, by inserting after line 22 the
4 following section:
5 "Sec. . There is appropriated from the general
6 fund of the state for the fiscal year commencing July
7 1, 1977 and ending June 30, 1978 to the school budget
8 review committee the sum of one million five hundred
9 thousand (1,500,000) dollars, or so much thereof as
10 may be necessary, to be distributed by the school
11 budget review committee as supplemental aid to school
12 districts which demonstrate unusual need for additional
13 funds, and such supplemental aid shall be miscellaneous
14 income and shall not be included in district cost.
15 Such supplemental aid shall be granted only to school
16 districts which verify that because of unusual
17 circumstances expenditures for special education
18 instruction programs are in excess of funds generated
19 by the special education weighting plan established
20 in section two hundred eighty-one point nine (281.9)

21 of the Code.”

H-3953A

22 10. By numbering and renumbering sections as
23 necessary.

Avenson of Fayette asked for unanimous consent to suspend Rule 32 on House File 463.

Objection was raised.

Koogler of Mahaska moved that House File 463 be rereferred to the committee on education.

Koogler of Mahaska asked for unanimous consent to withdraw his motion to rerefer.

Objection was raised.

Koogler of Mahaska moved that the motion to rerefer House File 463 to the committee on education be withdrawn.

The motion prevailed.

Fitzgerald of Webster asked and received unanimous consent that House File 463 be deferred until Wednesday, May 4, 1977.

(Amendment H-3953 pending.)

**CONSIDERATION OF AMENDMENTS
TO THE
TEMPORARY RULES OF THE HOUSE**

Nielsen of Polk called up for consideration amendments to the temporary rules of the House.

Nielsen of Polk offered amendment H-3895 filed by the committee on rules on April 29, 1977 and found on page 1775 of the House Journal.

Schroeder of Pottawattamie offered amendment H-3913, to the committee amendment H-3895, and requested division as follows:

H-3913

- 1 Amend amendment H-3895 to the Temporary Rules of
- 2 the House as follows:

H-3913A

- 3 1. Page 1, line 14, by inserting after the word
- 4 "to" the word "make".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "made" the words "prior to any other member on pre-
- 7 vailing side".

H-3913B

- 8 3. Page 1, line 22, by inserting after the word
- 9 "one" the words "and numbered paragraph one (1)".

Schroeder of Pottawattamie moved the adoption of amendment H-3913A, to the committee amendment H-3895.

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H-3913A lost.

Schroeder of Pottawattamie moved the adoption of amendment H-3913B, to the committee amendment H-3895.

Roll call was requested by Schroeder of Pottawattamie and Junker of Woodbury.

Rule 69 was invoked.

On the question "Shall amendment H-3913B, to amendment H-3895, be adopted?"

The ayes were, 44:

Bennett

Binneboese

Branstad

Brockett

Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Doyle	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Hullinger	Junker	Lageschulte
Lindeen	Lipsky	Menke	Millen
Monroe	Newhard	Pellett	Rinas
Schnekloth	Schroeder	Small	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	West	Wulff

The nays were, 52:

Anderson	Avenson	Baker	Bina
Brandt	Brunow	Byerly	Connors
Cusack	Davitt	Dieleman	Dunton
Dyrland	Fitzgerald	Garrison	Gilloon
Gilson	Griffie	Hargrave	Higgins
Hines	Hinkhouse	Horn	Howell
Husak	Jochum	Krause	Krewson
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pelton	Perkins
Poncy	Scheelhaase	Shimanek	Spear
Spencer	Svoboda	Varley	Walter
Wells	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 3:

Chiodo	Jesse	Koogler
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Amendment H-3913B lost.

Nielsen of Polk moved the adoption of amendment H-3895.

Amendment H-3895 was adopted.

Nielsen of Polk moved the adoption of the temporary rules of the House, as amended.

The temporary rules of the House, as amended, were adopted.

RULES SUSPENDED TO FURTHER CONSIDER HOUSE FILE 464

Brunow of Appanoose asked and received unanimous consent

to suspend the rules to reconsider House File 464.

Brunow of Appanoose asked and received unanimous consent to reconsider the vote by which House File 464, a bill for an act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, passed the House on April 20, 1977.

Brunow of Appanoose asked and received unanimous consent to reconsider the vote by which House File 464 was placed on its last reading.

Brunow of Appanoose asked and received unanimous consent to reconsider the vote by which the House concurred in the Senate amendment H-3589, as amended.

Brunow of Appanoose asked and received unanimous consent to reconsider the vote by which amendment H-3605, to the Senate amendment H-3589, was adopted by the House and the House reconsidered amendment H-3605, as amended.

Brunow of Appanoose offered amendment H-3954, to amendment H-3605, (to the Senate amendment H-3589), filed by him and Hansen of O'Brien from the floor. Division was requested as follows:

H-3954

- 1 Amend amendment H-3605 to amendment H-3589 to House
- 2 File 464 as follows:

H-3954A

- 3 1. Page 1, by striking lines 28 through 30.
- 4 2. Page 2, by inserting after line 43 the
- 5 following:
- 6 " . Page 5, line 46, by striking the word "under"
- 7 and inserting in lieu thereof the word "through".
- 8 3. Page 5, by striking lines 32 through 50 and
- 9 inserting in lieu thereof the following:
- 10 "Sec. 31. Section two hundred forty-six point
- 11 one (246.1), Code 1977, is amended to read as follows:
- 12 246.1 DEFINITIONS. For the purpose of this chapter

13 "director" or "state director" shall mean the director
14 of the division of adult corrections of the department
15 of social services, or that director's designee."

H-3954B

16 4. Page 6, by striking lines 1 through 20 and
17 inserting in lieu thereof the following:

18 "Sec. 32. Chapter two hundred forty-six (246),
19 Code 1977, is amended by adding the following new
20 section:

21 **NEW SECTION. SPECIAL TREATMENT UNIT FOR CORREC-**
22 **TIONS INMATES.**

23 1. Beginning April 1, 1978, the medium security
24 correctional facility at Mount Pleasant shall be util-
25 ized as a secure facility for treatment of inmates
26 of adult correctional institutions who exhibit
27 treatable personality disorders, with or without
28 accompanying history of drug or alcohol abuse. Such
29 inmates may apply for and upon their application may
30 be selected for treatment by the staff of the treatment
31 facility at Mount Pleasant in accordance with section
32 two hundred eighteen point ninety (218.90) of the
33 Code.

34 2. The director shall coordinate with the division
35 of mental health of the department of social services
36 and the state psychiatric hospital at Iowa City in
37 the creation, staffing and operation of a research
38 and treatment program directed at the class of
39 disorders described in subsection one (1) of this
40 section, which program shall be operated at the medium
41 security correctional facility at Mount Pleasant.

42 3. The final decision regarding admission and
43 discharge of patients of the treatment facility
44 operated under this section shall rest with the
45 director. Upon discharge, the patients of the
46 treatment facility shall be transferred or placed
47 as determined by the director."

48 5. Page 7, by inserting after line 34 the follow-
49 ing:

50 " Page 9, by striking lines 33 and 34 and

Page 2

1 inserting in lieu thereof the following:

2 "2. Title page, lines 1 and 2, by striking the
3 words "making an appropriation to the department of

- 4 social services to fund" and inserting in lieu thereof
 5 the words "relating to the administration and financing
 6 of".
 7 3. Title page, line 3, by inserting after the
 8 word "services" the words "and to funding of capital"."

Schroeder of Pottawattamie asked and received unanimous consent to reconsider the vote by which amendment H-3612, to amendment H-3605, (to the Senate amendment H-3589) failed to be adopted by the House on April 18, 1977.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3612 filed by him on April 18, 1977 and found on page 1440 of the House Journal.

On motion by Brunow of Appanoose, amendment H-3954A, to amendment H-3605, (to the Senate amendment H-3589), was adopted.

Brunow of Appanoose moved the adoption of amendment H-3954B, to amendment H-3605, (to the Senate amendment H-3589).

Roll call was requested by Hargrave of Johnson and Schroeder of Pottawattamie.

On the question "Shall amendment H-3954B be adopted?"

The ayes were, 74:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Junker	Krewson	Lageschulte
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich

Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Spencer	Tauke	Thompson	Varley
Walter	Welden	Wells	West
Wyckoff	Mr. Speaker		

The nays were, 18:

Clark, J.H.	Dunton	Dyrland	Hargrave
Husak	Jochum	Lindeen	Lonergan
Monroe	Patchett	Perkins	Small
Smalley	Spear	Stephens	Svoboda
Tofte	Wulff		

Absent or not voting, 7:

Chiodo	Connors	Jesse	Koogler
Krause	Stromer	Woods	

Amendment H-3954B was adopted.

Brunow of Appanoose moved the adoption of amendment H-3605, as amended, to the Senate amendment H-3589.

Amendment H-3605, as amended, was adopted.

Brunow of Appanoose moved that the House concur in the Senate amendment H-3589, as amended.

The motion prevailed and the House concurred in the Senate amendment H-3589, as amended.

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

On the question "Shall the bill pass?" (H.F. 464)

The ayes were, 81:

Avenson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Conlon	Connors

Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Wulff	Wyckoff
Mr. Speaker			

The nays were, 13:

Anderson	Brockett	Clark, J.H.	Danker
Evans	Harvey	Menke	Monroe
Pellett	Smalley	Spear	Stephens
Welden			

Absent or not voting, 5:

Chiodo	Jesse	Koogler	Krause
Woods			

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

IMMEDIATE MESSAGE

(House File 464)

Brunow of Appanoose asked and received unanimous consent that House File 464 be immediately messaged to the Senate.

UNANIMOUS CONSENT CALENDAR

(House Resolution 19)

We hereby respectfully request that House Resolution 19, filed on May 2, 1977 and found on page 1797 of the House Journal, be

placed on the unanimous consent calendar.

KOGLER of Mahaska
DIELEMAN of Marion
MIDDLESWART of Warren

SPONSOR ADDED
(House File 574)

Bina of Scott requested to be added as a sponsor of House File 574.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 2, 1977. Had I been present I would have voted "aye" on House Files 305 and 338; Senate Files 170 and 296.

HOWELL of Floyd

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 260 Judiciary and Law Enforcement

Establishing the rights of state employees to defense against and indemnification for claims arising from acts or omissions occurring within the scope of employment on or after July 1, 1975.

S.B. 261 Cities

Authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

PRESENTATION OF VISITORS

Egenes of Story presented to the House, Scandinavian Festival Queen, Lean Malmberg, from Stockholm, Sweden, a senior attending Roland—Story Community High School, Story City, Iowa.

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

Forty pre-school children from Park Ave Pre-School, Des Moines, Iowa. By Chiodo of Polk.

Fifty members of the special education class from Newton, Iowa, accompanied by Elsie Anderson, Sue Gause, Marie Salisburg and Becky Backman. By Anderson of Jasper.

Twenty-four sixth grade students from Havelock-Plover Community School, Havelock, Iowa, accompanied by Anna Marie Olson. By Baker of Buena Vista.

Thirty seventh grade students from Cal Community Middle School, Latimer, Iowa, accompanied by Mick West. By Welden of Hardin.

Twenty eighth grade students from St. Patricks School, Cedar Falls, Iowa, accompanied by Joe Burns. By O'Halloran of Black Hawk.

A group of students from Mar-Mac Community School, McGregor, Iowa, accompanied by Reverend and Mrs. Oliver Larkin. By Halvorson of Clayton.

Twenty-nine members of the Grace United Methodist Church confirmation class, Sioux City, Iowa, accompanied by Reverend Charles Wallace and Reverend John Braden. By Junker of Woodbury.

Thirty-five students from Wilson Junior High School, Cedar Rapids, Iowa, accompanied by Carl Means. By Wells of Linn.

Eighteen students from Trintinty Lutheran School, Davenport, Iowa, accompanied by Mrs. Maroff and Mr. Walter Shaw. By Bina of Scott and Harvey of Scott.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:00 p.m., May 2, 1977

Convened: 1:04 p.m.

Adjourned: 3:07 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Gilloon, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Chiodo (arrived 1:06 p.m.), Halvorson (arrived 1:40 p.m.), Hines (arrived 1:45 p.m.), Horn (arrived 1:35 p.m.) and Small (arrived 2:50 p.m.).

Discussion of Study Bill 240, relating to unemployment compensation. Subcommittee assignments.

AMENDMENTS FILED

H-3932	S.F. 31	Dyrland of Clayton Halvorson of Clayton
H-3936	H.F. 148	Spear of Lee
H-3938	H.F. 490	Evans of Grundy Middleswart of Warren Bennett of Ida Scheelhaase of Woodbury Pellett of Cass Wyckoff of Benton
H-3943	H.F. 463	Bennett of Ida
H-3945	H.F. 491	Wyckoff of Benton
H-3946	H.F. 463	Stromer of Hancock
H-3947	H.F. 463	Stromer of Hancock
H-3949	H.F. 463	Horn of Linn
H-3951	H.F. 491	Miller of Buchanan Rinas of Linn Krause of Kossuth Wyckoff of Benton

On motion by Fitzgerald of Webster the House adjourned at 6:08 p.m., until 9:00 a.m., Wednesday, May 4, 1977.

JOURNAL OF THE HOUSE

One hundred fifteenth Calendar Day -- Seventy--ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 4, 1977

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

Prayer was offered by Reverend James Campbell, pastor of the Nishna Valley United Methodist Church, Henderson, Iowa.

The Journal of Tuesday, May 3, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Veverka, Prairie City, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Bennett of Ida from nineteen constituents in support of a total solid waste litter control and resource recovery program similar to the provisions as contained in House File 379 in lieu of the adoption of mandatory deposits on beer and soft drink containers.

By Poncy of Wapello from seven constituents requesting capital punishment, the death penalty and more stringent enforcement of crimes in Iowa, if and when the question is brought before the Iowa Legislature.

By Garrison of Black Hawk from ten constituents from the Allen Hospital Personnel Credit Union in Waterloo, supporting House File 485.

By Schroeder of Pottawattamie from one hundred thirty--two residents of southwest Iowa; by Walter of Pottawattamie from one hundred eighty--seven constituents against the imposition of a hotel-motel room tax.

CONSIDERATION OF BILLS

Budget Calendar

House File 573, a bill for an act appropriating funds to Iowa state university of science and technology for coal research, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 573)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Burnow	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller, O. L.	Newhard	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 5:

Bina	Higgins	Millen	Miller, K. D.
Monroe			

Absent or Not Voting, 6:

Hargrave
Rinas

Hines
Schroeder

Nielsen

Patchett

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

Senate File 334, a bill for an act relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a five or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes, with report of committee recommending amendment and passage was taken up for consideration.

Krause of Kossuth offered the following amendment H-3722 filed by the committee on transportation and moved its adoption:

H-3722

- 1 Amend Senate File 334, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by striking lines 12 and 13 and insert—
- 4 ing in lieu thereof the following:
- 5 "Sec. . . The provision of this Act shall be
- 6 effective November 1, 1977 for fees payable on or
- 7 after November 1, 1977 for vehicle registration issued
- 8 for the calendar year 1978."

Amendment H-3722 was adopted.

Schroeder of Pottawattamie offered amendment H-3726 filed by him and requested division as follows:

H-3726

- 1 Amend Senate File 334, as passed by the Senate,
- 2 as follows:

H-3726A

- 3 1. Page 1, by inserting before line 1 the follow—
4 ing new section:
5 "Sec. . Section three hundred twenty—one point
6 one (321.1), subsection seventeen (17), Code 1977,
7 is amended to read as follows:
8 17. "Special mobile equipment" means every vehicle
9 not designed or used primarily for the transportation
10 of persons or property and incidentally operated or
11 moved over the highways, including trailers and bulk
12 spreaders which are not self-propelled having a gross
13 weight of not more than ~~six~~ twelve tons used for the
14 transportation of fertilizers and chemicals used for
15 farm crop production, and other equipment used
16 primarily for the application of fertilizers and
17 chemicals in farm fields or for farm storage, but
18 not including trucks mounted with applicators of such
19 products, road construction or maintenance machinery
20 and ditch-digging apparatus. The foregoing enumeration
21 shall be deemed partial and shall not operate to
22 exclude other such vehicles which are within the
23 general terms of this subsection; provided that nothing
24 contained in this section shall be construed to include
25 portable mills or corn shellers mounted upon a motor
26 vehicle or semitrailer."
27 2. Page 3, line 8, by striking the word "six"
28 and inserting in lieu thereof the words "six twelve".
29 3. Renumber sections and correct internal
30 references as are necessary in accordance with this
31 amendment.

H-3726B

- 32 4. Amend the title, lines 1 and 2, by striking
33 the words "registration fees for motor trucks, truck
34 tractors, road tractors, trailers and semitrailers,"
35 and inserting in lieu thereof the words "motor vehicles
36 by redefining special mobile equipment,".

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3726B.

Schroeder of Pottawattamie moved the adoption of amendment H-3726A.

Amendment H-3726A was adopted.

Doyle of Woodbury offered the following amendment H-3709 filed by him and moved its adoption:

H-3709

- 1 Amend Senate File 334, as passed by the
- 2 Senate, as follows:
- 3 1. Page 2, line 28, by striking the word
- 4 "five" and inserting in lieu thereof the word
- 5 "four".

Roll call was requested by Wulff of Black Hawk and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall admendment H-3709 be adopted?"

The ayes were, 47:

Anderson	Avenson	Baker	Binneboese
Branstad	Brunow	Byerly	Clark, B. J.
Clark, J. H.	Crabb	Daggett	Danker
Den Herder	Doyle	Fitzgerald	Gentleman
Gilloon	Griffee	Hansen	Harvey
Howell	Hullinger	Husak	Jesse
Junker	Koogler	Lindeen	Lonergan
Millen	Miller, K. D.	Monroe	O'Halloran
Oxley	Pavich	Pellett	Poncy
Scheelhaase	Schroeder	Smalley	Spear
Stephens	Svoboda	Walter	Welden
West	Wulff	Wyckoff	

The nays were, 42

Bennett	Bina	Brandt	Brockett
Chiodo	Conlon	Crawford	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Garrison	Gilson	Harbor
Hargrave	Higgins	Hinkhouse	Hoffmann
Horn	Jochum	Krause	Krewson
Lageschulte	Lipsky	Menke	Middleswart
Miller, O. L.	Pelton	Perkins	Schnekloth
Shimanek	Small	Stromer	Tauke
Thompson	Tofte	Varley	Wells
Woods	Mr. Speaker		

Absent or Not Voting, 10:

Connors
Newhard
Rinas

Evans
Nielsen
Spencer

Halvorson
Norland

Hines
Patchett

Amendment H-3709 was adopted.

Miller of Buchanan asked and received unanimous consent that action on Senate File 334 be deferred.

House File 582, a bill for an act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs, was taken up for consideration.

Byerly of Polk offered the following amendment H-3958 filed by him from the floor and moved its adoption:

H-3958

- 1 Amend House File 582 as follows:
- 2 1. Page 1, line 10, by striking the words "all
- 3 such" and inserting in lieu thereof the words "employer
- 4 and employee".
- 5 2. Page 1, line 11, by inserting after the word
- 6 "contributions" the words "made for its employees
- 7 pursuant to section ninety-seven B point eleven
- 8 (97B.11) of the Code".
- 9 3. Page 1, line 19, by inserting after the word
- 10 "a" the word "part-time".
- 11 4. Page 2, line 5, by inserting after the word
- 12 "all" the word "part-time".
- 13 5. Page 2, line 9, by inserting after the word
- 14 "a" the word "part-time".
- 15 6. Page 2, line 11, by striking the word "mem-
- 16 bers" and inserting in lieu thereof the word
- 17 "member's".

Amendment H-3958 was adopted.

Byerly of Polk asked and received unanimous consent that action on House File 582 be deferred.

House File 536 a bill for an act to change the title of the low-rent housing law chapter of the Code to the municipal housing law, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 536)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K. D.
Miller, Q. L.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Pavich	Pellett
Pelton	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Smalley

Absent or not voting, 7:

Brunow	Higgins	Norland	Patchett
Perkins	Rinas	Spencer	

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

House File 545, a bill for an act relating to the management of loss and loss exposures of government, was taken up for consideration.

Brunow of Appanoose in the chair at 10:42 a.m.

Small of Johnson offered the following amendment H-3956 filed by Small, Brockett, Tauke and Krause from the floor:

H-3956

- 1 Amend House File 545 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following: "This Act shall not apply to loss and loss
- 4 exposures for exempt revenue producing facilities which
- 5 are required to carry insurance under a bond covenant."
- 6 2. Page 3, by inserting after the word "arises"
- 7 in line 27 the following: "except that the state board
- 8 of regents shall share in the management of property
- 9 loss exposures and liability risk exposures involving
- 10 institutions under the jurisdiction of the board and
- 11 no decisions can be implemented by the division or
- 12 department without the approval of the state board of
- 13 regents".
- 14 3. Page 4, by inserting after the word "exposure"
- 15 in line 13 the following: "except for revenue producing
- 16 facilities under the state board of regents which have
- 17 to comply with bond covenants and, further provided
- 18 that any contract for insurance coverage for loss and
- 19 risk exposure affecting any institution under the
- 20 jurisdiction of the state board of regents shall be
- 21 subject to approval of the state board of regents prior
- 22 to execution".
- 23 4. Page 4, by inserting after line 19 the follow-
- 24 ing: "Funding for the purchase of insurance shall be
- 25 provided by a specific and separate appropriation pro-
- 26 vided solely for this purpose."
- 27 5. Page 5, by inserting after the word "Act" in
- 28 line 15 the following: "except as herein provided".

Tauke of Dubuque asked and received unanimous consent that action on amendment H-3956 be temporarily deferred.

Halvorson of Clayton offered the following amendment H-3961 filed by him from the floor and moved its adoption:

H-3961

- 1 Amend House File 545 as follows:
- 2 1. Page 3, by striking lines 4 through 6.

A non-record roll call was requested.

Under the provisions of Rule 71, Halvorson of Clayton refrained from voting.

The ayes were 35, nays 49.

Amendment H-3961 lost.

(House File 545 pending at recess.)

INTRODUCTION OF BILLS

HOUSE FILE 585, by committee on county government, a bill for an act relating to the platting of land.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 586, by committee on county government, a bill for an act relating to the duties of assessors.

Read first time and PLACED ON THE CALENDAR.

On motion by Fitzgerald of Webster the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Avenson of Fayette in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay for the afternoon session on request of Speaker Cochran of Webster.

QUORUM CALL

Roll call was requested by Lageschulte of Bremer and Krause of Kossuth to determine that a quorum was present. The vote revealed:

Present, 89:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Danker	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Millen	Miller, K. D.	Miller, O. L.	Monroe
Néwhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklloth	Schroeder	Shimaneck	Small
Smalley	Spear	Stromer	Tauke
Tofte	Varley	Walter	Welden
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Avenson)

Absent, 10:

Doyle	Harvey	Hullinger	Middleswart
Patchett	Spencer	Stephens	Svoboda
Thompson	West		

Branstad of Winnebago asked and received unanimous consent that members attending the labor and industrial relations committee meeting be permitted to vote on the quorum roll call and the votes were so recorded.

HOUSE FILE 519 WITHDRAWN

Cusack of Scott asked and received unanimous consent to withdraw House File 519 from further consideration by the House.

BUSINESS PENDING

The House resumed consideration of House File 545, a bill for an act relating to the management of loss and loss exposures of government and amendment H-3956.

Schroeder of Pottawattamie offered the following amendment H-3963, to amendment H-3956, filed by him from the floor and moved its adoption:

H-3963

- 1 Amend amendment H-3956 to House File 545 as
- 2 follows:
- 3 1. Page 1, by striking all of lines 10, 11, 12,
- 4 and 13 and inserting in lieu thereof the following:
- 5 "institutions under the jurisdiction of the board."
- 6 2. Page 1, by striking all of lines 20, 21,
- 7 and 22 and inserting in lieu thereof the following:
- 8 jurisdiction of the state board of regents."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 41, nays 45.

Amendment H-3963 lost.

Tauke of Dubuque offered the following amendment H-3962, to amendment H-3956, filed by him from the floor:

H-3962

- 1 Amend H-3956 to House File 545 as follows:
- 2 1. Line 11, by inserting after the word
- 3 "decisions" the words "relating to properties under
- 4 the jurisdiction of the board".

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H-3963 failed to be adopted by the House.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 47, nays 43.

The motion prevailed and the House reconsidered amendment H-3963.

Harbor of Mills moved that action on House File 545 be deferred.

A non-record roll call was requested.

The ayes were 23, nays 54.

The motion lost.

Schroeder of Pottawattamie moved the adoption of amendment H-3963, to amendment H-3956.

A non-record roll call was requested.

The ayes were 51, nays 25.

Amendment H-3963 was adopted placing out of order amendment H-3962.

Small of Johnson moved the adoption of amendment H-3956, as amended.

Amendment H-3956, as amended, was adopted.

Halvorson of Clayton offered the following amendment H-3966 filed by him from the floor:

H-3966

- 1 Amend House File 545 as follows:
- 2 1. Page 3, line 4, by inserting after the
- 3 word "coverage" the words "and legal services,
- 4 including prepaid legal service contracts,".

Tauke of Dubuque rose on a point of order that amendment H-3966 was not germane.

The Speaker ruled the point well taken and amendment H-3966 not germane.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H-3966.

A non-record roll call was requested.

The ayes were 16, nays 43.

The motion lost.

Crabb of Crawford offered amendment H-3970 filed by him from the floor and requested division as follows:

H-3970

- 1 Amend House File 545 as follows:

H-3970A

- 2 1. Page 3, line 13, by inserting after the
- 3 word "exposures" the words "with the advice and
- 4 consent of the agency or institution covered".

H-3970B

- 5 2. Page 4, line 11, by striking the word
- 6 "exclusive".

H-3970A

- 7 3. Page 4, line 13, by inserting after the

- 8 word "exposure" the words "with the advice and
9 consent of the agency or institution covered".
10 4. Page 4, line 19, by inserting after the
11 word "division" the words "with the advice and
12 consent of the agency or institution covered".

H-3970C

- 13 5. Page 5, line 13, by striking the word
14 "comply" and inserting in lieu thereof the word
15 "cooperate".

H-3970D

- 16 6. Page 6, by inserting after line 3 the
17 following: "The division shall include a
18 summary of its annual costs of operation, the
19 risks covered and the premiums paid in this
20 report."

H-3970E

- 21 7. Page 6, by inserting after line 17, the
22 following section:
23 "Sec. This Act is repealed June 30,
24 1979."

On motion by Crabb of Crawford, amendment H-3970A lost.

Crabb of Crawford moved the adoption of amendment H-3970B.

A non-record roll call was requested.

The ayes were 31, nays 43.

Amendment H-3970B lost.

Crabb of Crawford moved the adoption of amendment H-3970C.

A non-record roll call was requested.

The ayes were 26, nays 36.

Amendment H-3970C lost.

On motion by Crabb of Crawford, amendment H-3970D was adopted.

Crabb of Crawford moved the adoption of amendment H-3970E.

A non-record roll call was requested.

The ayes were 21, nays 38.

Amendment H-3970E lost.

Crabb of Crawford offered the following amendment H-3971 filed by him from the floor:

H-3971

1 Amend House File 545 as follows:

2 1. Page 5, by inserting after line 15, the follow-
3 ing new section:

4 "Sec. . Chapter twenty-five A (25A), Code 1977,
5 is amended by adding the following new section:
6 NEW SECTION. A judgment award or settlement against
7 the state within the scope of this chapter shall not
8 exceed:

9 1. For an injury to one person in any single acci-
10 dent or occurrence the sum of one hundred thousand
11 dollars.

12 2. For an injury to two or more persons in any
13 single accident or occurrence, the sum of three hundred
14 thousand dollars, except that in such instance, a person
15 may not recover in excess of one hundred thousand
16 dollars."

17 2. Page 5, by inserting after line 28 the following
18 new section:

19 "Sec. . Chapter six hundred thirteen A (613A),
20 Code 1977, is amended by adding the following new
21 section:

22 NEW SECTION. A judgment award or settlement against
23 a governmental subdivision within the scope of this
24 chapter shall not exceed:

25 1. For an injury to one person in any single acci-
26 dent or occurrence the sum of one hundred thousand

27 dollars.
 28 2. For an injury to two or more persons in any
 29 single accident or occurrence, the sum of three hundred
 30 thousand dollars, except that in such instance, a per-
 31 son may not recover in excess of one hundred thousand
 32 dollars."

Small of Johnson rose on a point of order that amendment H-3971 was not germane.

The Speaker ruled the point well taken and amendment H-3971 not germane.

Crabb of Crawford moved that the rules governing germaneness be suspended for the consideration of amendment H-3971.

The Speaker ruled that the motion, having been debated, was out of order.

Bennett of Ida moved that the rules governing germaneness be suspended for the consideration of amendment H-3971.

Roll call was requested by Crabb of Crawford and Junker of Woodbury.

On the question "Shall the rules be suspended to consider amendment H-3971?"

The ayes were, 37:

Bennett	Binneboese	Branstad	Clark, B. J.
Clark, J. H.	Crabb	Daggett	Danker
Den Herder	Dieleman	Gilson	Griffie
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Hullinger	Husak	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Miller, K. D.	Pellett
Pelton	Schneklath	Smalley	Stephens
Thompson	Tofte	Varley	Wulff
Wyckoff			

The nays were, 44:

Anderson	Baker	Bina	Brandt
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Brockett	Brunow	Byerly	Chiodo
Conlon	Connors	Crawford	Davitt
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Hargrave	Higgins	Hines	Horn
Howell	Jesse	Jochum	Krause
Loneragan	Miller, O. L.	Newhard	Nielsen
Norland	O'Halloran	Oxley	Shimanek
Small	Spear	Svoboda	Tauke
Walter	West	Woods	Mr: Speaker (Avenson)

Absent or Not Voting, 18:

Cochran	Cusack	Egenes	Harvey
Koogler	Middleswart	Monroe	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Spencer	Stromer
Welden	Wells		

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 545)

The ayes were, 68:

Anderson	Baker	Bina	Binneboese
Brandt	Branstad	Brockett	Byerly
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connors	Crawford	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Hargrave
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Miller, K. D.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pelton
Poncy	Rinas	Scheelhaase	Shimanek
Small	Smalley	Spear	Stromer
Tauke	Thompson	Varley	Walter

Wells	West	Woods	Mr. Speaker (Avenson)
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The nays were, 26:

Bennett	Brunow	Crabb	Daggett
Danker	Dunton	Griffee	Halvorson
Hansen	Harbor	Hullinger	Husak
Lonergan	Menke	Millen	Miller, O. L.
Pellett	Perkins	Schneklath	Schroeder
Stephens	Svoboda	Tofte	Weiden
Wulff	Wyckoff		

Absent of Not Voting, 5:

Egenes	Harvey	Middleswart	Patchett
Spencer			

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

IMMEDIATE MESSAGE (House File 545)

Small of Johnson asked and received unanimous consent that House File 545 be immediately messaged to the Senate.

Speaker Cochran in the chair at 4:20 p.m.

SENATE AMENDMENT CONSIDERED

(House Refuses to Concur)

O'Halloran of Black Hawk called up for consideration House File 210, a bill for an act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, amended by the Senate, as found on pages 1824 through 1829 of the House Journal, and moved that the House concur in the Senate amendment H-3931.

A non-record roll call was requested.

The ayes were 28, nays 61.

The motion lost and the House refused to concur in the Senate amendment H-3931.

BUSINESS PENDING

The House resumed consideration of House File 582, a bill for an act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs.

Byerly of Polk offered the following amendment H-3960 filed by him from the floor:

H-3960

1 Amend House File 582 as follows:

2 1. Page 1, by inserting after line 22 the following
3 section:

4 "Sec. . Chapter ninety-seven B (97B), Code
5 1977, is amended by adding the following new section:
6 NEW SECTION. A member of the system who is elected
7 and qualifies to serve in the general assembly during
8 the period of service which may reasonably be expected
9 to be the member's last ten consecutive years of
10 employment, from which the average of covered wages
11 for the highest five consecutive years are computed,
12 may elect in writing to the department to pay both
13 the employer and employee contributions at the rate
14 specified in section ninety-seven B point eleven
15 (97B.11) of the Code during the period when the general
16 assembly is in session at the same wage rate as the
17 wages earned by the member from the employment which
18 qualifies the member of the general assembly for
19 membership in the system."

20 2. By numbering and renumbering sections as
21 necessary.

Welden of Hardin rose on a point of order that amendment H-3960 was not germane.

The Speaker propounded the question to the House.

A non-record roll call was requested.

The ayes were 50, nays 27.

Amendment H-3960 was ruled germane.

Byerly of Polk moved the adoption of amendment H-3960.

Roll call was requested by Walter of Pottawattamie and Pavich of Pottawattamie.

On the question "Shall amendment H-3960 be adopted?"

The ayes were, 47:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Connors	Crawford
Davitt	Dieleman	Doyle	Dyrland
Evans	Fitzgerald	Gilloon	Gilson
Hines	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lonergan	Miller, K. D.
Miller, O. L.	Monroe	Newhard	Nielsen
Norland	Pavich	Perkins	Rinas
Spear	Svoboda	Tauke	Walter
Wells	Woods	Mr. Speaker	

The nays were, 40:

Bennett	Branstad	Clark, B. J.	Clark, J. H.
Conlon	Crabb	Daggett	Danker
Den Herder	Dunton	Egenes	Garrison
Gentleman	Halvorson	Hansen	Harbor
Hinkhouse	Hoffmann	Junker	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Pellett	Pelton	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Stephens	Stromer	Thompson	Varley
Welden	West	Wulff	Wyckoff

Absent of Not Voting, 12:

Cusack	Griffee	Hargrave	Harvey
Higgins	O'Halloran	Oxley	Patchett
Poncy	Small	Spencer	Tofte

Amendment H—3960 was adopted.

By unanimous consent the following amendment H—3989, filed by Brandt of Black Hawk from the floor was adopted:

H—3989

- 1 Amend House File 582 as follows:
- 2 1. Title page, line 3, by inserting after the
- 3 word "programs" the following: "and allowing certain
- 4 members of the general assembly who are members
- 5 of the system at the time of election to the
- 6 general assembly to contribute the employee's
- 7 and employer's share at the same wage rate as the
- 8 wages which qualified such member for the system.

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

On the question "Shall the bill pass?" (H.F. 582)

The ayes were, 65:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, J.H.	Connors
Crabb	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
O'Halloran	Pavich	Pelton	Perkins
Rinas	Scheelhaase	Schnekloth	Shimanek
Smalley	Spear	Svoboda	Tauke
Tofte	Walter	Wells	Woods
Mr. Speaker			

The nays were, 26:

Bennett	Branstad	Clark, B.J.	Conlon
Daggett	Danker	Den Herder	Halvorson

Hansen
Junker
Pellett
Thompson
Wulff

Harbor
Lipsky
Schroeder
Varley
Wyckoff

Harvey
Menke
Stephens
Welden

Hoffmann
Millen
Stromer
West

Absent or not voting, 8:

Griffie
Patchett

Higgins
Poncy

Norland
Small

Oxley
Spencer

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

IMMEDIATE MESSAGE
(House File 582)

Brandt of Black Hawk asked and received unanimous consent that House File 582 be immediately messaged to the Senate.

The House resumed consideration of Senate File 334, a bill for an act relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a five or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes.

By unanimous consent the following amendment H-3987 filed by Dieleman of Marion from the floor was adopted:

H-3987

- 1 Amend the title page of Senate File 334 as
- 2 follows:
- 3 1. Line 9, by striking the word "five" and
- 4 inserting in lieu thereof the word "four".

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

On the question "Shall the bill pass?" (S.F. 334)

The ayes were, 67:

Anderson	Bennett	Bina	Binneboese
Brandt	Brockett	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gilson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Jesse
Jochum	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, O.L.	Newhard	Norland
O'Halloran	Pavich	Pellett	Pelton
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Svoboda
Thompson	Varley	Walter	Welden
West	Woods	Mr. Speaker	

The nays were, 24:

Avenson	Baker	Branstad	Byerly
Davitt	Evans	Gentleman	Gilloon
Halvorson	Harvey	Husak	Junker
Koogler	Loneragan	Monroe	Nielsen
Perkins	Poncy	Stephens	Stromer
Tauke	Tofte	Wulff	Wyckoff

Absent or not voting, 8:

Griffie	Higgins	Miller, K.D.	Oxley
Patchett	Small	Spencer	Wells

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

SENATE AMENDMENTS CONSIDERED

Evans of Grundy called up for consideration House File 490, a bill for an act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty, amended by the Senate as follows:

H-3793

- 1 Amend House File 490 as amended and passed
- 2 by the House as follows:
- 3 1. Page 5, by striking lines 15 through 19
- 4 and inserting in lieu thereof the following:
- 5 "4. The storage, transportation, handling
- 6 or use of pesticides over which control is exercised
- 7 by the state secretary of agriculture under chapter
- 8 two hundred six (206) of the Code."
- 9 2. Page 5, by striking lines 20 through 25
- 10 and inserting in lieu thereof the following:
- 11 "5. The storage, transportation, handling
- 12 or use of fertilizers over which control is exer-
- 13 cised by the state secretary of agriculture under
- 14 chapter two hundred (200) of the Code."

Evans of Grundy asked and received unanimous consent to withdraw amendment H-3858, to the Senate amendment H-3793, filed by Evans, et al., on April 28, 1977.

Evans of Grundy offered the following amendment H-3938, to the Senate amendment H-3793, filed by Evans, et al., and moved its adoption:

H-3938

- 1 Amend the Senate amendment H-3793 to House File
- 2 490 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Code" the words ", except when spillage of pesticides
- 5 creates a hazardous condition".
- 6 2. Page 1, line 14, by inserting after the word
- 7 "Code" the words ", except when spillage of fertilizers
- 8 creates a hazardous condition".

Amendment H-3938 was adopted.

Evans of Grundy moved that the House concur in the Senate amendment H-3793, as amended, which motion prevailed.

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

On the question "Shall the bill pass?" (H.F. 490)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wulff	Wyckoff	Mr. Speaker	

The nays were, none:

Absent or not voting, 8:

Den Herder	Griffee	Higgins	Oxley
Patchett	Small	Spencer	Woods

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

Husak of Tama called up for consideration House File 444, a bill for an act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties, amended by the Senate, as found on page 1787 of the House Journal, and moved that the House concur in the Senate amendment H-3906.

The motion prevailed and the House concurred in the Senate amendment H-3906.

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

On the question "Shall the bill pass?" (H.F. 444)

The ayes were, 92:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egnes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

The nays were, none:

Absent or not voting, 7:

Den Herder
Small

Griffie
Spencer

Higgins
Woods

Patchett

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

HOUSE REFUSES TO CONCUR

Hullinger of Decatur called up for consideration House File 75, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, amended by the Senate as found on pages 1656 and 1657 of the House Journal.

Perkins of Greene asked and received unanimous consent to withdraw amendment H-3917, to the Senate amendment H-3794, filed by him on May 2, 1977.

Hullinger of Decatur moved that the House concur in the Senate amendment H-3794.

The motion lost and the House refused to concur in the Senate amendment H-3794.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that House Files 538 and 544 be considered on the Thursday Debate Calendar after House File 491.

Fitzgerald of Webster asked and received unanimous consent that House File 463 be deferred and retained on the calendar.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, May 3, 1977. Had I been present I would have voted "aye" on amendment H-3913B to the Temporary Rules of the House, amendment H-3954B to House File 464 and House File 464.

KOOGLER of Mahaska

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 262 Education

Relating to the computation of general school aid for an area school for which the board has executed an instructional contract with the board of a private educational or vocational institution.

S. B. 263 County Government

Relating to payment of travel expenses of county officers.

PRESENTATION OF VISITORS

Lipsky of Linn presented to the House Rotary exchange scholar from Durban, South Africa, Carol Kaplan. Carol is attending Washington High School, Cedar Rapids, Iowa, and is the guest of the Carol Seidler family, former Page of the House.

Perkins of Greene presented to the House Rotary exchange scholar from Bombay, India, Raj Marphatia. Raj is attending Jefferson Community High School, Jefferson, Iowa.

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

Forty-five fifth and eighth grade students from Green Mountain Elementary School, Green Mountain, Iowa, accompanied by Mavis Gray and Debbie Feine. By West of Marshall.

Thirty-seven seniors from Centerville High School, Centerville, Iowa, accompanied by Mr. Harms. By Brunow of Appanoose.

Eighty-five fifth grade students from Fellows Elementary School, Ames, Iowa, accompanied by Mrs. Boyd, Mrs. Haas and Mrs. Saxton. By Crawford of Story and Hines of Story.

Fourteen students from Jefferson High School, Jefferson, Iowa, accompanied by John Kinley. By Perkins of Greene.

Forty-five juniors from Danville Junior-Senior High School, Danville, Iowa, accompanied by Robert Heffelfinger. By Spear of Lee.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 8:00 a.m., April 26, 1977

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Krewson, Norland, Stromer, Thompson, Wulff and Spear.

Absent: Horn and Small.

Excused: Koogler and Poncey.

Study Bill 262, a bill for an act relating to the computation of general school aid for an area school for which the board has executed an instructional contract with the board of a private educational or vocational institution.

Recommended DO PASS.

Aye: Patchett, Miller of Calhoun, Daggett, Brockett, Crawford, Dyrland, Hansen, Krewson, Norland, Stromer, Thompson and Wulff.

Nay: Baker and Byerly.

Absent or not voting: Gilson, Horn, Koogler, Poncey, Small and Spear.

COMMITTEE ON AGRICULTURE

Scheduled: 8:00 a.m., May 3, 1977

Convened: 8:10 a.m.

Adjourned: 9:07 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Davitt, Den Herder, Gilson, Howell, Husak, Lageschulte, Lindeen, Menke and Svoboda.

Absent: Byerly, Danker, Krause and Miller of Calhoun.

Study Bill 153, a bill for an act relating to the evaluation of utility easements.

Recommended DO PASS.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Davitt, Den Herder, Gilson, Howell, Husak, Lageschulte, Lindeen and Svoboda.

Nay: Menke.

Absent or not voting: Byerly, Danker, Krause and Miller of Calhoun.

Discussion of House File 469.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:00 p.m., May 3, 1977

Convened: 1:14 p.m.

Adjourned: 2:00 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Higgins, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Absent: Garrison (arrived 1:22 p.m.), Gentleman (arrived 1:23 p.m.) and Patchett.

Excused: Nielsen.

House File 112, a bill for an act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age.

Recommended DO PASS.

Aye: Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Garrison, Higgins, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Newhard, Dyrland and Gentleman.

Absent or not voting: Jesse, Nielsen and Patchett.

Senate File 274, a bill for an act relating to uniform child-custody jurisdiction.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: none.

Absent or not voting: Nielsen and Patchett.

Senate File 329, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

Recommended AMEND AND DO PASS.

H-3965

1 Amend Senate File 329, as amended and passed by
2 the Senate, as follows:

3 1. Page 14, by inserting after line 30 the
4 following section:

5 "Sec. . Section four hundred eleven point six
6 (411.6), subsection seven (7), Code 1977, is amended
7 by striking paragraph c."

8 2. Page 14, by inserting after line 35 the
9 following section:

10 "Sec. . Section four hundred forty-one point
11 two (441.2), Code 1977, is amended to read as follows:

12 441.2 CONFERENCE BOARD. In each county and each
13 city having an assessor there shall be established
14 a conference board. In counties the conference board
15 shall consist of the mayors of all incorporated cities
16 in the county whose property is assessed by the county
17 assessor, one representative from the board of
18 directors of each high school district of the county,
19 who is a resident of the county, said board of
20 directors appointing said representative for a one-
21 year term and notifying the clerk of the conference
22 board as to their representative, and members of the
23 board of supervisors. In cities having an assessor
24 the conference board shall consist of the members
25 of the city council, school board and county board
26 of supervisors. In the counties the chairman of the
27 board of supervisors shall act as chairman of the
28 conference board, in cities having an assessor the

29 mayor of the city council shall act as chairman of
 30 the conference board. In any action taken by the
 31 conference board, the mayors of all incorporated
 32 cities in the county whose property is assessed by
 33 the county assessor shall constitute one voting unit,
 34 the members of the city board of education or one
 35 representative from the board of directors of each
 36 high school district of the county shall constitute
 37 one voting unit, the members of the city council shall
 38 constitute one voting unit, and the county board of
 39 supervisors shall constitute one voting unit, each
 40 unit having a single vote and no action shall be valid
 41 except by the vote of not less than ~~two~~ three out
 42 of the ~~three~~ four units. The majority vote of the
 43 members present of each unit shall determine the vote
 44 of the unit. The assessor shall be clerk of the
 45 conference board."

46 3. Page 15, by inserting after line 32 the follow-
 47 ing sections:

48 "Sec. . Section four hundred fifty-five B point
 49 seven (455B.7), subsection three (3), Code 1977, is
 50 amended to read as follows:

Page 2

1 3. Issue orders and directives necessary to insure
 2 integration and co-ordination of the programs
 3 administered by the department. Notwithstanding any
 4 other provision of this chapter to the contrary, each
 5 commission within the department shall submit all
 6 of its proposed rules to the executive committee for
 7 review to insure that no conflict exists between such
 8 proposed rules and the existing rules of another
 9 commission within the department. If a conflict does
 10 exist, the executive committee shall direct the
 11 commissions involved to resolve the conflict before
 12 the proposed rules are submitted to the legislative
 13 departmental administrative rules review committee
 14 as provided in chapter 17A.

15 Sec. . Section five hundred fifteen B point
 16 five (515B.5), subsection one (1), Code 1977, is
 17 amended by striking paragraph g and inserting in lieu
 18 thereof the following:

19 g. Reimburse each servicing facility for obli-
 20 gations of the association paid by the facility and
 21 for expenses incurred by the facility while handling
 22 claims on behalf of the association, and pay the other
 23 expenses of the association authorized by this chapter.

- 24 Sec. . Section five hundred fifteen B point
 25 five (515B.5), subsection two (2), Code 1977, is
 26 amended by striking paragraph g and inserting in
 27 lieu thereof the following:
 28 g. If at any time the board of directors finds
 29 that the amount assessed for any insolvency exceeds
 30 the actual and projected liabilities of that insol-
 31 vency, it may refund such excess to member insurers
 32 in the same proportion that each contributed to the
 33 original assessment or assessments. Any assessments
 34 or refunds of any member insurer in amounts not to
 35 exceed twenty-five dollars may, at the discretion
 36 of the board of directors, be waived."
 37 4. Page 19, by striking lines 6 through 8.
 38 5. By renumbering sections and correcting internal
 39 references as necessary.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Nielsen and Patchett.

Study Bill 260, a bill for an act establishing the rights of state employees to defense against indemnification for claims arising from acts or omissions occurring within the scope of employment on or after July 1, 1975.

Recommended DO PASS.

Aye: Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Higgins, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Jesse, Nielsen and Patchett.

Assigned bills to subcommittee.

AMENDMENTS FILED

H-3955	H.F. 463	Norland of Worth
H-3959	H.F. 463	Schroeder of Pottawattamie
H-3964	S.F. 344	Lonergan of Boone
H-3967	H.F. 463	Patchett of Johnson

H-3968	S.F. 344	Lonergan of Boone
H-3969	H.F. 491	Anderson of Jasper
		Dyrland of Clayton
		Rinas of Linn
		Cusack of Scott
		Poncy of Wapello
		Koogler of Mahaska
		Howell of Floyd
		Krause of Kossuth
		Dieleman of Marion
		Bina of Scott
		Svoboda of Iowa
		Pavich of Pottawattamie
		Griffee of Chickasaw
		Norland of Worth
		Miller of Buchanan
		Perkins of Greene
		Husak of Tama
		Wyckoff of Benton
		Spear of Lee
		Avenson of Fayette
		Gilson of Guthrie
		Hullinger of Decatur
		Dunton of Keokuk
H-3972	H.F. 567	Spear of Lee
H-3973	S.F. 336	Bina of Scott
H-3974	S.F. 336	Bina of Scott
H-3975	S.F. 336	Bina of Scott
H-3976	H.F. 148	Spear of Lee
H-3977	H.F. 491	Welden of Hardin
		Varley of Adair
H-3978	S.F. 167	Miller of Buchanan
		Doyle of Woodbury
		Krause of Kossuth
		Woods of Polk
H-3979	S.F. 167	Spear of Lee
H-3980	H.F. 491	Hullinger of Decatur
H-3981	H.F. 463	Horn of Linn
		Koogler of Mahaska
H-3982	H.F. 463	Horn of Linn

H-3983	H.F. 491	Koogler of Mahaska Pelton of Clinton Wyckoff of Benton Husak of Tama Baker of Buena Vista Horn of Linn Hullinger of Decatur Branstad of Winnebago Oxley of Linn Danker of Pottawattamie Gilson of Guthrie Evans of Grundy Clark of Lee Miller of Calhoun Svoboda of Iowa Stephens of Plymouth Lindeen of Henry
H-3984	H.F. 491	Garrison of Black Hawk Miller of Buchanan Wulff of Black Hawk Wyckoff of Benton Brandt of Black Hawk O'Halloran of Black Hawk Tauke of Dubuque Gilloon of Dubuque Dyrland of Clayton Jochum of Dubuque
H-3985	H.F. 463	Horn of Linn
H-3986	H.F. 491	Hines of Story
H-3988	H.F. 491	Lipsky of Linn Norland of Worth Hansen of O'Brien Den Herder of Sioux Woods of Polk Stromer of Hancock Clark of Cerro Gordo Branstad of Winnebago Conlon of Muscatine Baker of Buena Vista Middleswart of Warren Scheelhaase of Woodbury

On motion by Fitzgerald of Webster the House adjourned at 6:03 p.m., until 9:00 a.m., Thursday, May 5, 1977.

JOURNAL OF THE HOUSE

One hundred sixteenth Calendar Day -- Eightieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 5, 1977

The House met pursuant to adjournment, Speaker pro tempore Nielsen in the chair.

Prayer was offered by Monsignor Vincent Hoverman, pastor of the St. Patrick Catholic Church, Winthrop, Iowa.

The Journal of Wednesday, May 4, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rawland, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury for May 5 and 6 on request of Scheelhaase of Woodbury; Higgins of Scott on request of Gentleman of Polk; Patchett of Johnson on request of Dyrland of Clayton; Clark of Cerro Gordo on request of Wulff of Black Hawk; Griffee of Chickasaw on request of Monroe of Des Moines.

PETITIONS FILED

The following petitions were received and placed on file:

By Bina of Scott from twenty-one constituents in opposition to House File 535 and Senate File 336, imposing a state tax on the renting of hotel and motel rooms and providing for the revenue to be returned to the cities and counties.

By Brandt of Black Hawk from eighteen constituents supporting House File 513, an act to improve the retirement allowances of members of the Iowa public employees' retirement system.

By Brunow of Appanoose from thirty-eight constituents; by Den Herder of Sioux from twenty constituents; by Norland of Worth from ninety-four constituents; by Stephens of Plymouth from fifty-six constituents opposing House File 535 and Senate file 336 regarding the imposition of a hotel-motel room tax by a city or county.

By Garrison of Black Hawk and Wulff of Black Hawk from two hundred sixty-one constituents concerned that the high quality of education would be threatened by the lack of funds to maintain their programs, urging their representatives to assure them that there will be additional funding, and supporting representative action of the foundation plan.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1977, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 327, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Also: That the Senate has on May 3, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 317, a bill for an act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Budget Calendar

House File 584, a bill for an act making appropriations to the department of general services and the executive council for capital improvements, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 584)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Evans	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 2:

Harvey	Welden
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Absent or not voting, 14:

Clark, B.J.	Cochran	Doyle	Egenes
Fitzgerald	Griffiee	Higgins	Hines
Jesse	Jochum	Patchett	Smalley
Svoboda	Woods		

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

Regular Calendar

Senate File 344, a bill for an act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment, with report of committee recommending amendment and passage was taken up for consideration.

Perkins of Greene offered amendment H-3902 filed by the committee on budget on May 2, 1977 and found on pages 1801 through 1803 of the House Journal and requested division as follows:

Lines 2 and 3 (page 1), H-3902A.

Lines 4 through 25 (page 1), H-3902B.

Lines 26 through 28 (page 1), H-3902C.

Lines 29 through 41 (page 1), H-3902D.

Lines 42 through 50 (page 1) and lines 1 and 2 (page 2), H-3902E.

Lines 3 through 9 (page 2), H-3902F.

Lines 10 through 18 (page 2), H-3902G.

Lines 19 through 25 (page 2), H-3902H.

Lines 26 through 32 (page 2), H-3902I.

Lines 33 through 41 (page 2), H-3902J.

On motion by Perkins of Greene, amendment H-3902A was adopted.

On motion by Perkins of Greene, amendment H-3902B was adopted.

Perkins of Greene moved the adoption of amendment H-3902C.

A non-record roll call was requested.

The ayes were 54, nays 27.

Amendment H-3902C was adopted.

On motion by Perkins of Greene, amendment H-3902D was adopted.

On motion by Perkins of Greene, amendment H-3902E was adopted.

On motion by Perkins of Greene, amendment H-3902F was adopted.

Perkins of Greene moved the adoption of amendment H-3902G.

A non-record roll call was requested.

The ayes were 58, nays 8.

Amendment H-3902G was adopted.

On motion by Perkins of Greene, amendment H-3902H was adopted.

By unanimous consent the following amendment H-3996, to amendment H-3902I, filed by Perkins of Greene from the floor was adopted:

H-3996

- 1 Amend amendment H-3902, to Senate File 344
- 2 as passed by the Senate, as follows:
- 3 1. Page 2, line 30, by inserting after the
- 4 word "much" the word "thereof".

On motion by Perkins of Greene, amendment H-3902I, as amended, was adopted.

On motion by Perkins of Greene, amendment H-3902J was adopted.

Halvorson of Clayton offered the following amendment H-3990 filed by him and Perkins of Greene from the floor:

H-3990

- 1 Amend Senate File 344, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following section:
- 5 "Sec. . The state conservation commission
- 6 shall, from funds appropriated in section two (2)
- 7 of this Act, expend no less than one hundred
- 8 thousand (100,000) dollars for the purpose of
- 9 acquiring scenic easements in order to preserve
- 10 the beauty of the Upper Iowa River."

Junker of Woodbury offered the following amendment H-3995, to amendment H-3990, filed by him from the floor:

H-3995

- 1 Amend amendment H-3990, to page 1 of Senate
- 2 File 344 as passed by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the
- 4 word "dollars" the words ", if possible,"
- 5 2. Page 1, line 10 by inserting after the
- 6 word "River." the following: "Such easements
- 7 shall be acquired pursuant to plans outlined by
- 8 the department of interior."

Action on amendment H-3995, to amendment H-3990, was temporarily deferred.

Lonergan of Boone offered the following amendment H-3964 filed by her:

H-3964

- 1 Amend Senate File 344 as follows:
- 2 1. Page 2, by inserting after line 20 the
- 3 following:
- 4 "Sec. . The state conservation commission shall

- 5 open all roads which pass through the Ledges State Park
6 from September fifteen to November first of each year.”
7 2. Title page, line 5, by inserting after the
8 comma the words “directing the opening of certain
9 roads.”.

Lonergan of Boone offered the following amendment H-3968,
to amendment H-3964, filed by her and moved its adoption:

H-3968

- 1 Amend amendment H-3964, to SF 344 as follows:
2 1. Page 1, by striking line 6 and inserting in
3 lieu thereof the following:
4 “.”.

Amendment H-3968 was adopted.

Lonergan of Boone moved the adoption of amendment
H-3964, as amended.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 56, nays 16.

Amendment H-3964, as amended, was adopted.

(Action on Senate File 344 was deferred.)

SENATE AMENDMENT CONSIDERED

Newhard of Jones called up for consideration House File 163, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school, amended by the Senate as found on page 1630 of the House Journal.

Cusack of Scott offered the following amendment H-3997, to the Senate amendment H-3765, filed by Cusack, Monroe, Miller of Buchanan, Daggett and Wyckoff from the floor:

H-3997

- 1 Amend the Senate amendment H-3765 to House File
- 2 163, as amended and passed by the House, as follows:
- 3 1. By inserting after line 2 of the amendment the
- 4 following:
- 5 "1. Page 1, by striking lines 31, 32 and 33 and
- 6 inserting in lieu thereof the words "immunization
- 7 conflicts with convictions of religion or conscience
- 8 held by the applicant. For the purpose of this para-
- 9 graph, the deeply and sincerely held beliefs of an
- 10 individual which are purely ethical or moral in source
- 11 and content but which nevertheless impose upon that
- 12 individual a duty of conscience to refuse immunization
- 13 are entitled to the same consideration as if such
- 14 beliefs were based on religious tenets. However, the
- 15 exemption provided by this paragraph does not apply".
- 16 2. By renumbering succeeding sections of the
- 17 amendment in accordance with this amendment to the
- 18 amendment.

Action on House File 163 and amendment H-3997, to the Senate amendment H-3765, was deferred.

The House resumed consideration of Senate File 344, a bill for an act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment, and amendment H-3995, to amendment H-3990.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-3995 filed by Junker of Woodbury and amendment H-3990 filed by him from the floor.

Halvorson of Clayton offered the following amendment H-3998 filed by Halvorson, Perkins, Conlon and Junker from the floor and moved its adoption:

H-3998

- 1 Amend Senate File 344, as passed by the Senate,
 2 as follows:
 3 1. Page 1, by inserting after line 16 the
 4 following section:
 5 "Sec. . . The state conservation commission
 6 shall, from funds appropriated in section two (2)
 7 of this Act, expend no less than one hundred
 8 thousand (100,000) dollars for the purpose of
 9 acquiring scenic easements, if practical, in order
 10 to preserve the beauty of the Upper Iowa River.
 11 Such easements shall be acquired pursuant to plans
 12 outlined by the department of interior."

A non-record roll call was requested.

The ayes were 63, nays 16.

Amendment H-3998 was adopted.

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

On the question "Shall the bill pass?" (S.F. 344)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Evans
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Harbor	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schneklath	Schroeder	Shimanek

Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	West
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 2:

Clark, J.H.	Scheelhaase
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Absent or not voting, 14:

Brockett	Clark, B.J.	Cochran	Doyle
Egenes	Fitzgerald	Griffie	Hargrave
Higgins	Krause	Smalley	Welden
Wells	Woods		

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

IMMEDIATE MESSAGE (Senate File 344)

Perkins of Greene asked and received unanimous consent that Senate File 344 be immediately messaged to the Senate.

On motion by Avenson of Fayette, the House was recessed until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Nielsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk for the afternoon session on request of Nielsen of Polk.

INTRODUCTION OF BILLS

HOUSE FILE 587, by committee on education, a bill for an act

relating to the computation of general school aid for an area school for which the board has executed an instructional contract with the board of a private educational or vocational institution.

Read first time and PLACED ON THE CALENDAR.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 213, a bill for an act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, treasurer of state, lieutenant governor, judicial officers, members of the general assembly and providing a retirement option for members of the general assembly.

Also: That the Senate has on May 3, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 365, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels.

STEVEN C. CROSS, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-three members present, forty-six absent.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 491, a bill for an act relating to transportation providing for an expression of the legislative intent concerning diagonal roads, lowering the freeway-expressway system total mileage, providing for functional reclassification of roads in the state, development of a quadrennial needs study, inclusion of the

area school roads and bridges in the park and institution road maintenance allocation and providing for a quadrennial need study of park and institution roads and bridges, changing the allocation formula from the road use tax fund to provide forty-five percent to the primary road fund, twenty-eight percent to the secondary road fund, nine percent to the farm-to-market road fund, and eighteen percent to the cities, providing for definitional changes of certain roads, requiring certain annual reports by cities, raising the motor fuel and special fuel tax to ten cents per gallon and the diesel engine special fuel tax to eleven and one-half cents per gallon, eliminating the one-half of one cent of motor fuel and other special fuel tax to the primary road funding, providing appropriations, and repealing certain sections, was taken up for consideration.

Avenson of Fayette asked and received unanimous consent to suspend Rule 32 on House File 491 and all amendments thereto.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H-3778 filed by Miller, et al., on April 26, 1977.

Miller of Buchanan offered the following amendment H-3951 filed by Miller, et al.:

H-3951

- 1 Amend House File 491 as follows:
- 2 1. Page 1, line 2, by striking the word "section"
- 3 and inserting in lieu thereof the word "sections".
- 4 2. Page 1, by inserting after line 18 the follow-
- 5 ing:
- 6 "NEW SECTION. MAINTENANCE OF LAND ACCESS ROADS.
- 7 Roads classified and properly designated as land
- 8 access roads shall be maintained by the adjoining
- 9 landowners and not by the jurisdiction having control
- 10 over the road.
- 11 NEW SECTION. ABANDONED RIGHT-OF-WAY REHABILITATION
- 12 FUND. There is hereby created a fund which shall
- 13 be known as the abandoned right-of-way rehabilitation
- 14 fund and shall consist of funds allocated from the
- 15 road use tax fund.
- 16 NEW SECTION. USE OF ABANDONED RIGHT-OF-WAY

17 REHABILITATION FUND. Funds allocated to the aban-
18 doned right-of-way rehabilitation fund shall be used
19 to pay a part of the cost incurred in reshaping road
20 rights-of-way which have been vacated and closed
21 pursuant to the provisions of this chapter such that
22 the resulting terrain configuration would be suitable
23 for return to agricultural productivity. The board
24 of supervisors of any county may make written
25 application to the department on behalf of the affected
26 property owner for rehabilitation assistance at any
27 time following the publishing of a notice of a proposed
28 vacating or closing as required in section three
29 hundred six point twelve (306.12) of the Code.
30 Rehabilitation assistance shall be limited to a
31 reimbursement of seventy percent of the total actual
32 rehabilitation cost with at least thirty percent to
33 be provided by the affected property owner. The board
34 of supervisors of the county in which the property
35 is located shall provide the department with
36 certification of the actual rehabilitation cost
37 incurred by the property owner in returning the vacated
38 right-of-way to agricultural productivity. Upon
39 receiving said certification, and upon reaching a
40 decision on the amount, if any, to be reimbursed from
41 the abandoned right-of-way rehabilitation fund, the
42 department shall direct the treasurer of state to
43 pay the amount from the funds available in the
44 abandoned right-of-way rehabilitation fund. Provided,
45 however, that no funds shall be distributed until
46 after a final order to vacate and close the road has
47 been entered and the land has been returned to
48 agricultural productivity.

49 Sec. . Section three hundred six point one
50 (306.1), subsection one (1), Code 1977, is amended

Page 2

1 by adding the following new paragraph:
2 NEW PARAGRAPH. m. The land access system.”
3 3. Page 1, by inserting after line 30 the follow-
4 ing:
5 “Sec. . Section three hundred six point one
6 (306.1), subsection two (2), paragraph f, Code 1977,
7 is amended by striking the paragraph and inserting
8 in lieu thereof the following:
9 f. The area service system shall consist of those
10 roads providing principal access to farmsteads or
11 to residential, commercial or industrially developed

12 land in rural areas and all other public roads outside
13 of municipalities not otherwise classified.

14 Sec. . Section three hundred six point one
15 (306.1), subsection two (2), Code 1977, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. m. The land access system shall
18 consist of those roads providing secondary access
19 to farmsteads and to lands primarily served by vehicles
20 other than passenger cars and commercial vehicles.
21 Roads within this classification may be closed to
22 general public use through the installation and mainte-
23 nance of appropriate signs at all entry points by
24 the unit of government having jurisdiction and control
25 over such roads. Roads within this classification
26 may be altered, vacated or closed as provided in this
27 chapter. A landowner may petition the county board
28 of supervisors to alter, vacate or close a road based
29 on the grounds of mutual benefit to both parties.

30 Sec. . Section three hundred six point three
31 (306.3), subsection four (4), Code 1977, is amended
32 to read as follows:

33 4. "Secondary roads" or "secondary road system"
34 means those roads, outside the boundaries of munici-
35 palities, classified as trunk, trunk collector and
36 area service and land access under section 306.1.

37 Sec. . Section three hundred six point three
38 (306.3), subsection six (6), Code 1977, is amended
39 to read as follows:

40 6. "Local secondary roads" or "local secondary
41 road system" means those secondary roads which are
42 classified as area service and land access under
43 section 306.1.

44 Sec. . Section three hundred six point three
45 (306.3), Code 1977, is amended by adding the following
46 new subsections:

47 NEW SUBSECTION. 12. "Principal access" means
48 the only motor vehicle access to a farmstead or to
49 residential, commercial, or industrial property in
50 rural areas, or, in the case of multiple accesses,

Page 3

1 the road which in the judgment of the county functional
2 classification board provides the most beneficial
3 overall traffic service to the public in total.

4 NEW SUBSECTION. 13. "Secondary access" means
5 those roads which provide duplicate access in addition
6 to the access provided by the principal access road

7 serving a given farmstead, residence, commercial,
8 or industrial property in rural areas.

9 Sec. . . . Section three hundred six point four
10 (306.4), subsection two (2), Code 1977, is amended.
11 to read as follows:

12 2. Jurisdiction and control over the secondary
13 roads shall be vested in the county board of super-
14 visors of the respective counties provided that the
15 county board shall not be responsible for maintenance
16 of those roads classified as land access roads under
17 section three hundred six point one (306.1) of the
18 Code."

19 4. Page 5, by inserting after line 29 the follow-
20 ing:

21 "7. The treasurer of state, before making the
22 allotments provided for in this section, shall credit
23 annually to the abandoned right-of-way rehabilitation
24 fund the sum of one million dollars. All unobligated
25 funds at the end of each year shall revert to the
26 road use tax fund."

27 5. Amend the title, line 1, by inserting after
28 the word "for" the words "definitions of land access
29 roads, principal access roads and secondary access
30 roads, the creation of an abandoned right-of-way
31 rehabilitation fund and appropriating one million
32 dollars to the fund, and for".

33 6. Renumber sections and correct internal refer-
34 ences as necessary in conformance with this amendment.

Schroeder of Pottawattamie rose on a point of order that amendment H-3951 was not germane.

The Speaker ruled the point well taken and amendment H-3951 not germane.

Miller of Buchanan moved that the rules governing germaneness be suspended to consider amendment H-3951.

A non-record roll call was requested.

The ayes were 28, nays 41.

The motion lost, placing out of order, amendment H-3977 (to amendment H-3951) filed by Welden of Hardin and Varley of Adair on May 4, 1977.

Avenson of Fayette in the chair at 1:37 p.m.

Pelton of Clinton offered the following amendment H-3983 filed by Pelton, et al.:

H-3983

1 Amend House File 491 as follows:

2 1. Page 1, line 5, by striking the words "to
3 the maximum extent possible".

4 2. Page 1, line 8, by striking the words
5 "wherever possible".

6 3. Page 1, lines 10 and 11, by striking the
7 words "unless alignment or other conditions make
8 changes imperative".

9 4. Page 1, by striking line 13 and inserting
10 in lieu thereof the following: "shall be that the
11 additional right-of-way shall be contiguous".

12 5. Page 1, lines 14 and 15, by striking the
13 words "unless relocated for compelling reasons".

14 6. Page 1, by inserting after line 18 the
15 following:

16 "Any exceptions to the declared policy of this
17 section shall be granted only upon the approval of
18 the General Assembly by adoption of a concurrent
19 resolution."

20 7. Page 4, line 24, by inserting after the
21 period the following: "However, the treasurer of
22 the state shall not make any allotment under this
23 subsection unless the provisions of section (1)
24 of this Act are complied with by the department of
25 transportation."

Speaker Cochran in the chair at 1:52 p.m.

Avenson of Fayette moved the previous question on House File 491, with respect only to the filing of amendments and motions thereto.

A non-record roll call was requested.

The ayes were 55, nays 24.

The motion prevailed.

Pelton of Clinton moved the adoption of amendment H-3983.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 42, nays 44.

Amendment H-3983 lost.

Wyckoff of Benton offered the following amendment H-3925 filed by Wyckoff, et al., and moved its adoption:

H-3925

- 1 Amend House File 491 as follows:
- 2 1. Page 1, by striking lines 15 through
- 3 18 and inserting in lieu thereof the word
- 4 " reasons."

Roll call was requested by Miller of Buchanan and Wyckoff of Benton.

On the question "Shall amendment H-3925 be adopted?"

The ayes were, 37:

Anderson	Avenson	Baker	Bennett
Branstad	Brockett	Clark, J.H.	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dyrland	Evans	Gilson
Halvorson	Hansen	Hines	Hinkhouse
Howell	Husak	Junker	Lindeen
Menke	Miller, K.D.	Miller, O.L.	Oxley
Pellett	Perkins	Scheelhaase	Spencer
Stephens	Stromer	West	Woods
Wyckoff			

The nays were, 46:

Bina	Binneboese	Brandt	Brunow
Conlon	Connors	Den Herder	Dunton
Egenes	Garrison	Gentleman	Gilloon
Harbor	Hargrave	Harvey	Hoffmann
Horn	Jesse	Jochum	Koogler

Krause	Krewson	Lageschulte	Lipsky
Middleswart	Millen	Norland	O'Halloran
Pavich	Pelton	Rinas	Schnekloth
Schroeder	Shimanek	Small	Spear
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
Wulff	Mr. Speaker		

Absent or not voting, 16:

Byerly	Chiodo	Clark, B.J.	Dieleman
Doyle	Fitzgerald	Griffie	Higgins
Hullinger	Loneragan	Monroe	Newhard
Nielsen	Patchett	Poney	Smalley

Amendment H-3925 lost.

Hines of Story offered amendment H-3986 filed by him and Lipsky of Linn.

Harbor of Mills rose on a point of order that amendment H-3986 was not germane.

The Speaker ruled the point well taken and amendment H-3986 not germane.

Hines of Story moved that the rules governing germaneness be suspended for the consideration of amendment H-3986.

Roll call was requested by Small of Johnson and Lipsky of Linn.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-3986?"

The ayes were, 41:

Bina	Branstad	Clark, J.H.	Connors
Crawford	Egenes	Evans	Garrison
Gentleman	Halvorson	Hargrave	Hines
Hoffmann	Horn	Howell	Husak
Jochum	Junker	Krewson	Lindeen

Lipsky	Lonergan	Miller, K.D.	Monroe
Norland	O'Halloran	Pavich	Pelton
Poncy	Shimanek	Small	Smalley
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wulff			

The nays were, 45:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Brockett	Brunow
Chiodo	Conlon	Crabb	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Gilloon
Gilson	Hansen	Harbor	Harvey
Hullinger	Koogler	Krause	Lageschulte
Menke	Millen	Miller, O.L.	Oxley
Pellett	Perkins	Rinas	Scheelhaase
Schneklath	Schroeder	Spear	Stephens
Wells	West	Woods	Wyckoff
			Mr. Speaker

Absent or not voting, 13:

Byerly	Clark, B.J.	Doyle	Fitzgerald
Griffie	Higgins	Hinkhouse	Jesse
Middleswart	Newhard	Nielsen	Patchett
Welden			

The motion lost.

Perkins of Greene offered the following amendment H-4003 filed by Perkins, Evans, Hullinger, Miller of Buchanan, Crabb, Wyckoff, Gilson, Husak, Lageschulte, Stromer, Shimanek, Schroeder, Branstad, Bennett, Schneklath, Hinkhouse, Tofte, Pelton, Woods, Den Herder, Harvey, Miller of Calhoun, Hansen, Daggett, Koogler, Halvorson, Baker, Scheelhaase, Middleswart, Menke, Davitt, Danker, Howell, Rinas, Anderson, Byerly and Connors from the floor and moved its adoption:

H-4003

- 1 Amend House File 491 as follows:
- 2 1. Page 3, line 22, by inserting after the
- 3 word "roads," the words "roads located on state
- 4 fair grounds as defined in chapter one hundred

- 5 seventy three (173) of the Code".
 6 2. Page 4, line 8, by inserting after the
 7 word "institutions" the words "state fair grounds".
 8 3. Title page, line 6, by inserting after the
 9 word "school" the words "and state fair grounds".

Amendment H-4003 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fitzgerald of Webster on request of Avenson of Fayette.

Spencer of Clay offered the following amendment H-3868 filed by him and moved its adoption:

H-3868

- 1 Amend House File 491 as follows:
 2 1. Page 4, by inserting after line 13 the follow-
 3 ing:
 4 "Sec. . . Chapter three hundred twelve (312),
 5 Code 1977, is amended by adding the following new
 6 section:
 7 NEW SECTION. USE OF INCREASED FUEL TAX. For the
 8 fiscal year beginning July 1, 1977 and ending June
 9 30, 1978, and each subsequent fiscal year, thirty
 10 percent of the motor fuel, diesel special fuel and
 11 other special fuel tax allocated to the primary road
 12 fund, secondary road fund, farm-to-market road fund
 13 and to the street construction fund of the cities
 14 shall be used exclusively for repair, maintenance
 15 and resurfacing of existing street or highway rights-
 16 of-way.
 17 2. Renumber the sections and correct internal
 18 references as necessary in conformance with this
 19 amendment.

Roll call was requested by Spencer of Clay and Husak of Tama.

On the question "Shall amendment H-3868 be adopted?"

The ayes were, 13:

Chiodo

Gentleman

Hargrave

Hullinger

Krewson	Miller, K.D.	Pelton	Scheelhaase
Smalley	Spencer	Stromer	Svoboda
Woods			

The nays were, 72:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Garrison	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Millen
Miller, O.L.	Monroe	O'Halloran	Oxley
Pavich	Pellett	Poncy	Rinas
Schneklath	Shimanek	Small	Spear
Stephens	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

Absent or not voting, 14:

Baker	Byerly	Clark, B.J.	Doyle
Fitzgerald	Higgins	Jesse	Middleswart
Newhard	Nielsen	Norland	Patchett
Perkins	Schroeder		

Amendment H-3868 lost.

Garrison of Black Hawk offered the following amendment H-3984 filed by Garrison, et al.:

H-3984

- 1 Amend House File 491 as follows:
- 2 1. Page 4, by inserting after line 24 the
- 3 following:
- 4 "The department of transportation shall allocate
- 5 the necessary funds to complete highway 520 as soon
- 6 as possible."

Schroeder of Pottawattamie rose on a point of order that amendment H—3984 was not germane.

The Speaker ruled the point well taken and amendment H—3984 not germane.

Garrison of Black Hawk moved that the rules governing germaneness be suspended for the consideration of amendment H—3984.

Roll call was requested by Junker of Woodbury and Garrison of Black Hawk.

On the question "Shall the rules be suspended to consider amendment H—3984?"

The ayes were, 24:

Bennett	Bina	Binneboese	Brar.dt
Den Herder	Dunton	Dyrland	Garrison
Gilloon	Halvorson	Harvey	Jochum
Junker	Lonergan	Miller, K.D.	Miller, O.L.
O'Halloran	Pellett	Shimanek	Stromer
Tauke	Tofte	Wulff	Wyckoff

The nays were, 58:

Anderson	Avenson	Baker	Branstad
Brockett	Brunow	Chiodo	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Egenes	Evans	Gentleman	Gilson
Griffee	Hansen	Harbor	Hinkhouse
Hoffmann	Horn	Howell	Husak
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Newhard	Norland	Oxley
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Small
Smalley	Spear	Stephens	Svoboda
Thompson	Varley	Walter	Welden
Wells	Mr. Speaker		

Absent or not voting, 17:

Byerly	Clark, B.J.	Connors	Doyle
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Fitzgerald
Hullinger
Patchett
Woods

Hargrave
Jesse
Pelton

Higgins
Monroe
Spencer

Hines
Nielsen
West

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Polk for a portion of the day on request of Avenson of Fayette.

Horn of Linn asked and received unanimous consent to withdraw amendment H-3829 filed by him on April 28, 1977.

Horn of Linn offered the following amendment H-3924 filed by him. Division was requested.

H-3924

1 Amend House File 491 as follows:

H-3924A

- 2 1. Page 4, lines 25 and 26, by striking the words
3 "~~twenty-nine~~ ~~twenty-eight~~" and inserting in lieu
4 thereof the word "twenty-nine".
5 2. Page 4, line 29, by striking the word "~~eighteen~~"
6 and inserting in lieu thereof the word "~~seventeen~~".

H-3924B

- 7 3. Page 10, by striking lines 5 through 34.

H-3924A

- 8 4. Amend the title, line 11, by striking the word
9 "twenty-eight" and inserting in lieu thereof the word
10 "twenty-nine".
11 5. Amend the title, line 12, by striking the word
12 "eighteen" and inserting in lieu thereof the word
13 "seventeen".
14 6. Amend the title by striking lines 15 and 16
15 and inserting in lieu thereof the following: "cities,
16 raising the diesel engine special fuel tax to".
17 7. Renumber the sections and correct internal
18 references in conformance with this amendment.

Horn of Linn asked and received unanimous consent to withdraw amendment H-3924A.

Horn of Linn moved the adoption of amendment H-3924B.

Roll call was requested by Horn of Linn and Brunow of Appanoose.

On the question "Shall amendment H-3924B be adopted?"

The ayes were, 26:

Avenson	Baker	Branstad	Chiodo
Clark, J.H.	Garrison	Hargrave	Harvey
Horn	Jesse	Lipsky	Lonergan
Miller, K.D.	Newhard	Nielsen	Norland
Oxley	Pavich	Pelton	Scheelhaase
Smalley	Stromer	Tofte	Walter
Woods	Wyckoff		

The nays were, 66:

Anderson	Bennett	Bina	Binneboese
Brandt	Brockett	Brunow	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller, O.L.
Monroe	O'Halloran	Pellet	Perkins
Poncy	Rinas	Schneklloth	Schroeder
Shimanek	Small	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Varley	Welden	Wells	West
Wulff	Mr. Speaker		

Absent or not voting, 7:

Byerly	Clark, B.J.	Connors	Doyle
Fitzgerald	Higgins	Patchett	

Amendment H-3924B lost.

Harbor of Mills offered the following amendment H-3923 filed by him and moved its adoption:

H-3923

- 1 Amend House File 491 as follows:
2 1. Page 4, line 35, by striking the word
3 "annually" and inserting in lieu thereof the words
4 "annually monthly".
5 2. Page 5, by striking lines 1, 2 and 3 and
6 inserting in lieu thereof the following: "sum of one
7 million four hundred thousand dollars yielded from
8 an allotment of sixty-five hundredths of one percent
9 of all road use tax funds for the express purpose of
10 carrying out subsection 12 11 of section 307A.2, the
11 last paragraph of section 313.4, subsection two (2),
12 of the Code".
13 3. Page 5, by inserting after line 29 the
14 following section:
15 "Sec. . Section three hundred twelve point
16 four (312.4), Code 1977, is amended by adding the
17 following new subsection:
18 NEW SUBSECTION. The amount of the road use tax
19 fund which has been credited to carry out the
20 provisions of section three hundred seven A point
21 two (307A.2), subsection eleven (11), section three
22 hundred thirteen point four (313.4), subsection
23 two (2), and section three hundred seven A point
24 five (307A.5) of the Code."
25 4. By numbering and renumbering sections as
26 necessary.

Amendment H-3923 was adopted.

Brunow of Appanoose in the chair at 4:11 p.m.

Howell of Floyd offered amendment H-4005 filed by him from the floor.

Schroeder of Pottawattamie rose on a point of order that amendment H-4005 was not germane.

The Speaker ruled the point well taken and amendment H-4005 not germane.

Howell of Floyd moved that the rules governing germaneness be suspended for the consideration of amendment H-4005.

A non-record roll call was requested.

The ayes were 40, nays 35.

The motion, having failed to receive a constitutional majority, lost.

Anderson of Jasper offered the following amendment H-4000 filed by Anderson, Dyrland, Cusack, Poncy, Koogler, Howell, Dieleman, Bina, Svoboda, Norland, Pavich, Dunton, Krewson, Husak, Gentleman, Harvey, Wyckoff, Spear, Avenson, Gilson, Hullinger, Miller of Buchanan and Perkins from the floor and moved its adoption:

H-4000

1 Amend House File 491 as follows:

2 1. Page 10, by striking lines 5 through 34 and
3 inserting in lieu thereof the following:

4 "Section 15. Section three hundred twenty-four
5 point three (324.3), Code 1977, is amended to read
6 as follows:

7 324.3 LEVY OF EXCISE TAX--EXEMPTIONS--CREDITS.

8 For the privilege of operating motor vehicles in this
9 state an excise tax of ~~seven~~ ten cents a gallon is
10 hereby imposed upon the use of all motor fuel used
11 for any purpose except as otherwise provided in this
12 division. The tax shall be paid in the first in-
13 stance by the distributor upon the invoiced gallonage
14 of all motor fuel received by him in this state, within
15 the meaning of the word "received" as defined in this
16 division, less the deductions hereinafter authorized.
17 Thereafter, except as otherwise provided, the per gallon
18 amount of such tax shall be added to the selling price
19 of each and every gallon of such motor fuel sold in
20 this state and collected from the purchaser to the
21 end that the ultimate consumer shall bear the burden
22 of such tax; provided, however, that no tax shall be
23 imposed or collected under this division with respect
24 to the following:

25 1. Motor fuel sold for export or exported from
26 this state to any other state, territory, or foreign
27 country.

28 2. Motor fuel sold to the United States or any

29 agency or instrumentality thereof.

30 3. Motor fuel sold to any post exchange or other
31 concessionaire on any federal reservation within this
32 state; but the tax on motor fuel so sold to the
33 extent permitted by federal law, shall be collected
34 by the post exchange or concessionaire, reported and
35 paid the department of revenue.

36 4. Motor fuel sold to the state of Iowa or any of
37 its agencies, ~~but this exemption shall not apply to or~~
38 ~~to any political subdivisions of this state."~~

39 2. Page 11, by inserting after line 20 the
40 following:

41 "Sec. . Section three hundred twenty-four point
42 thirty-five (324.35), Code 1977, is amended to read
43 as follows:

44 324.35 EXEMPTIONS. No tax is imposed under this
45 division on special fuel used by the United States
46 or any of its agencies or instrumentalities, but the
47 tax on special fuel used or delivered into fuel supply
48 tanks of motor vehicles by any post exchange or
49 concessionaire on any federal reservation in this state,
50 to the extent permitted by federal law, shall be collected

Page 2

1 by the post exchange or concessionaire and paid to
2 the department of revenue.

3 No tax is imposed under this division on
4 special fuel used by the state of Iowa or any of
5 its agencies, ~~but this exemption shall not apply~~
6 ~~to or used by political subdivisions of this state."~~

7 3. Renumber the sections and correct internal
8 references as necessary in conformance with this
9 amendment.

10 4. Amend the title, line 19, by inserting after
11 the word "fund," the words "providing an exemption
12 from fuel taxes for political subdivisions,".

• Roll call was requested by Harvey of Scott and Bina of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-4000 be adopted?"

The ayes were, 51:

Anderson
Bina
Cusack

Avenson
Chiodo
Daggett

Baker
Clark, J.H.
Den Herder

Bennett
Crawford
Dieleman

Dunton	Dyrland	Gentleman	Gilson
Griffie	Halvorson	Hargrave	Harvey
Hines	Horn	Howell	Hullinger
Husak	Koogler	Krewson	Miller, K.D.
Monroe	Nowhard	Norland	O'Halloran
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Small
Smalley	Spear	Stromer	Svoboda
Thompson	Walter	Wells	West
Woods	Wulff	Wyckoff	

The nays were, 40:

Binneboese	Brandt	Branstad	Brockett
Cochran	Conlon	Crabb	Danker
Davitt	Egenes	Evans	Garrison
Gilloon	Hansen	Harbor	Hinkhouse
Hoffmann	Jesse	Jochum	Junker
Krause	Lageschulte	Linde	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, O.L.	Oxley	Rinas	Schroeder
Shimaneck	Spencer	Stephens	Tauke
Tofte	Varley	Welden	Mr. Speaker (Brunow)

Absent or not voting, 8:

Byerly	Clark, B.J.	Connors	Doyle
Fitzgerald	Higgins	Nielsen	Patchett

Amendment H-4000 was adopted, placing the following amendments out of order:

H-3743 filed by Schnekloth of Scott on April 25, 1977.

H-3969 filed by Anderson of Jasper, et al., on May 4, 1977.

Speaker Cochran in the chair at 4:45 p.m.

Spencer of Clay asked and received unanimous consent that action on amendment H-3867 be deferred.

Wyckoff of Benton asked and received unanimous consent that action on amendment H-3991 be deferred.

Horn of Linn asked and received unanimous consent that action on amendment H-4006 be deferred.

Krause of Kossuth offered the following amendment H-3888 filed by him and Rinas of Linn and moved its adoption:

H-3888

- 1 Amend House File 491 as follows:
- 2 1. Page 12, line 8, by inserting after the
- 3 word "road" the word "fund".

Amendment H-3888 was adopted.

Norland of Worth offered the following amendment H-3988 filed by Norland, et al., and moved its adoption:

H-3988

- 1 Amend House File 491 as follows:
- 2 1. Page 12, by striking lines 31 through 34 and
- 3 inserting in lieu thereof the following: "upon the
- 4 two needs studies available to the state department
- 5 of transportation as follows:
- 6 a. Fifty percent of the needs allocation shall
- 7 be based upon the most recent study by the state
- 8 department of transportation of the twenty-year
- 9 construction and maintenance needs of all secondary,
- 10 farm-to-market and local secondary roads in the state
- 11 and
- 12 b. Fifty percent of the needs allocation shall
- 13 be based upon the twenty-year improvement program
- 14 developed by the automotive safety foundation and
- 15 filed with the Iowa highway study committee created
- 16 by chapter four hundred twenty-six (426), Acts of
- 17 the Fifty-eighth General Assembly."

Roll call was requested by Norland of Worth and Junker of Woodbury.

On the question "Shall amendment H-3988 be adopted?"

The ayes were, 35:

Avenson
Branstad

Baker
Conlon

Bennett
Crabb

Bina
Cusack

Den Herder	Dieleman	Griffee	Hansen
Harvey	Horn	Howell	Hullinger
Junker	Krause	Menke	Middleswart
Miller, K.D.	Miller, O.L.	Norland	Pellett
Perkins	Scheelhaase	Schnekloth	Spencer
Stromer	Thompson	Tofte	Welden
Wells	Woods	Mr. Speaker	

The nays were, 54:

Anderson	Binneboese	Brandt	Brockett
Brunow	Chiado	Clark, J.H.	Crawford
Daggett	Danker	Davitt	Dunton
Dyrland	Egenes	Evans	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Husak	Jochum	Koogler
Krewson	Lageschulte	Lindee	Lipsky
Lonergan	Millen	Monroe	O'Halloran
Oxley	Pavich	Pelton	Poncy
Rinas	Schroeder	Shimaneck	Small
Smalley	Spear	Stephens	Svoboda
Tauke	Varley	Walter	West
Wulff	Wyckoff		

Absent or not voting, 10:

Byerly	Clark, B.J.	Connors	Doyle
Fitzgerald	Higgins	Jesse	Newhard
Nielsen	Patchett		

Amendment H—3988 lost.

Hullinger of Decatur offered amendment H—3994 filed by him from the floor and requested division as follows:

H—3994

1 Amend House File 491 as follows:

H—3994A

- 2 1. Page 13, line 1, by inserting after (312.10)
 3 the following: “, three hundred nine point seventy—
 4 nine (309.79)”.

H—3994B

- 5 2. Page 13, line 2, by inserting after (313.58)

6 the following: " , three hundred nine point eighty—
7 three (309.83)".

Hullinger of Decatur asked and received unanimous consent to withdraw amendment H—3994A.

On motion by Hullinger of Decatur, amendment H—3994B was adopted.

Bennett of Ida offered the following amendment H—4004 filed by Bennett, Junker, Branstad, Scheelhaase, Danker, Schneklath, Hullinger, Stromer, Gilson, Conlon, Hinkhouse, Hoffmann, Miller of Calhoun, Hansen, Perkins, Dunton, Middleswart, Pellett, Welden, Dieleman, Lonergan, Baker, Husak, Wyckoff, Byerly, Chiodo, Evans, Smalley, Stephens, Daggett, Wells, Miller of Buchanan, Halvorson, Pavich and Binneboese from the floor:

H—4004

- 1 Amend House File 491 as follows:
- 2 1. Page 13, by inserting after line 3 the follow—
- 3 ing:
- 4 "Sec. . . The section of this Act amending section
- 5 three hundred twenty—four point thirty—four (324.34),
- 6 unnumbered paragraph one (1), Code 1977, shall become
- 7 effective the day the maximum length limitation for
- 8 movement of vehicles and combinations of vehicles
- 9 on the highways of the state is extended to a length
- 10 equal to but not exceeding sixty—five feet."
- 11 2. Renumber sections and correct internal refer—
- 12 ences in conformance with this amendment.

Avenson of Fayette rose on a point of order that amendment H—4004 was not germane.

The Speaker ruled the point well taken and amendment H—4004 not germane.

Woods of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H—4004.

A non—record roll call was requested.

Rule 70 was invoked.

The ayes were 42, nays 48.

The motion lost.

Norland of Worth offered the following amendment H-4010 filed by him from the floor and moved its adoption:

H-4010

1 Amend House File 491.

2 1. Page thirteen by inserting after line 3

3 the following:

4 Sec. . It is the intent of the General Assembly
5 that the State department of transportation, in
6 cooperation with the standing committee on ways and
7 means and the standing committee on transportation of
8 the general assembly, study methods of reflecting

9 local revenue efforts for maintenance, repair and
10 construction of roads in the distribution of the
11 secondary road fund, the farm-to-market road fund
12 and the street construction fund of the cities.

13 The findings of this study shall be presented to
14 the Sixty-seventh General Assembly prior to
15 February 1, 1978.

16 It is the further intent of the General Assembly
17 that upon approval by the Iowa General Assembly, of
18 those findings, the findings will be incorporated into
19 the distribution of the secondary road fund, the
20 farm-to-market road fund and the street construction
21 fund of the cities.

A non-record roll call was requested.

The ayes were 73, nays 9.

Amendment H-4010 was adopted.

Wyckoff of Benton offered the following amendment H-3945 filed by him and moved its adoption:

H-3945

1 Amend House File 491 as follows:

- 2 1. Amend the title page by striking lines
- 3 15 through 17 and inserting in lieu thereof the
- 4 following: "cities, raising the motor fuel and
- 5 special fuel tax, eliminating the one—".

Amendment H—3945 lost.

Wyckoff of Benton moved to reconsider the vote by which amendment H—4000 was adopted by the House on May 5, 1977.

Roll call was requested by Spencer of Clay and Bina of Scott.

On the question "Shall the vote by which amendment H—4000 was adopted be reconsidered?"

The ayes were, 24:

Baker	Crabb	Danker	Davitt
Dieleman	Hansen	Harvey	Hinkhouse
Hoffmann	Horn	Lindeen	Lipsky
Loneragan	Middleswart	Miller, K.D.	Norland
Oxley	Pellett	Schroeder	Spencer
Stephens	Stromer	Wyckoff	Mr. Speaker

The nays, were 65:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, J. H.	Conlon
Crawford	Cusack	Daggett	Den Herder
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Harbor	Hargrave
Hines	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Menke	Millen
Miller, O.L.	Monroe	Nielsen	O'Halloran
Pavich	Pelton	Perkins	Rinas
Scheelhaase	Schneklath	Shimanek	Small
Smalley	Spear	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff			

Absent or Not Voting, 10:

Byerly	Clark, B. J.	Connors	Doyle
Fitzgerald	Higgins	Hullinger	Newhard
Patchett	Poney		

The motion lost.

Spencer of Clay asked and received unanimous consent to withdraw amendment H-3867 filed by him on April 28, 1977.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H-3991 filed by Wyckoff, Hansen, Harvey and Hullinger from the floor.

Horn of Linn offered the following amendment H-4006 filed by him from the floor:

H-4006

- 1 Amend House File 491 as follows:
- 2 1. Page 10, by striking line 35.
- 3 2. Page 11, by striking lines 1-20.

Roll call was requested by Horn of Linn and Baker of Buena Vista.

On the question "Shall amendment H-4006 be adopted?"

The ayes were, 27:

Avenson	Baker	Bennett	Bina
Branstad	Chiodo	Gilson	Halvorson
Hargrave	Hines	Hinkhouse	Horn
Hullinger	Husak	Jesse	Lonergan
Miller, K. D.	Nielsen	Norland	Perkins
Scheelhaase	Smalley	Spencer	Stromer
Wells	Woods	Wyckoff	

The nays were, 63:

Anderson	Binneboese	Brandt	Brockett
Brunow	Clark, J. H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton

Dyrland	Egenes	Evans	Garrison
Gentleman	Gilloon	Griffee	Hansen
Harbor	Harvey	Hoffmann	Howell
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller, O.L.
Monroe	O'Halloran	Oxley	Pavich
Pellett	Pelton	Rinas	Schneklath
Schroeder	Shimanek	Small	Spear
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Weiden
West	Wulff	Mr. Speaker	

Absent or Not Voting, 9:

Byerly	Clark, B. J.	Connors	Doyle
Fitzgerald	Higgins	Newhard	Patchett
Poncy			

Amendment H-4006 lost.

Rinas of Linn asked and received unanimous consent to suspend the rules for consideration of the following amendment H-4024 filed by Husak of Tama and Rinas of Linn from the floor:

H-4024

- 1 Amend House File 491 as follows:
- 2 1. Page 1, by striking line 18 and inserting
- 3 in lieu thereof the words "finalized by May 5, 1977."

On motion by Husak of Tama, amendment H-4024 was adopted.

Dieleman of Marion asked for unanimous consent to suspend the rules to consider amendment H-4026.

Objection was raised.

Dieleman of Marion moved that the rules be suspended for the consideration of the following amendment H-4026 filed by him from the floor:

H-4026

1 Amend House File 491 as follows:

2 1. Page 10, by inserting after line 34, the
3 following:

4 "Sec. . Section three hundred twenty-four
5 point three (324.3), Code 1977, is amended
6 by adding the following new subsection:

7 5. Motor fuel sold to non-profit, non-public
8 schools or school districts for those vehicles
9 used to transport students and faculty to and
10 from authorized school activities and functions."

11 2. Page 11, by inserting after line 20, the
12 following:

13 "Sec. . Section three hundred twenty-four
14 point thirty-five (324.35), Code 1977, is amended
15 by adding the following new unnumbered paragraph:

16 No tax is imposed by this division on special
17 fuel used by non-profit, non-public schools or
18 school districts to transport the students or
19 faculty to and from authorized school activities
20 and functions. "

Roll call was requested by Dieleman of Marion and Walter of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-4026?"

The ayes were, 56:

Anderson	Baker	Bennett	Bina
Brandt	Branstad	Chiodo	Clark, J. H.
Conlon	Davitt	Den Herder	Dieleman
Dyrland	Garrison	Gilloon	Gilson
Griffie	Halvorson	Hansen	Hargrave
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Miller, K. D.	Miller, O. L.
Norland	O'Halloran	Pavich	Pelton
Perkins	Scheelhaase	Schnekloth	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Walter
Wells	Woods	Wulff	Wyckoff

The nays were, 32:

Avenson	Binneboese	Brockett	Brunow
Crabb	Crawford	Cusack	Daggett
Danker	Dunton	Egenes	Evans
Gentleman	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Jesse	Middleswart
Millen	Monroe	Nielsen	Oxley
Rinas	Schroeder	Thompson	Tofte
Varley	Welden	West	Mr. Speaker

Absent or Not Voting, 11:

Byerly	Clark, B. J.	Connors	Doyle
Fitzgerald	Higgins	Newhard	Patchett
Pellett	Poncy	Small	

The motion prevailed:

Junker of Woodbury asked for unanimous consent to amend amendment H-4026.

Objection was raised.

Junker of Woodbury moved that the rules be suspended to offer an amendment to amendment H-4026.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 56, nays 32.

The motion prevailed and the rules were suspended for the following amendment H-4027 to amendment H-4026 filed by Junker of Woodbury from the floor:

H-4027

- 1 Amend amendment H-4026 to House File 491 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the words
- 4 "and faculty".
- 5 2. Page 1, line 18, by striking the word "or".
- 6 3. Page 1, line 19, by striking the word
- 7 "faculty".

Junker of Woodbury moved the adoption of amendment H-4027, to amendment H-4026.

Amendment H-4027 was adopted.

Nielsen of Polk rose on a point of order that amendment H-4026, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-4026 not germane.

Dieleman of Marion moved that the rules governing germaneness be suspended for the consideration of amendment H-4026, as amended.

Roll call was requested by Stromer of Hancock and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4026?"

The ayes were, 42:

Binneboese	Branstad	Chiodo	Clark, J. H.
Conlon	Davitt	Den Herder	Dieleman
Dyrland	Gilloon	Gilson	Griffie
Horn	Howell	Husak	Jochum
Junker	Koogler	Krewson	Lindeen
Lipsky	Loneragan	Miller, K. D.	Miller, O. L.
Norland	Pavich	Pelton	Perkins
Schneklath	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Walter	Wells	Woods
Wulff	Wyckoff		

The nays were, 48:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Brunow	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Dunton	Egenes	Evans
Garrison	Gentleman	Halvorson	Hansen

Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Jesse	Krause
Lageschulte	Menke	Middleswart	Millen
Monroe	Nielsen	O'Halloran	Oxley
Pellett	Poncy	Rinas	Scheelhaase
Schroeder	Small	Thompson	Tofte
Varley	Welden	West	Mr. Speaker

Absent or Not Voting, 9:

Brockett	Byerly	Clark, B. J.	Doyle
Fitzgerald	Higgins	Hullinger	Newhard
Patchett			

The motion lost.

Hullinger of Decatur asked and received unanimous consent to withdraw amendment H-3980 filed May 4, 1977.

By unanimous consent, the following amendment H-4028 filed by Rinas of Linn from the floor was adopted:

H-4028

- 1 Amend House File 491 as follows:
- 2 1. Amend the title, line 19, by inserting
- 3 after the word "fund," the words "authorizing the
- 4 Department of Transportation to conduct a study,".

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 491)

The ayes were, 59:

Anderson	Bennett	Binneboese	Brandt
Brunow	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson

Harbor	Hines	Hinkhouse	Hoffmann
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Middleswart	Millen
Miller, O.L.	Monroe	O'Halloran	Rinas
Schneklath	Schroeder	Shimanek	Small
Spear	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff	Mr. Speaker	

The nays were, 33:

Avenson	Baker	Bina	Branstad
Chiodo	Clark, J.H.	Connors	Danker
Hansen	Hargrave	Harvey	Horn
Hullinger	Jesse	Loneragan	Menke
Miller, K.D.	Nielsen	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Smalley	Spencer
Stromer	Walter	Wells	Woods
Wyckoff			

Absent or not voting, 7:

Brockett	Byerly	Clark, B.J.	Doyle
Higgins	Newhard	Patchett	

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

MOTION TO RECONSIDER LOST (House File 491)

Rinas of Linn asked for unanimous consent that House File 491 be immediately messaged to the Senate.

Objection was raised.

Rinas of Linn moved to reconsider the vote by which House File 491 passed the House on May 5, 1977.

A non-record roll call was requested.

The ayes were 25, nays 57.

The motion lost.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 28, 1977, insisted on its amendment to House File 74, a bill for an act to provide recreational program activities for residents of county care facilities, and that the members of the conference committee on the part of the Senate, appointed May 5, 1977, are: The Senator from Guthrie, Mr. Hutchins, chair; the Senator from Dubuque, Mr. Bisenius; the Senator from Woodbury, Mr. Kelly; the Senator from Des Moines, Mr. Miller; and the Senator from Poweshiek, Ms. Orr.

STEVEN C. CROSS, Secretary

HOUSE RESOLUTION 20

By Wells

- 1 *Whereas*, The House of Representatives has, for many
- 2 sessions, authorized the printing of the booklet "How a
- 3 Bill Becomes a Law"; and the fourteenth edition is completely
- 4 out of print; *Now, Therefore*
- 5 *Be It Resolved by the House of Representatives*, that
- 6 the Chief Clerk is hereby authorized to have printed the
- 7 fifteenth edition of this booklet.

Laid over under Rule 25.

INTRODUCTION OF BILLS

HOUSE FILE 588, by committee on county government, a bill for an act relating to limits on county liability coverage for employees.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 589, by committee on agriculture, a bill for an act relating to the evaluation of utility easements.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 590, by committee on education, a bill for an act relating to elementary and secondary education, including approval of school districts, reorganization procedures, employment procedures for reorganized districts, joint

employment of school personnel and facilities, eligibility of certain districts for additional allowable growth, guaranteed state aid, authority of the school budget review committee, use of regularly administered basic skills tests, and pilot programs for gifted and talented pupils.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 591, by Hansen, a bill for an act to legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 592, by committee on judiciary and law enforcement, a bill for an act establishing the rights of state employees to defense against and indemnification for claims arising from acts or omissions occurring within the scope of employment on or after July 1, 1975.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 593, by committee on state government, a bill for an act relating to procedures for nomination of candidates and

for preparing for, conducting and canvassing elections, and prescribing penalties.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 213, a bill for an act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates.

Read first time and referred to committee on BUDGET.

SENATE FILE 365, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

Read first time and referred to committee on STATE GOVERNMENT.

COMMUNICATION FROM THE SECRETARY OF STATE

May 4, 1977

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 150, was published in the Evening Democrat, Fort Madison, Iowa on April 6, 1977, and in The Daily Gate City, Keokuk, Iowa on April 7, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

SPONSOR WITHDRAWN
(House File 256)

Dyrland of Clayton requested that his name be withdrawn as a sponsor of House File 256.

EXPLANATION OF VOTE

I was absent from the House chamber, talking on the telephone to a constituent, when the afternoon quorum roll call vote was taken on May 4, 1977.

THOMPSON of Polk

I was necessarily absent from the House chamber on Monday, May 2, 1977. Had I been present I would have voted "aye" on House Files 305 and 338; Senate Files 170 and 296.

O'HALLORAN of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 264 Judiciary and Law Enforcement

To legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association.

SPECIAL PRESENTATION

Scheelhaase of Woodbury escorted to the Speaker's station and presented to the House Iowa Beef Princesses Beckie Stall from Polk County and Joann Curoe from Dubuque County.

PRESENTATION OF VISITORS

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

Seventy sixth grade students from Garner Elementary School,

Garner, Iowa, accompanied by Miss Sweers, Mrs. Nelson and Mrs. Stille. By Stromer of Hancock.

Seventy fifth grade students from Washington Elementary School, Muscatine, Iowa, accompanied by Mary Beth Carey, Sara Phelan, Barb Mills and Ruth Herlein. By Hoffmann of Muscatine.

Forty eighth grade students from Treynor Junior-Senior High School, Treynor, Iowa, accompanied by Harold Rehurek. By Schroeder of Pottawattamie.

Twenty-two members of St. Mary High School government class, Storm Lake, Iowa, accompanied by Gary Vasey and Mary Augustine. By Baker of Buena Vista.

Fifty-five fifth and sixth grade students from Union-Whitten Community School, Union, Iowa, accompanied by Mrs. Meredith and Mr. Bergman. By West of Marshall.

Twenty National Honor Society students from Iowa Falls High School, Iowa Falls, Iowa, accompanied by Wayne Christensen and Ralph Wahl. By Welden of Hardin.

Seventy eighth grade students from East Buchanan Junior High School, Winthrop, Iowa, accompanied by Ron Foster and Ken Cappel. By Miller of Buchanan.

Twenty students from Holmes Junior High School, Cedar Falls, Iowa, accompanied by Sue Jorgenson. By O'Halloran of Black Hawk.

Sixty-five ninth grade students from Hampton Junior High School, Hampton, Iowa. By Welden of Hardin.

Sixty-six fourth grade students from Lake Mills Elementary School, Lake Mills, Iowa, accompanied by Daryl Sherman, Babe Quisling and Helene Iverson. By Branstad of Winnebago.

High School, Hampton, Iowa, accompanied by Mr. Howlette and Mr. Brown. By Welden of Hardin.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., May 4, 1977

Convened: 8:07 a.m.

Adjourned: 8:08 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Byerly, Hinkhouse, Hoffmann, Junker, Lindeen, Oxley, Stephens, Wells and Wyckoff.

Absent: Brandt (arrived 8:15 a.m.), Clark of Lee (arrived 8:32 a.m.), Pellett (arrived 8:12 a.m.) and Gilloon.

Excused: Baker, Gilson, Harvey, Miller of Calhoun and Stromer.

Study Bill 241, a bill for an act relating to limits on county liability for employees.

Recommended DO PASS.

Aye: Hullinger, Spear, Danker, Byerly, Hinkhouse, Hoffmann, Junker, Lindeen, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: None.

Absent or not voting: Baker, Brandt, Clark of Lee, Gilloon, Gilson, Harvey, Miller of Calhoun and Stromer.

Study Bill 263, a bill for an act relating to payment of travel expenses of County officers.

Recommended AMEND AND DO PASS.

Aye: Hullinger, Spear, Danker, Brandt, Byerly, Hinkhouse, Hoffmann, Junker, Lindeen, Oxley, Pellett, Stephens and Wells.

Nay: Wyckoff.

Absent or not voting: Baker, Clark of Lee, Gilloon, Gilson, Harvey, Miller of Calhoun and Stromer.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 12:30 p.m., May 4, 1977

Convened: 12:40 p.m.

Adjourned: 2:22 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Gilloon, Halvorson, Hines, Horn, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Absent: Lageschulte.

Excused: Crabb.

Study Bill 240, a bill for an act relating to unemployment compensation changes providing for amendments to the Iowa law to conform to federal amendments pursuant to Public Law 94-566.

Recommended AMEND AND DO PASS.

Aye: Connors, Jochum, Chiodo, Gilloon, Hines, Horn, Pavich, Poncy, Small and Wells.

Nay: None.

Absent or not voting: Egenes, Branstad, Brockett, Crabb, Halvorson, Lageschulte, Smalley and Thompson.

AMENDMENTS FILED

H-3999	H.F. 163	Monroe of Des Moines
H-4002	H.F. 163	Cusack of Scott
H-4012	H.F. 512	Schroeder of Pottawattamie
H-4013	H.F. 112	Dyrland of Clayton
H-4014	H.F. 488	Egenes of Story

H-4015	H.F. 488	Smalley of Polk
H-4016	S.F. 336	Bina of Scott
H-4017	S.F. 336	Bina of Scott
H-4018	S.F. 336	Bina of Scott
H-4019	H.F. 354	Baker of Buena Vista
H-4020	H.F. 396	Chiodo of Polk
H-4021	H.F. 112	Dyrland of Clayton
H-4022	H.F. 112	Dyrland of Clayton
H-4023	H.F. 455	Spear of Lee
H-4025	H.F. 455	Schroeder of Pottawattamie
		Perkins of Greene
		Stromer of Hancock
		Avenson of Fayette
		Tofte of Winneshiek

On motion by Avenson of Fayette the House adjourned at 7:11 p.m., until 9:00 a.m., Friday, May 6, 1977.

JOURNAL OF THE HOUSE

One hundred seventeenth Calendar Day -- Eighty—first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 6, 1977

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

Prayer was offered by Monsignor Joseph Tolan, pastor of St. Joseph's Catholic Church, Wall Lake, Iowa.

The Journal of Thursday, May 5, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Carney, Grinnell, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson on request of Dyrland of Clayton; Brockett of Marshall on request of Evans of Grundy; Walter of Pottawattamie on request of Pavich of Pottawattamie; Clark of Cerro Gordo on request of Wulff of Black Hawk; Spencer of Clay on request of Crawford of Story.

PETITIONS FILED

The following petitions were received and placed on file:

By West of Marshall from one hundred eighty—six employees of the Riverview Release Center and residents of the area in opposition to closing the Riverview Release Center.

By Bina of Scott from thirty constituents; by Brandt of Black Hawk from seventy citizens; by Daggett of Adams from twenty—four citizens; by Danker of Pottawattamie and Pellett of Cass from forty—two constituents; by Wulff of Black Hawk from thirty—nine constituents opposing House File 535, relating to hotel—motel room tax.

By O'Halloran of Black Hawk from eight hundred forty Iowans and the Boy Scout Troop 42 of Callender, Moorland, and Gowrie supporting beverage container legislation banning pop-top lids and all non-returnable containers and requiring deposits on returnable containers.

By Stromer of Hancock from fifty-six constituents urging the General Assembly to adequately fund human resources programs.

By Hines of Story a resolution from the Senate of the Government of the Student Body of Iowa State University supporting the efforts of the Governor and the Majority Leader of the Iowa House to pass the new revenue raising measures.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 1977, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 464, a bill for an act providing for an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

Also: That the Senate has on May 3, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 353, a bill for an act relating to the purchase of energy efficient motor vehicles by state agencies.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 33

By Daggett

- 1 *Whereas*, school districts in the state are suffering
- 2 a continuing enrollment loss, which has fallen from
- 3 an enrollment of 659,569 pupils in September of 1971
- 4 to 605,000 pupils in September of 1976; and
- 5 *Whereas*, the projected population for elementary
- 6 and secondary education may drop to 546,398 pupils
- 7 by 1980 and projections exist for a population of

8 490,395 pupils for the school year beginning in 1987;
9 and

10 *Whereas*, the school enrollment forms the basis
11 for financing elementary and secondary education under
12 current Iowa law, and this funding scheme does not
13 adequately reflect the increasing costs for school
14 programs which cannot be reduced with the loss of
15 a few students in each grade; and

16 *Whereas*, the current adjustments for declining
17 enrollment are not adequate to fund the increasing
18 financial burdens imposed on school districts and
19 to reflect the principal that school costs cannot
20 be accurately reflected on a per pupil cost when
21 school districts are facing a substantial and
22 continuing declining enrollment; and

23 *Whereas*, the costs of transportation
24 disproportionately burden school districts across
25 the state reducing the funds available to a school
26 district to finance the costs of providing education
27 for children; *Now Therefore*,

28 *Be It Resolved by the House of Representatives,*
29 *the Senate Concurring*, That the legislative council
30 is requested to create a study committee consisting

Page 2

1 of members of both houses of the general assembly
2 representing both political parties for the purpose
3 of studying the funding of school programs to evaluate
4 the possibility of funding school programs and
5 transportation needs based upon the school district's
6 budget for the preceding year plus growth; and

7 *Be It Further Resolved*, That the study committee
8 investigate the possibility of modifying the funding
9 scheme for elementary and secondary education to
10 reflect district transportation costs potential
11 financial savings or increased financial needs for
12 school districts which have a substantial increase
13 or decrease in enrollment from one school year to
14 the next; and

15 *Be It Further Resolved*, That the study committee
16 make a report to the legislative council and to the
17 Sixty-seventh General Assembly, 1978 Session,
18 containing recommendations for the financing of school
19 programs to accurately reflect the costs incurred
20 to provide adequate transportation facilities and

- 21 an adequate education for all of Iowa's children
22 together with necessary bill drafts to implement the
23 proposed changes.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 34

By Husak and Bennett

- 1 *Whereas*, it is the intent of the state of Iowa and
2 this general assembly to provide competent care and
3 services to the elderly as well as the abusers of alcohol
4 and drugs; and
5 *Whereas*, it is further the intent of the general
6 assembly to do away with wasteful duplicate spending; and
7 *Whereas*, there are several sources of funding for
8 programs concerned with alcohol and drug abuse, as well
9 as for programs for the elderly; and
10 *Whereas*, the lack of complete information regarding the
11 funding of these programs hampers the state budgetary
12 process; *Now Therefore*,
13 *Be It Resolved by the House of Representatives, the*
14 *Senate Concurring*, That a study of the funding of the
15 commission on aging, the drug abuse authority, the divi-
16 sion of alcoholism and of all of their related programs
17 be undertaken during the 1977 legislative interim by
18 the human resources budget subcommittees of the house of
19 representatives and senate or by a joint subcommittee of
20 those subcommittees, and that a report on the funding of
21 these programs be submitted to the members of the Sixty-
22 seventh General Assembly on or before the date the 1978
23 Session convenes.

Laid over under Rule 25.

ADOPTION OF HOUSE RESOLUTION 20

Wells of Linn asked and received unanimous consent for the immediate consideration of House Resolution 20 filed on May 5, 1977 and found on page 1947 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Hargrave of Johnson called up for consideration House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, amended by the Senate as found on pages 1829 through 1834 of the House Journal.

Small of Johnson in the chair at 9:35 a.m.

Baker of Buena Vista offered the following amendment H-4019, to the Senate amendment H-3930, filed by him and moved its adoption:

H-4019

- 1 Amend the Senate amendment, H-3930 to House File
- 2 354 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 17.

Roll call was requested by Perkins of Greene and Byerly of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-4019 be adopted?"

The ayes were, 43:

Baker	Bennett	Binneboese	Brandt
Branstad	Byerly	Chiodo	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Den Herder	Duntun	Evans	Gilson
Halvorson	Hansen	Harbor	Harvey
Horn	Husak	Junker	Koogler
Lageschulte	Lindeen	Menke	Millen
Miller, K.D.	Miller, O.L.	Pellett	Pelton

Perkins	Scheelhaase	Schroeder	Smalley
Stephens	Stromer	Tofte	Welden
West	Wuff	Wyckoff	

The nays were, 43:

Avenson	Bina	Brunow	Connors
Crawford	Cusack	Davitt	Dieleman
Dyrland	Egenes	Garrison	Gentleman
Giloon	Griffie	Hargrave	Higgins
Hinkhouse	Hoffmann	Howell	Jesse
Jochum	Krause	Krewson	Lipsky
Lonergan	Middleswart	Monroe	Newhard
Norland	O'Halloran	Oxley	Pavich
Poncy	Schnekloth	Shimanek	Spear
Svoboda	Tauke	Thompson	Varley
Wells	Woods	Mr. Speaker (Small)	

Absent or not voting, 13:

Anderson	Brockett	Clark, B.J.	Cochran
Doyle	Fitzgerald	Hines	Hullinger
Nielsen	Patchett	Rinas	Spencer
Walter			

Amendment H-4019 lost.

Junker of Woodbury moved that the rules be suspended to reconsider the vote by which amendment H-4019 failed to be adopted by the House.

Roll call was requested by Harbor of Mills and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall the rules be suspended and amendment H-4019 reconsidered?"

The ayes were, 51:

Baker	Bennett	Binneboese	Branstad
Byerly	Chiodo	Clark, J.H.	Conlon

Crabb	Crawford	Daggett	Danker
Den Herder	Dunton	Evans	Gilson
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Horn	Husak	Junker
Koogler	Lageschulte	Lindeen	Menke
Millen	Miller, K.D.	Miller, O.L.	Nielsen
Oxley	Pellett	Pelton	Perkins
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	West
Woods	Wulff	Wyckoff	

The nays were, 37:

Anderson	Avenson	Bina	Brandt
Brunow	Connors	Cusack	Davitt
Dieleman	Dyrland	Egenes	Garrison
Gentleman	Gilloon	Hargrave	Higgins
Hinkhouse	Howell	Hullinger	Jesse
Jochum	Krause	Krewson	Lipsky
Lonergan	Middleswart	Monroe	Newhard
Norland	O'Halloran	Pavich	Poncy
Spear	Svoboda	Welden	Wells
			Mr. Speaker (Small)

Absent or not voting, 11:

Brockett	Clark, B.J.	Cochran	Doyle
Fitzgerald	Griffie	Hines	Patchett
Rinas	Spencer	Walter	

The motion prevailed and the rules were suspended and amendment H-4019 reconsidered.

Baker of Buena Vista moved the adoption of amendment H-4019, to the Senate amendment H-3930.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 45, nays 42.

Amendment H-4019 was adopted.

Hargrave of Johnson offered amendment H-4029, to the Senate amendment H-3930, filed by him from the floor. Division was requested as follows:

H-4029

- 1 Amend the Senate amendment H-3930, to House File
- 2 354 as amended, passed and reprinted by the House,
- 3 as follows:

H-4029A

- 4 1. Page 2, by inserting after line 21 the
- 5 following:
- 6 " . Page 10, by inserting after line 2 the
- 7 following new paragraph:
- 8 " . The appropriate and efficient use or
- 9 prospective use of the proposed institutional health
- 10 service, and of any existing similar services,
- 11 including but not limited to a consideration of the
- 12 capacity of the sponsor's facility to provide the
- 13 proposed service, and possible sharing or cooperative
- 14 arrangements among existing facilities and providers." "
- 15 2. Page 2, line 39, by inserting after the word
- 16 "department" the words ", and to the designated health
- 17 systems agency in whose area the proposed new or
- 18 changed service is or will be located,".
- 19 3. Page 2, line 42, by inserting after the word
- 20 "process," the words "and in any case not less than
- 21 sixty days before applying for a certificate of need".
- 22 4. Page 3, by striking lines 9 through 13.
- 23 5. Page 4, by striking lines 13 through 18.

H-4029B

- 24 6. Page 4, by striking lines 38 and 39 and
- 25 inserting in lieu thereof the following:
- 26 " . Page 21, by striking lines 23 through 35
- 27 and inserting in lieu thereof the following:
- 28 "3. In conducting its analyses and studies, the
- 29 department should determine whether:
- 30 a. The rates charged and costs incurred by
- 31 hospitals and health care facilities are reasonably
- 32 related to the services offered by those respective
- 33 groups of institutions.
- 34 b. Aggregate rates of hospitals and of health
- 35 care facilities are reasonably related to the aggregate

- 36 costs incurred by those respective groups of
37 institutions.
38 c. Rates are set equitably among all purchasers
39 or classes of purchasers of hospital and of health
40 care facility services.
41 d. The rates for particular services, supplies
42 or materials established by hospitals and by health
43 care facilities are reasonable. Determination of
44 reasonableness of rates shall”.”

On motion by Hargrave of Johnson, amendment H-4029A was adopted.

On motion by Hargrave of Johnson, amendment H-4029B was adopted.

Krewson of Polk offered amendment H-4030, to the Senate amendment H-3930, filed by him from the floor and requested division as follows:

H-4030

- 1 Amend the Senate Amendment H-3930 to House File
- 2 354 as amended, passed and reprinted by the House, as
- 3 follows:

H-4030A

- 4 1. Page 2, by striking lines 22 through 33.

H-4030B

- 5 2. Page 2, by striking lines 47 and 48 and in-
- 6 serting in lieu thereof the following:
- 7 "2. The department shall make".

Krewson of Polk asked for unanimous consent to withdraw amendment H-4030A.

Objection was raised.

Krewson of Polk moved the adoption of amendment H-4030A, to the Senate amendment H-3930.

A non-record roll call was requested.

The ayes were 16, nays 46.

Amendment H-4030A lost.

Krewson of Polk moved the adoption of amendment H-4030B, to the Senate amendment H-3930.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 37, nays 38.

Amendment H-4030B lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the remainder of the day on request of Welden of Hardin.

Lonergan of Boone offered the following amendment H-4033, to the Senate amendment H-3930, filed by Lipsky of Linn and her from the floor and moved its adoption:

H-4033

- 1 Amend the senate amendment H-3930 to House
- 2 File 354 as follows:
- 3 1. Page 1, line 32, by striking the words
- 4 " , nor any spouse of a member,".

Amendment H-4033 lost.

Hargrave of Johnson moved that the House concur in the Senate amendment H-3930, as amended.

The motion prevailed and the House concurred in the Senate amendment H-3930, as amended.

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

On the question "Shall the bill pass?" (H.F. 354)

The ayes were, 59:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Crawford	Cusack
Davitt	Den Herder	Dieleman	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Harbor
Hargrave	Harvey	Higgins	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindee	Lonergan
Middleswart	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Poncy	Schroeder	Shimanek
Spear	Svoboda	Thompson	Varley
Wells	Woods	Mr. Speaker (Small)	

The nays were, 30:

Baker	Bennett	Branstad	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Dunton	Egenes	Halvorson	Hansen
Hoffmann	Menke	Millen	Miller, K.D.
Pellett	Pelton	Perkins	Scheelhaase
Schnekloth	Smalley	Stephens	Stromer
Tauke	Tofte	Welden	West
Wulff	Wyckoff		

Absent or not voting, 10:

Brockett	Clark, B.J.	Doyle	Hines
Krause	Lipsky	Patchett	Rinas
Spencer	Walter		

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

IMMEDIATE MESSAGE
(House File 354)

Hargrave of Johnson asked and received unanimous consent that House File 354 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury and Binneboese of Plymouth for the remainder of the day on request of Husak of Tama; Den Herder of Sioux for the remainder of the day on request of Daggett of Adams.

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of House File 163, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school, and amendment H-3997, (found on page 1914 of the House Journal) to the Senate amendment H-3765 (found on page 1630 of the House Journal).

Poncy of Wapello in the chair at 11:25 a.m.

Small of Johnson in the chair at 11:44 a.m.

Cusack of Scott moved the adoption of amendment H-3997; to the Senate amendment H-3765.

Roll call was requested by Cusack of Scott and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-3997, to the Senate amendment H-3765, be adopted?"

The ayes were, 39:

Bina	Brandt	Branstad	Cochran
Conlon	Crawford	Cusack	Daggett
Davitt	Dunton	Evans	Garrison
Griffie	Halvorson	Hansen	Harvey
Hinkhouse	Horn	Howell	Hullinger
Jesse	Krewson	Middleswart	Miller, K.D.
Monroe	Norland	Pavich	Pellett
Perkins	Scheelhaase	Shimanek	Smalley
Spear	Stromer	Tauke	Tofte
Welden	Wulff	Wyckoff	

The nays were, 46:

Anderson	Avenson	Baker	Bennett
Brunow	Byerly	Chiодо	Clark, J.H.
Connors	Crabb	Danker	Dieleman
Dyrland	Egenes	Fitzgerald	Gentleman
Gilloon	Gilson	Harbor	Hargrave
Higgins	Hines	Hoffmann	Husak
Jochum	Lageschulte	Lindeen	Loneragan
Menke	Millen	Miller, O.L.	Newhard
Nielsen	O'Halloran	Pelton	Poncy
Rinas	Schnekloth	Schroeder	Stephens
Thompson	Varley	Wells	West
Woods	Mr. Speaker (Small)		

Absent or not voting, 14:

Binfeboese	Brockett	Clark, B.J.	Den Herder
Doyle	Junker	Koogler	Krause
Lipsky	Oxley	Patchett	Spencer
Svoboda	Walter		

Amendment H-3997 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello for the remainder of the day on request of Horn of Linn;
Howell of Floyd for the remainder of the day on request of Dieleman of
Marion.

Cusack of Scott offered the following amendment H-4002, to the Senate amendment H-3765, filed by him and moved its adoption:

H-4002

- 1 Amend the Senate amendment H-3765 to House File 163,
- 2 as amended and passed by the House, as follows:
- 3 1. Page 1, by striking lines 3, 4 and 5 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by striking lines 21 through 35 and
- 6 inserting in lieu thereof the words "center if that
- 7 person submits to the admitting official a statement
- 8 signed by a doctor, who is licensed by the state board
- 9 of medical examiners, in which it is stated that, in
- 10 the doctor's opinion, the immunizations required would
- 11 be injurious to the health and well-being of the
- 12 applicant or any member of the applicant's family or
- 13 household."

Roll call was requested by Cusack of Scott and Harvey of Scott.

On the question "Shall amendment H-4002 be adopted?"

The ayes were, 34:

Anderson	Avenson	Bina	Byerly
Chiodo	Cusack	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Hansen	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Husak	Jesse
Jochum	Koogler	Krewson	Lindeen
Menke	Middleswart	Miller, K.D.	Monroe
Pellett	Scheelhaase	Spear	Stephens
Tofte	Wyckoff		

The nays were, 44:

Baker	Bennett	Brandt	Branstad
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Dunton	Gilloon	Gilson
Griffee	Halvorson	Harbor	Hoffmann
Horn	Lageschulte	Lonergan	Millen
Miller, O.L.	Newhard	Nielsen	O'Halloran
Pavich	Pelton	Perkins	Schneklath
Schroeder	Shimanek	Smalley	Stromer
Tauke	Thompson	Varley	Welden
Wells	West	Wulff	Mr. Speaker (Small)

Absent or not voting, 21:

Binneboese
Cochran
Hullinger
Norland
Rinas
Woods

Brockett
Den Herder
Junker
Oxley
Spencer

Brunow
Doyle
Krause
Patchett
Svoboda

Clark, B.J.
Howell
Lipsky
Poney
Walter

Amendment H-4002 lost.

Monroe of Des Moines offered the following amendment H-3999, to the Senate amendment H-3765, filed by him and moved its adoption:

H-3999

- 1 Amend the Senate amendment H-3765 to House File 163;
- 2 as amended and passed by the House, as follows:
- 3 1. Page 1, by inserting after line 10 the following:
- 4 " Page 2, by inserting after line 23 the
- 5 following new subsection:
- 6 " This section shall be of no force and effect
- 7 unless state or federal funds are available to pay the
- 8 cost of the immunizations required by this section." "

A non-record roll call was requested.

The ayes were 19, nays 44.

Amendment H-3999 lost.

Newhard of Jones moved that the House concur in the Senate amendment H-3765.

The motion prevailed and the House concurred in the Senate amendment H-3765.

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

On the question "Shall the bill pass?" (H.F. 163)

The ayes were, 77:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, J.H.	Cochran
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Husak
Jesse	Jochum	Koogler	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Pavich	Pellett	Pelton	Perkins
Rinas	Schnekloth	Schroeder	Shimaneck
Smalley	Spear	Stephens	Stromer
Thompson	Tofte	Varley	Welden
Wells	West	Woods	Wulff
Mr. Speaker (Small)			

The nays were, 7:

Conlon	Harvey	Hullinger	Krewson
Scheelhaase	Tauke	Wyckoff	

Absent or not voting, 15:

Binneboese	Brockett	Clark, B.J.	Den Herder
Doyle	Howell	Junker	Krause
Lipsky	Oxley	Patchett	Poncy
Spencer	Svoboda	Walter	

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

MOTION TO RECONSIDER LOST (House File 163)

Newhard of Jones moved to reconsider the vote by which House File 163 passed the House on May 6, 1977.

A non-record roll call was requested.

The ayes were 11, nays 61.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek for the remainder of the day on request of Schroeder of Pottawattamie; Woods of Polk for the remainder of the day on request of Smalley of Polk.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that House File 546 be removed from Friday's Daily Debate Calendar.

SENATE FILE 307 SUBSTITUTED FOR HOUSE FILE 538

Gilson of Guthrie asked and received unanimous consent to substitute Senate File 307 for House File 538.

Senate File 307, a bill for an act relating to vacating and closing highways, was taken up for consideration.

Miller of Buchanan asked and received unanimous consent that action on Senate File 307 be deferred.

REGULAR CALENDAR

House File 544, a bill for an act relating to snowmobiles, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F.544)

The ayes were, 73:

Anderson	Baker	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Higgins	Hines	Hoffmann	Horn
Hullinger	Husak	Jesse	Jochum
Koogler	Krewson	Lageschulte	Lindeen
Loneragan	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Norland
O'Halloran	Pavich	Pellett	Pelton
Perkins	Rinas	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Varley	West	Wulff	Wyckoff
Mr. Speaker (Small)			

The nays were, 6:

Avenson	Danker	Hinkhouse	Menke
Scheelhaase	Welden		

Absent or not voting, 20:

Binneboese	Brockett	Clark, B.J.	Den Herder
Doyle	Hargrave	Harvey	Howell
Junker	Krause	Lipsky	Newhard
Oxley	Patchett	Poncy	Spencer
Tofte	Walter	Wells	Woods

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

House File 396, a bill for an act relating to conflict of interest for city civil service commissioners and providing a penalty, with report of committee recommending passage was taken up for consideration.

Chiodo of Polk offered the following amendment H-4020 filed by him and moved its adoption:

H-4020

- 1 Amend House File 396 as follows:
 2 1. Page 1, line 6, by striking the words
 3 "or indirectly".

Amendment H-4020 was adopted.

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

On the question "Shall the bill pass?" (H.F. 396)

The ayes were, 80:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimaneck	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Varley	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker (Small)

The nays were, none:

Absent or not voting, 19:

Binneboese	Brockett	Clark, B.J.	Den Herder
Doyle	Hargrave	Harvey	Howell
Jesse	Junker	Lindeen	Lipsky

Oxley
Tofte

Patchett
Walter

Poncy
Woods

Spencer

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffie of Chickasaw for the remainder of the day on request of Pavich of Pottawattamie; West of Marshall for the remainder of the day on request of Egenes of Story; Cusack of Scott for the remainder of the day on request of Bina of Scott.

CONSIDERATION OF BILLS

House File 455, a bill for an act relating to the restraint of dogs, with report of committee recommending amendment and passage was taken up for consideration.

Hullinger of Decatur asked and received unanimous consent to defer action on the committee amendment H-3704 until action on amendment H-4032 was taken.

Byerly of Polk offered the following amendment H-4032 filed by him from the floor:

H-4032

- 1 Amend House File 455, page 1, by striking lines
- 2 3 through 18 and inserting in lieu thereof the
- 3 following:
- 4 "NEW SECTION. RESTRAINT OF DOGS. The board of
- 5 trustees of any township having a common boundary with
- 6 a city having a population of two hundred thousand
- 7 or more or the board of supervisors of any county
- 8 on behalf of such a township may require, by
- 9 resolution, that any dog within the township shall
- 10 be physically restrained or under the direct
- 11 supervision or control of its owner or other in-
- 12 dividual at all times, and may provide for the
- 13 seizure, impoundment, and disposition of dogs not
- 14 restrained."

Schroeder of Pottawattamie offered the following amendment H-4042, to amendment H-4032, filed by him from the floor and moved its adoption:

H-4042

- 1 Amend amendment H-4032 to House File 455 as
- 2 follows:
- 3 1. Page 1, by striking all of lines 4 through
- 4 9 and inserting in lieu thereof the following:
- 5 "NEW SECTION. RESTRAINT OF DOGS. The board
- 6 of supervisors of any county with a population over
- 7 two hundred thousand (200,000) or the board of
- 8 trustees of any township in a county with a pop-
- 9 ulation over two hundred thousand (200,000) may
- 10 require by resolution, that any dog within the
- 11 county or township shall".

Amendment H-4042 was adopted.

Byerly of Polk moved the adoption of amendment H-4032, as amended.

Amendment H-4032, as amended, was adopted placing the following amendments out of order:

H-3704 filed by the committee on county government April 21, 1977.

H-4023 filed by Spear of Lee on May 5, 1977.

H-4025 filed by Schroeder, et al., on May 5, 1977.

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

On the question "Shall the bill pass?" (H.F. 455)

The ayes were, 76:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford

Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jochum	Krause	Krewson	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Pavich	Pelton	Perkins	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Welden	Wulff	Wyckoff	Mr. Speaker (Small)

The nays were, none.

Absent or not voting, 23:

Binneboese	Brockett	Clark, B.J.	Cusack
Den Herder	Doyle	Griffie	Higgins
Howell	Jesse	Junker	Koogler
Lipsky	Oxley	Patchett	Pellett
Poncy	Spencer	Tofte	Walter
Wells	West	Woods	

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

HOUSE FILE 482 WITHDRAWN

Stromer of Hancock asked and received unanimous consent to withdraw House File 482 from further consideration by the House.

INTRODUCTION OF BILLS

HOUSE FILE 594, by committee on state government, a bill for an act relating to substance abuse by changing the name of the division on alcoholism of the state department of health to the division on substance abuse, expanding the powers and duties of the division to reflect jurisdiction over programs relating to all forms of substance abuse, applying the funding formula for

alcoholism in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the division, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance; and repealing chapter two hundred twenty-four B (224B) of the Code.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 595, by committee on labor and industrial relations, a bill for an act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, and to assure federal funding of the administration of the Iowa unemployment compensation program.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 596, by committee on cities, a bill for an act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 597, by committee on budget, a bill for an act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 598, by Hullinger, Koogler, Brunow, Scheelhaase, Daggett, Middleswart, Oxley and Pellett, a bill for an act relating to the financing of local governmental programs with an income tax surtax.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 599, by committee on county government, a bill for an act relating to reimbursing members of certain county agencies, officers, and employees for undertaking official travel and attending training functions.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 600, by Brunow, a bill for an act relating to the consumption and sale of alcoholic liquors and beer on licensed premises.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 601, by Doyle, a bill for an act relating to the procedures applicable to the emergency hospitalization of persons appearing to have serious mental impairment.

Read first time and referred to committee on HUMAN RESOURCES.

SENATE MESSAGES CONSIDERED

SENATE FILE 353, a bill for an act relating to the purchase of energy efficient motor vehicles by state agencies.

Read first time and referred to committee on ENERGY.

HOUSE CONCURRENT RESOLUTION 35

By Committee on Cities

- 1 *Whereas*, previous studies of local government services
- 2 and financing have been found inadequate for legislation;

3 and

4 *Whereas*, a number of questions associated with those
5 studies remain unanswered, questions such as: Which level
6 of government should perform each needed service? How
7 should the services be paid for . . . through property
8 taxes, other taxes, user fees, or other methods? Should
9 tax exempt properties pay for basic government services
10 such as public safety? Should the maximum rate at which
11 agricultural property within cities is taxed continue to
12 be substantially less than the maximum rate at which
13 other property is taxed? and

14 *Whereas*, local intergovernmental relationships in Iowa
15 are complicated by differences in the scope of responsi-
16 bility between cities and counties; and

17 *Whereas*, the amount of certain federal aid received
18 by local jurisdictions depends on the level of taxation
19 among various government units; *Now Therefore*,

20 *Be it Resolved by the House of Representatives, the*
21 *Senate Concurring*, That the legislative council is
22 authorized to create a study committee as provided by
23 law, composed of members of the Standing Cities Committees
24 and Standing County Government Committees of both houses
25 of the 67th General Assembly representing both political
26 parties to conduct a study of the questions outlined
27 above as well as other local government matters which
28 should arise in connection with those questions.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 36

By Committee on Budget

1 *Whereas*, it is necessary that the general assembly
2 have the ability to analyze, develop, and review the
3 state budget; and

4 *Whereas*, the general assembly is presently limited
5 in its ability to perform these functions because it
6 does not have the necessary computer programs, equip-
7 ment and personnel at its disposal which will encompass
8 state budgeting and analysis procedures relating to
9 the appropriation and expenditure of funds; and

10 *Whereas*, this limitation and dependence upon the
11 executive branch of government for budget information
12 affects the ability of the general assembly to function
13 as a separate department of government as mandated by
14 Article III of the Constitution of the State of Iowa
15 providing for the distribution of powers of government;

16 and
17 *Whereas*, Section two point twelve (2.12) of the Code
18 provides an appropriation "deemed necessary to properly
19 carry out the functions of the general assembly" and is
20 consistent with Article III of the Constitution of Iowa
21 in providing funds for the general assembly to function
22 as a separate department of government; and
23 *Whereas*, a plan and the ability to develop an inter-
24 active budgeting system is available to the general
25 assembly and its members; *Now Therefore*,
26 *Be it Resolved by the House of Representatives, the*
27 *Senate Concurring*, That the speaker of the house and the
28 president of the senate are authorized and directed to expend
29 sums not exceeding the sum of four hundred eighteen thousand
30 (418,000) dollars from funds available under section two

Page 2

1 point twelve (2.12) of the Code to develop for the use
2 of the general assembly and its members an interactive
3 budgeting system which will provide for and encompass
4 state budgeting and analysis procedures relating to the
5 appropriation and expenditure of funds. Funds authorized
6 by this resolution may be expended for the lease or
7 purchase of necessary equipment or computer time, the
8 execution of necessary contracts providing for computer
9 programming, acquisition and development of software, the
10 employment of necessary personnel, and for necessary costs
11 required to implement and use the interactive budgeting
12 system; and

13 *Be it further resolved*, That the legislative council
14 shall have the duty and responsibility to review the develop-
15 ment of the interactive budgeting system and periodic reports
16 of such development shall be made to the legislative council;
17 and

18 *Be It Further Resolved*, That pursuant to section two
19 point twelve (2.12) of the Code the state comptroller is
20 directed and shall issue warrants to pay costs in carrying
21 out the provisions of this resolution.

Laid over under Rule 25.

UNANIMOUS CONSENT CALENDAR
(House Resolution 18)

We hereby respectfully request that House Resolution 18, filed

on April 13, 1977 and found on page 1338 of the House Journal, be placed on the unanimous consent calendar.

BYERLY of Polk
CONNORS of Polk
CHIODO of Polk

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 22, 1977, in order to testify before the U.S. Senate Governmental Affairs Committee. Had I been present I would have voted "nay" on amendments H-3351D and H-3351H to Senate File 214; "aye" on amendments H-3361, H-3374, H-3370 and H-3366 to Senate File 214.

O'HALLORAN of Black Hawk

PRESENTATION OF VISITORS

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

Seventy first through sixth grade students from Collins Elementary School, Collins, Iowa, accompanied by Mrs. Cooper, Mrs. Bohnker, Miss Rickert, Mrs. McQuinn and Miss Gross. By Hines of Story.

Thirty-five seniors from Anita Junior-Senior High School, Anita, Iowa, accompanied by John Burker. By Gilson of Guthrie and Pellett of Cass.

Thirty-five sixth grade students from Orient-Macksburg Community School, Orient, Iowa, accompanied by Mrs. Herr and Mr. Shallenberger. By Davitt of Warren and Hullinger of Decatur.

Thirty fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mrs. Schick. By Brunow of Appanoose.

Eighty-four students from Stockport Middle School, Stockport, Iowa, accompanied by Martha Watson, Eric Thur, Jeff Roe and Veneta Teal. By Millen of Van Buren.

Thirty-nine fifth grade students from Sheffield-Chapin Community School, Sheffield, Iowa, accompanied by Betty Rohn. By Welden of Hardin.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., May 4, 1977

Convened: 1:05 p.m.

Adjourned: 2:10 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Junker, Middleswart, Patchett, Shimanek, Stromer, Tauke, Walter and West.

Absent: Jesse and Poncy.

Study Bill 259, a bill for an act relating to substance abuse by changing the name of the division on alcoholism of the state department of health to the division on substance abuse, expanding the powers and duties of the division to reflect jurisdiction over programs relating to all forms of substance abuse, providing for the licensing of treatment facilities by the division, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, and repealing chapter two hundred twenty-four B (224B) of the Code.

Recommended AMEND AND DO PASS.

Aye: Monroe, Woods, Harvey, Brandt, Dieleman, Griffee, Hansen, Junker, Middleswart, Stromer, Walter and West.

Nay: Crawford, Higgins, Shimanek and Tauke.

Absent or Not Voting: Avenson, Jesse, Patchett and Poncy.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., May 6, 1977

Convened: 8:15 a.m.

Adjourned: 9:03 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Koogler, Norland, Stromer, Varley, Welden, Wells and Wulff.

Absent: Avenson (arrived 8:20 a.m.), Jesse (arrived 8:25 a.m.) and O'Halloran (arrived 8:22 a.m.).

Senate File 364, a bill for an act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system.

Recommended AMEND AND DO PASS.

H-4036

1 Amend Senate File 364 as follows:

- 2 1. Page 1, line 3, by striking the words "1976
3 and ending June 30, 1977" and inserting in lieu
4 thereof the words "1977 and ending June 30, 1978".
5 2. Page 1, by inserting after line 7 the
6 following:
7 "Sec. 2. There is appropriated from the general
8 fund of the state to the department of social services
9 for the fiscal year beginning July 1, 1977 and ending
10 June 30, 1978 the sum of one hundred fifty thousand
11 (150,000) dollars, or so much as is necessary, to
12 be used to pay the state's share of costs for improving
13 the city of Independence's sewer system."
14 3. Page 1, by striking lines 8 through 12.
15 4. Title page, line 3, by inserting after the
16 word "system" the words "and improving the city of
17 Independence's sewer system".

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: None.

House Concurrent Resolution to appropriate \$418,000 to develop for the use of the general assembly and its members an interactive budgeting system which will provide for and encompass state budgeting and analysis procedures relating to the appropriation and expenditure of funds.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran and Wells.

Nay: Stromer, Varley, Welden and Wulff.

Absent or Not Voting: None.

LSB 1633H, a bill for an act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: Wulff.

Absent or Not Voting: None.

COMMITTEE ON CITIES

Scheduled: 8:00 a.m., May 6, 1977

Convened: 8:09 a.m.

Adjourned: 8:30 a.m.

Present: Bina, chair; Connors, Dunton, Hoffmann, Koogler, Krewson, Nielsen, Schneklath, Spear, Stephens, Tofte and Wulff.

Absent: Gentleman (arrived 8:15 a.m.), Pavich (arrived 8:12 a.m.), Hines, Clark of Lee, Hargrave, Newhard, Perkins, Rinas and Smalley.

Senate File 356, a bill for an act relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves territory in more than one county, clarifying the publication requirements for notice of election results, and allowing chapter three hundred sixty-eight (368) of the Code to prevail over chapter seventeen A (17A) of the Code in certain instances.

Recommended AMEND AND DO PASS.

H-4031

- 1 Amend Senate File 356 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "involved" the words "by its board of supervisors".
- 4 2. Page 1, line 34, by inserting before the word
- 5 "The" the words "The judicial review provisions of this
- 6 section and chapter seventeen A (17A) of the Code shall
- 7 be the exclusive means by which a person or party who
- 8 is aggrieved or adversely affected by agency action may
- 9 seek judicial review of that agency action."
- 10 3. Page 2, line 9, by striking the words and figure
- 11 "subsection five (5)" and inserting in lieu thereof the
- 12 words and figures "subsections five (5) and eight (8)".

Aye: Bina, Connors, Gentleman, Hoffmann, Krewson, Pavich, Schnekloth, Spear, Stephens, Tofte and Wulff.

Nay: None.

Absent or Not Voting: Hines, Clark of Lee, Dunton, Hargrave, Koogler, Newhard, Nielsen, Perkins, Rinas and Smalley.

Study Bill 261, a bill for an act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

Recommended DO PASS.

Aye: Bina, Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Pavich, Schnekloth, Spear, Stephens, Tofte and Wulff.

Nay: None.

Absent or not voting: Hines, Clark of Lee, Hargrave, Newhard, Nielsen, Perkins, Rinas and Smalley.

Assigned bills to subcommittee.

SUBCOMMITTEE ASSIGNMENTS

House File 123 Human Resources Krewson, chair Walters Lonergan	House File 574 Cities Krewson, chair Bina Rinas	Senate File 349 Judiciary and Law Enforcement Jesse, chair Newhard Branstad Gentleman Nielsen
House File 256 State Government Woods, chair Griffie West	House File 576 Labor and Industrial Relations Horn, chair Gilloon Chiodo Egenes Branstad	Senate File 356 Cities Spear, chair Bina Rinas Smalley Krewson
House File 396 Cities Connors, chair Newhard Stephens Koogler Krewson	House File 579 Labor and Industrial Relations Horn, chair Gilloon Chiodo Egenes Branstad	Senate File 361 Judiciary and Law Enforcement Jesse, chair Newhard Branstad Gentleman Nielsen
House File 533 Cities Bina, chair Clark of Lee Koogler Krewson Pavich Spear Wulff	Senate File 42 Human Resources Hargrave, chair Schroeder Walter	Senate File 362 Judiciary and Law Enforcement Pelton, chair Patchett Shimanek
House File 547 Human Resources Miller of Buchanan, chair Tofte Anderson	Senate File 333 Human Resources Gentleman, chair Hansen Newhard	Senate File 363 Judiciary and Law Enforcement Jesse, chair Lipsky Newhard
House File 557 Cities Bina, chair Dunton Gentleman Perkins Wulff	Senate File 337 Labor and Industrial Relations Horn, chair Gilloon Chiodo Egenes Branstad	

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S.B. 261

Cities

Connors, chair

Krewson

Bina

AMENDMENTS FILED

H-4034	H.F. 546	Krause of Kossuth
H-4035	S.F. 318	Brunow of Appanoose
		Branstad of Winnebago
H-4038	H.F. 546	Junker of Woodbury
H-4039	H.F. 546	Daggett of Adams
H-4040	S.F. 307	Miller of Buchanan
H-4041	S.F. 307	Welden of Hardin
		Varley of Adair
H-4043	H.F. 463	Stromer of Hancock
H-4044	S.F. 213	Spear of Lee
H-4045	S.F. 145	Monroe of Des Moines
H-4046	S.F. 167	Spear of Lee
H-4047	S.F. 112	Garrison of Black Hawk
		Miller of Buchanan
		Baker of Buena Vista

On motion by Fitzgerald of Webster the House adjourned at 1:33 p.m., until 10:00 a.m., Monday, May 9, 1977.

JOURNAL OF THE HOUSE

One Hundred Twentieth Calendar Day -- Eighty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 9, 1977

The House met pursuant to adjournment, Small of Johnson in the chair.

Prayer was offered by Father William Wiebler, pastor of Our Lady of Lourdes Church, Bettendorf, Iowa.

The Journal of Friday, May 6, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Raymond Frech, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay on request of Crawford of Story; Howell of Floyd for the morning session on request of Dieleman of Marion; Oxley of Linn on request of Hullinger of Decatur; Byerly of Polk on request of Baker of Buena Vista.

PETITIONS FILED

The following petitions were received and placed on file:

By Dieleman of Marion from twenty-two constituents opposing any legislation which would provide for and allow parimutuel betting in the State of Iowa; from eighteen constituents supporting House File 463, relating to the operation of area education agencies.

By O'Halloran of Black Hawk, from forty-five constituents in favor of the equal rights amendment and opposing any effort to rescind that amendment.

By Horn of Linn from thirty-four Iowa residents; by Wulff of Black Hawk from thirty-seven constituents opposing House File 535 relating to the hotel-motel room tax.

MESSAGES FROM THE SENATE

The following messages were received from the Senate;

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 5, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 70, a bill for an act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 279, a bill for an act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 437, a bill for an act to permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 118, a bill for an act declaring the multiflora rose to be a noxious weed.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 229, a bill for an act relating to checks, money orders, or other acceptable negotiable instruments used to make payments to public officers, and subjecting violators to removal from office.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 290, a bill for an act relating to the sale of beer on Sunday.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 311, a bill for an act relating to the authority of the state conservation commission to provide fire protection for its property.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 358, a bill for an act relating to the licensing and practicing of veterinarians.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 375, a bill for an act relating to the discipline of judicial magistrates.

Also: That the Senate has on May 5, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 377, a bill for an act relating to the development of air carrier service in the state by the state department of transportation.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of Senate File 307, a bill for an act relating to vacating and closing highways.

Miller of Buchanan offered the following amendment H-4040 filed by him:

H-4040

- 1 Amend Senate File 307 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the follow-
- 4 ing:
- 5 "Sec. Chapter three hundred six (306), Code
- 6 1977, is amended by adding the following new sections:

7 NEW SECTION. MAINTENANCE OF LAND ACCESS ROADS.

8 Roads classified and properly designated as land
9 access roads shall be maintained by the adjoining
10 landowners and not by the jurisdiction having control
11 over the road.

12 NEW SECTION. ABANDONED RIGHT-OF-WAY REHABILITATION

13 FUND. There is hereby created a fund which shall
14 be known as the abandoned right-of-way rehabilitation
15 fund and shall consist of funds allocated from the
16 road use tax fund.

17 NEW SECTION. USE OF ABANDONED RIGHT-OF-WAY

18 REHABILITATION FUND. Funds allocated to the aban-
19 doned right-of-way rehabilitation fund shall be used

20 to pay a part of the cost incurred in reshaping road
21 rights-of-way which have been vacated and closed
22 pursuant to the provisions of this chapter such that
23 the resulting terrain configuration would be suitable

24 for return to agricultural productivity. The board
25 of supervisors of any county may make written
26 application to the department on behalf of the affected
27 property owner for rehabilitation assistance at any
28 time following the publishing of a notice of a proposed
29 vacating or closing as required in section three

30 hundred six point twelve (306.12) of the Code.
31 Rehabilitation assistance shall be limited to a
32 reimbursement of seventy percent of the total actual
33 rehabilitation cost with at least thirty percent to
34 be provided by the affected property owner. The board
35 of supervisors of the county in which the property

36 is located shall provide the department with
37 certification of the actual rehabilitation cost
38 incurred by the property owner in returning the vacated
39 right-of-way to agricultural productivity. Upon
40 receiving said certification, and upon reaching a
41 decision on the amount, if any, to be reimbursed from
42 the abandoned right-of-way rehabilitation fund, the
43 department shall direct the treasurer of state to
44 pay the amount from the funds available in the
45 abandoned right-of-way rehabilitation fund. Provided,
46 however, that no funds shall be distributed until
47 after a final order to vacate and close the road has
48 been entered and the land has been returned to
49 agricultural productivity.

50 Sec. . Section three hundred six point one

2 by adding the following new paragraph:

3 NEW PARAGRAPH. m. The land access system.

4 Sec. . Section three hundred six point one
5 (306.1), subsection two (2), paragraph f, Code 1977,
6 is amended by striking the paragraph and inserting
7 in lieu thereof the following:

8 f. The area service system shall consist of those
9 roads providing principal access to farmsteads or
10 to residential, commercial or industrially developed
11 land in rural areas and all other public roads outside
12 of municipalities not otherwise classified.

13 Sec. . Section three hundred six point one
14 (306.1), subsection two (2), Code 1977, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. m. The land access system shall
17 consist of those roads providing secondary access
18 to farmsteads and to lands primarily served by vehicles
19 other than passenger cars and commercial vehicles.
20 Roads within this classification may be closed to
21 general public use through the installation and mainte-
22 nance of appropriate signs at all entry points by
23 the unit of government having jurisdiction and control
24 over such roads. Roads within this classification
25 may be altered, vacated or closed as provided in this
26 chapter. A landowner may petition the county board
27 of supervisors to alter, vacate or close a road based
28 on the grounds of mutual benefit to both parties.

29 Sec. . Section three hundred six point three
30 (306.3), subsection four (4), Code 1977, is amended
31 to read as follows:

32 4. "Secondary roads" or "secondary road system"
33 means those roads, outside the boundaries of munici-
34 palities, classified as trunk, trunk collector and
35 area service and land access under section 306.1.

36 Sec. . Section three hundred six point three
37 (306.3), subsection six (6), Code 1977, is amended
38 to read as follows:

39 6. "Local secondary roads" or "local secondary
40 road system" means those secondary roads which are
41 classified as area service and land access under
42 section 306.1.

43 Sec. . Section three hundred six point three
44 (306.3), Code 1977, is amended by adding the following
45 new subsections:

46 NEW SUBSECTION. 12. "Principal access" means
47 the only motor vehicle access to a farmstead or to
48 residential, commercial, or industrial property in
49 rural areas, or, in the case of multiple accesses,
50 the road which in the judgment of the county functional

Page 3

1 classification board provides the most beneficial
2 overall traffic service to the public in total.

3 NEW SUBSECTION. 13. "Secondary access" means
4 those roads which provide duplicate access in addition
5 to the access provided by the principal access road
6 serving a given farmstead, residence, commercial,
7 or industrial property in rural areas.

8 Sec. . Section three hundred six point four
9 (306.4), subsection two (2), Code 1977, is amended
10 to read as follows:

11 2. Jurisdiction and control over the secondary
12 roads shall be vested in the county board of super-
13 visors of the respective counties provided that the
14 county board shall not be responsible for maintenance
15 of those roads classified as land access roads under
16 section three hundred six point one (306.1) of the
17 Code."

18 2. Page 1, by inserting after line 35 the follow-
19 ing:

20 "Sec. . Section three hundred twelve point
21 two (312.2), Code 1977, is amended by adding the
22 following new subsection:

23 "NEW SUBSECTION. The treasurer of state, before
24 making the allotments provided for in this section,
25 shall credit annually to the abandoned right-of-way
26 rehabilitation fund the sum of one million dollars.
27 All unobligated funds at the end of each year shall
28 revert to the road use tax fund."

29 3. Amend the title, line 1, by inserting after
30 the word "highways" the words "providing for rescission
31 of vacation orders after damage awards and for
32 definitions of land access roads, principal access
33 roads and secondary access roads, the creation of
34 an abandoned right-of-way rehabilitation fund and
35 appropriating one million dollars to the fund".

36 4. Renumber sections and correct internal refer-
37 ences as necessary in conformance with this amendment.

Miller of Buchanan moved that the rules governing germaneness
be suspended for the consideration of amendment H-4040.

A non-record roll call was requested.

The ayes were 32, nays 34.

The motion lost, placing out of order amendment H-4041, to amendment H-4040, filed by Welden of Hardin and Varley of Adair on May 6, 1977.

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

On the question "Shall the bill pass?" (S.F. 307)

The ayes were, 74:

Anderson	Baker	Bennett	Bina
Brandt	Brockett	Brunow	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gilloon
Gilson	Hansen	Harbor	Hargrave
Higgins	Hinkhouse	Hoffmann	Horn
Hullinger	Jochum	Koogler	Krause
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pelton
Perkins	Poncy	Scheelhaese	Schneklath
Schroeder	Shimanek	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Small)		

The nays were, 2:

Gentleman	Krewson
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Absent or not voting, 23:

Avenson	Binneboese	Branstad	Byerly
Chiodo	Clark, J.H.	Cochran	Egenes
Garrison	Griffee	Halvorson	Harvey
Hines	Howell	Husak	Jesse
Junker	Monroe	Oxley	Pellett
Rinas	Smalley	Spencer	

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

HOUSE FILE 538 WITHDRAWN

Gilson of Guthrie asked and received unanimous consent to withdraw House File 538 from further consideration by the House.

Senate File 224, a bill for an act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered amendment H-3727 filed by the committee on cities on April 25, 1977 and found on pages 1612 and 1613 of the House Journal.

Schnekloth of Scott asked for unanimous consent that Senate File 224 be deferred.

Objection was raised.

Schnekloth of Scott moved that action on Senate File 224 be deferred.

The motion lost.

Spear of Lee moved the adoption of the committee amendment H-3727.

Amendment H-3727 was adopted.

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

On the question "Shall the bill pass?" (S.F. 224)

The ayes were, 80:

Anderson	Baker	Bennett	Bina
Brandt	Branstad	Brunow	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hoffmann	Horn	Hullinger
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pellett	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Small)

The nays were, 3:

Hinkhouse	Pelton	Schnekloth
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Absent or not voting, 16:

Avenson	Binneboese	Brockett	Byerly
Clark, J.H.	Cochran	Egenes	Garrison
Griffiee	Hines	Howell	Husak
Jesse	Junker	Oxley	Spencer

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

SENATE FILE 205 SUBSTITUTED FOR HOUSE FILE 398

Monroe of Des Moines asked and received unanimous consent to substitute Senate File 205 for House File 398.

Senate File 205, a bill for an act relating to the practice of

dentistry and dental hygiene by faculty of the college of dentistry, was taken up for consideration.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-3379 filed by Monroe, et al., on March 22, 1977.

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

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 81:

Anderson	Baker	Bennett	Bina
Brandt	Branstad	Brunow	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Jochum	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Schneklath	Schroeder
Shimanek	Smalley	Spear	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Small)

The nays were, 3:

Koogler	Scheelhaase	Stephens
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Absent or not voting, 15:

Avenson	Binneboese	Brockett	Byerly
Clark, J.H.	Cochran	Egenes	Garrison
Griffee	Howell	Husak	Jesse
Junker	Oxley	Spencer	

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

Senate File 41, a bill for an act relating to the management of state records, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 41)

The ayes were, 82:

Baker	Bennett	Bina	Brandt
Branstad	Brockett	Brunow	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklloth
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		
	(Small)		

The nays were, 1:

Schroeder

Absent or not voting, 16:

Anderson

Avenson

Binneboese

Byerly

Clark, J. H.	Cochran	Egenes	Garrison
Griffiee	Howell	Husak	Jesse
Junker	Nielsen	Oxley	Spencer

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

Senate File 274, a bill for an act relating to uniform child-custody jurisdiction, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 274)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	
		(Small)	

The nays were, 1:

Tofte

Absent or not voting, 15:

Byerly	Clark, J. H.	Cochran	Egenes
Fitzgerald	Garrison	Griffie	Howell
Hullinger	Husak	Nielsen	Oxley
Rinas	Spencer	Stephens	

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

MOTION TO RECONSIDER LOST (Senate File 274)

Newhard of Jones moved to reconsider the vote by which Senate File 274 passed the House on May 9, 1977.

A non-record roll call was requested.

The ayes were 32, nays 39.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk on request of Dunton of Keokuk.

Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the

county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, with report of committee recommending amendment and passage was taken up for consideration.

Brunow of Appanoose offered amendment H-3804 filed by the committee on transportation on April 27, 1977 and found on pages 1677 through 1684 of the House Journal.

Krause of Kossuth offered the following amendment H-3920, to the committee amendment H-3804, filed by him and moved its adoption:

H-3920

- 1 Amend amendment H-3804 to Senate File 167 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 39 through 42 and
- 4 inserting in lieu thereof:
- 5 "Sec. Section three hundred twenty-one
- 6 point thirty-five (321.35) is amended by striking the
- 7 section and inserting in lieu thereof the following:
- 8 **NEW SECTION.** The department may reflectorize
- 9 registration plates according to specifications pre-
- 10 scribed by the director.
- 11 2. Page 7, by striking lines 28 through 30.
- 12 3. Renumber sections and correct internal
- 13 references in conformance with this amendment.

A non-record roll call was requested.

The ayes were 27, nays 54.

Amendment H-3920 lost.

Spear of Lee offered the following amendment H-3979, to the committee amendment H-3804, filed by him and moved its adoption:

H-3979

- 1 Amend amendment H-3804 to Senate File 167, as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 3, by striking lines 42 through 48 and
- 5 inserting in lieu thereof the following:
- 6 "1. To any person, as an operator, who is under
- 7 the age of".

Amendment H-3979 was adopted.

(Senate File 167 and amendment H-3804, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Nielsen of Polk in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 5, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 267, a bill for an act relating to investment of certain funds in the custody of the clerk of the district court.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 267

H-4053

- 1 Amend House File 267, as passed by the House, as
2 follows:
3 1. Page 1, line 8, by inserting after the word
4 "Code" the words "except a supervised financial
5 institution organized under and holding an
6 authorization certificate issued pursuant to chapter
7 five hundred thirty-three (533) of the Code".

QUORUM CALL

Roll call was requested by Junker of Woodbury and Egenes of Story to determine that a quorum was present.

The vote revealed:

Present: 68

Avenson	Baker	Bennett	Bina
Binneboese	Branstad	Brockett	Brunow
Clark, B.J.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
DenHerder	Dieleman	Doyle	Egenes
Evans	Fitzgerald	Gilson	Halvorson
Hansen	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Lageschulte	Lindeen	Lonerган
Menke	Millen	Miller, K.D.	Monroe
Newhard	Norland	O'Halloran	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Spear	Stromer	Svoboda
Tauke	Tofte	Varley	Welden
Wells	Wulff	Wyckoff	Mr. Speaker (Nielsen)

Absent: 31

Anderson	Brandt	Byerly	Chiodo
Clark, J.H.	Cochran	Connors	Dunton
Dyrland	Garrison	Gentleman	Gilloon
Griffie	Hargrave	Higgins	Howell
Jesse	Krewson	Lipsky	Middleswart
Miller, O.L.	Oxley	Patchett	Rinas
Smalley	Spencer	Stephens	Thompson
Walter	West	Woods	

BUSINESS PENDING

The House resumed consideration of Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, and the committee amendment H-3804, as amended.

Spear of Lee offered the following amendment H-4046, to the committee amendment H-3804, filed by him:

H-4046

- 1 Amend amendment H-3804 to Senate File 167, as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 4, by striking lines 31 through 44 and
- 4 inserting in lieu thereof the following:
- 5 " . By striking page 22, line 33 through page
- 6 23, line 10, and inserting in lieu thereof the

7 following:

8 "2. YOUTHS NOT ATTENDING SCHOOL-NO DRIVER'S
9 TRAINING DRIVER EDUCATION REQUIRED.

10 a. Any person under the age of between sixteen
11 and eighteen years of age who is not attending a
12 public or private school in which an approved driver's
13 education course is offered or available, shall not
14 be required to complete an approved driver's education
15 course prior to being entitled to receive a one-year
16 probationary operator's license from the department.
17 ~~Any person who re-enters any private or public school~~
18 ~~prior to age eighteen shall be required to attend~~
19 ~~an approved driver's education course. A person shall~~
20 ~~not have a probationary operator's license revoked~~
21 ~~or suspended upon reentering school prior to age~~
22 ~~eighteen.~~

23 b. The department shall revoke a probationary
24 operator's license upon proof of a conviction for
25 a moving traffic violation. " "

26 2. Renumber and correct internal references as
27 necessary.

By unanimous consent the following amendment H-4064, to amendment H-4046 (to amendment H-3804) filed by Spear of Lee from the floor was adopted:

H-4064

1 Amend amendment H-4046 to amendment H-3804 to
2 page 4 of Senate File 167 as follows:

3 1. Page 1, line 23, by striking the word
4 "revoke" and inserting in lieu thereof the word
5 "cancel".

Spear of Lee moved the adoption of amendment H-4046, as amended, to the committee amendment H-3804.

A non-record roll call was requested.

The ayes were 44, nays 20.

Amendment H-4046, as amended, was adopted.

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

The House resumed session, Speaker pro tempore Nielsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams and Harbor of Mills on request of Wyckoff of Benton; Dyrland of Clayton on request of Patchett of Johnson; Stromer of Hancock on request of Millen of Van Buren; all for the remainder of the day.

Krause of Kossuth offered the following amendment H-4048, to the committee amendment H-3804, filed by him from the floor and moved its adoption:

H-4048

- 1 Amend Amendment H-3804, to Senate File 167, as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 4, line 45, by striking the figure "11" and
- 4 inserting in lieu thereof the figure "10".

Amendment H-4048 was adopted.

Krause of Kossuth offered the following amendment H-3874, to the committee amendment H-3804, filed by him and moved its adoption:

H-3874

- 1 Amend amendment H-3804 to Senate File 167
- 2 as follows:
- 3 1. Page 6, by striking lines 31 through 50.
- 4 2. Page 7, by striking lines 1 through 11.
- 5 3. Renumber sections and correct internal
- 6 reference in conformance with this amendment.

Roll call was requested by Krause of Kossuth and Dunton of Keokuk.

On the question "Shall amendment H-3874, to amendment H-3804, be adopted?"

The ayes were, 21:

Anderson	Avenson	Brockett	Conlon
Davitt	Evans	Griffee	Hoffmann
Koogler	Krause	Menke	Millen
Miller, K.D.	Monroe	Pavich	Rinas
Svoboda	Varley	Walter	Welden
Wulff			

The nays were, 60:

Baker	Bennett	Bina	Binneboese
Brandt	Branstad	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Crabb	Cusack
Danker	Den Herder	Dieleman	Doyle
Dunton	Egenes	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Horn
Hullinger	Husak	Jochum	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Middleswart	Miller, O.L.	Norland
O'Halloran	Pellet	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Shimaneck	Smalley	Spear	Stephens
Tauke	Thompson	Tofte	Wells
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

Absent or not voting, 18:

Byerly	Cochran	Connors	Crawford
Daggett	Dyrland	Fitzgerald	Garrison
Harbor	Higgins	Howell	Jesse
Newhard	Oxley	Patchett	Small
Spencer	Stromer		

Amendment H-3874 lost.

Hines of Story offered the following amendment H-4058, to the committee amendment H-3804, filed by him from the floor and moved its adoption:

H-4058

- 1 Amend amendment H-3804 to Senate File 167
- 2 as follows:
- 3 1. Page 6, line 47 by striking the word "thirty--

4 six" and inserting in lieu thereof the word
5 "thirty-four".

6 2. Page 7, by inserting after the period in
7 line 11 the following:

8 "Annual special permits issued pursuant to
9 this section for two axle vehicles shall be for
10 vehicles registered to operate in Iowa prior to
11 July 1, 1978. The provision of this section shall
12 not apply to two axle vehicles after July 1, 1983."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 39, nays 40.

Amendment H-4058 lost.

Schroeder of Pottawattamie offered the following amendment H-4059, to the committee amendment H-3804, filed by him from the floor:

H-4059

1 Amend the Committee on Transportation amendment,
2 H-3804, to Senate File 167 as follows:

3 1. Page 7, by inserting after line 11 the
4 following:

5 " . Page 27, by inserting after line 15 the
6 following:

7 "Sec. . Section three hundred twenty-one point
8 four hundred seventy-three (321.473), Code 1977, is
9 amended by adding the following new unnumbered
10 paragraphs:

11 **NEW UNNUMBERED PARAGRAPH.** A railroad corporation
12 or its employees shall not operate any train in such
13 a manner as to prevent vehicular use of any highway,
14 street or alley for a period of time in excess of
15 five minutes except:

16 1. When necessary to comply with signals affecting
17 the safety of the movement of trains.

18 2. When necessary to avoid striking any object
19 or person on the track.

20 3. When the train is disabled.

21 4. When necessary to comply with governmental
22 safety regulations.

23 NEW UNNUMBERED PARAGRAPH. Any officer or employee
24 of a railroad corporation violating any provision
25 of this section shall, upon conviction be subject
26 to the penalty provided in section 327G.14. An
27 employee shall not be guilty of such violation if
28 his action was necessary to comply with the direct
29 order or instructions of a railroad corporation or
30 its supervisors.

31 NEW UNNUMBERED PARAGRAPH. The provisions of this
32 section notwithstanding, a political subdivision may
33 pass a resolution or ordinance regulating the
34 obstruction of a road or alley at a railroad grade
35 crossing if the political subdivision demonstrates
36 such a resolution or ordinance is necessary for public
37 safety or convenience. If such a resolution or
38 ordinance is passed the political subdivision shall
39 immediately notify the board and the railroad
40 corporation using the crossing affected by the
41 resolution or ordinance. The resolution or ordinance
42 shall become effective thirty days after such
43 notification unless a person files an objection to
44 the resolution or ordinance with the board. If an
45 objection is filed the board shall hold a hearing
46 according to the rules established by the board.
47 The board may disapprove the resolution or ordinance
48 if public safety or convenience does not require such
49 a resolution or ordinance. The resolution or ordinance
50 approved by the political subdivision shall be prima

Page 2

1 facie evidence that the resolution or ordinance is
2 adopted to preserve public safety, health and
3 convenience. Public safety or convenience may include,
4 but shall not be limited to, high traffic density
5 at a specific crossing of a main artery or interference
6 with the flow of authorized emergency vehicles.

7 NEW UNNUMBERED PARAGRAPH. Political subdivisions
8 shall notify the board within sixty days of the
9 effective date of this Act, of each existing resolution
10 or ordinance which does not conform with the provisions
11 of this section. Such ordinances or resolutions may
12 remain in effect until the board has acted upon each
13 ordinance or resolution under the procedures specified
14 in this section." "

15 2. Page 7, by inserting after line 30 the
16 following:

17 " . Page 31, line 8, by striking the word "and".

- 18 . Page 31, line 9, by inserting after the
 19 figure "(321.188)," the words and figure "and three
 20 hundred twenty-seven G point thirty-two (327G.32),".
 21 3. Page 7, by inserting after line 42 the
 22 following:
 23 " . Amend the title, page 1, line 24, by
 24 inserting after the word "turns," the words
 25 "obstructing roads and alleys at railroad grade
 26 crossings,"."

Brunow of Appanoose rose on a point of order that amendment H-4059 was not germane.

The Speaker ruled the point well taken and amendment H-4059 not germane.

Avenson of Fayette asked and received unanimous consent that Senate File 167 be deferred and retained.

(Committee amendment H-3804 pending.)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk on request of Bina of Scott; Cochran of Webster and Fitzgerald of Webster on request of Avenson of Fayette; all for the remainder of the day.

HOUSE FILE 597 SUBSTITUTED FOR HOUSE FILE 512

Cusack of Scott asked and received unanimous consent to substitute House File 597 for House File 512.

BUDGET CALENDAR

House File 597, a bill for an act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons, was taken up for consideration.

Norland of Worth offered the following amendment H-4073 filed by him from the floor and moved its adoption:

H-4073

- 1 Amend House File 597 as follows:
- 2 1. Page 2, line 8, by inserting after the word
- 3 "sources" the words ", except federal funds no longer
- 4 available,".

Amendment H-4073 lost.

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

On the question "Shall the bill pass?" (H.F. 597)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Egenes
Evans	Gentleman	Gilloon	Gilson
Griffee	Hansen	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Monroe	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, none.

Absent or not voting, 15:

Byerly	Cochran	Crawford	Daggett
Dyrland	Fitzgerald	Garrison	Halvorson

Harbor
Oxley

Howell
Spencer

Krewson
Stromer

Newhard

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

IMMEDIATE MESSAGE

(House File 597)

Husak of Tama asked and received unanimous consent that House File 597 be immediately messaged to the Senate.

HOUSE FILE 512 WITHDRAWN

Husak of Tama asked and received unanimous consent to withdraw House File 512 from further consideration by the House.

HOUSE FILE 398 WITHDRAWN

Monroe of Des Moines asked and received unanimous consent to withdraw House File 398 from further consideration by the House.

MOTION TO RECONSIDER WITHDRAWN

(Senate File 7)

Hullinger of Decatur asked and received unanimous consent to withdraw the motion to reconsider Senate File 7 filed by him on April 25, 1977.

MOTION TO RECONSIDER

(Amendment H-4046 to Senate File 167)

I move to reconsider the vote by which amendment H-4046

(to the committee amendment H-3804) to Senate File 167 was adopted by the House on May 9, 1977.

HORN of Linn

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 9, 1977 after final vote on House File 163. Had I been present I would have voted "aye" on House Files 396, 455 and 544.

TOFTE of Winneshiek

PRESENTATION OF VISITORS

Perkins of Greene presented to the House the Honorable Bill Ferguson, former member of the House during the Sixty-fifth General Assembly representing Audubon, Carroll, Crawford, Greene and Guthrie Counties.

Stromer of Hancock presented to the House Rotary exchange student, Robyn Cash, from New South Wales, Australia. Robyn is attending Parkersburg High School and is staying with Ray and Marlene Prohaska, Parkersburg, Iowa.

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

Thirty-five fifth grade students from David Edwards Elementary School, Ames, Iowa, accompanied by Sandra Whitmore. By Crawford of Story and Hines of Story.

Twenty-four fourth grade students from McKee Elementary School, Des Moines, Iowa, accompanied by Mrs. Walker. By Nielsen of Polk.

One hundred eighty junior high students from Brooklyn High School, Brooklyn, Iowa, accompanied by Bob Hutchcroft. By Svoboda of Iowa.

Ninety—two Scott County 4—H members from Bettendorf, Iowa, accompanied by Bill Sirowy. By Harvey of Scott.

Thirty—three special education students from Oelwein and West Union, Iowa, accompanied by Betty Downs. By Avenson of Fayette.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., May 4, 1977

Convened: 1:05 p.m.

Adjourned: 2:10 p.m.

Present: Monroe, chair; Woods, vice—chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Junker, Middleswart, Patchett, Shimanek, Stromer, Tauke, Walter and West.

Absent: Jesse and Poncy.

Senate File 222, a bill for an act relating to the selection and appointment of the directors of the state fair board.

Recommended AMEND AND DO PASS.

H—4071

- 1 Amend Senate File 222, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 23 and
- 4 inserting in lieu thereof the following:
- 5 "1. There is created a state fair board consist—
- 6 ing of five directors and four nonvoting ex—officio
- 7 members. The elected directors shall be selected
- 8 as follows:
- 9 a. One director shall be elected, pursuant to

10 section one hundred seventy—three point two (173.2)
11 of the Code, from each state fair district. The state
12 fair districts shall be as follows:

13 (1) District one shall consist of congressional
14 districts one and four as they exist in 1977.

15 (2) District two shall consist of congressional
16 districts two and three as they exist in 1977.

17 (3) District three shall consist of congress—
18 ional districts five and six as they exist in 1977.

19 (4) Directors elected pursuant to paragraph a
20 of this subsection shall be eligible electors of the
21 state fair district from which they are elected.

22 b. Two directors shall be appointed by the governor
23 from the state at large. The directors at large shall
24 not be residents of the same state fair district and
25 shall be eligible electors of the state.

26 2. The ex—officio members shall be the president
27 or designee from each of the following organizations:

28 a. Boys 4—H clubs of Iowa.

29 b. Girls 4—H clubs of Iowa.

30 c. Future farmers of America, Iowa chapter.

31 d. Future homemakers of America, Iowa chapter.”

32 2. Page 1, by striking line 27 through page 2,

33 line 7 and inserting in lieu thereof the following:

34 “173.2 CONVENTION. A convention shall be held
35 at the capitol, on the second Wednesday of October
36 of each year to elect directors to the state fair
37 board. The president of the state fair board shall
38 convene the convention and preside until a chairperson
39 is elected by the delegates. The convention shall
40 be composed of the following persons:

41 1. One elected delegate from each fair or society
42 as defined by section one hundred seventy—four point
43 one (174.1) of the Code. Any eligible elector of
44 the county shall be allowed to vote for a delegate
45 to the convention. Notice of the time and place of
46 the election of delegates shall be published in a
47 newspaper of wide circulation in the county not sooner
48 than eight days nor later than one day before the
49 election.

50 2. One delegate, an eligible elector of the county,

Page 2

1 to be appointed by the board of supervisors in each
2 county where there is no such society or when such
3 society fails to report to the state fair board in
4 the manner provided by law as a basis for state aid.
5 The state fair board shall promptly report such failure

6 to the county auditor.”

7 3. Page 2, by striking lines 13 through 31 and
8 inserting in lieu thereof the following: “by the
9 convention, ~~However, a member who is also a board~~
10 ~~director at large or a board congressional director~~
11 ~~shall not be entitled to vote for a successor to each~~
12 ~~of the three directors at large or a successor to~~
13 ~~each congressional director on the board.”~~

14 4. Page 3, by striking lines 1 through 24 and
15 inserting in lieu thereof the following:

16 “1. The terms of office of the directors appointed
17 by the governor shall be three years commencing at
18 the same time as the terms of directors elected by
19 the convention held in the year of appointment.
20 However, of the directors appointed to the initial
21 board, the governor shall appoint one director to
22 a one-year term, and one director to a two-year term.
23 A director at large shall not be appointed to serve
24 more than three consecutive three-year terms.

25 2. The terms of office of directors elected by
26 the convention shall be three years commencing at
27 noon on the day following the convention at which
28 the director is elected. However, of the directors
29 elected to the initial board, the convention shall
30 elect one director to a one-year term, one director
31 to a two-year term, and one director to a three-year
32 term. A director shall not be elected to serve more
33 than three consecutive three-year terms.”

34 5. By striking page 3, line 29 through page 4,
35 line 11 and inserting in lieu thereof the following:

36 “1. Any vacancy occurring in the office of an
37 appointed director shall be filled by appointment
38 of the governor. Any vacancy to the office of director
39 at large occurring while the general assembly is not
40 in session shall be filled by appointment of the
41 governor, which appointment shall expire thirty days
42 after the general assembly next convenes in regular
43 session. Within the thirty-day period the governor
44 shall transmit an appointment to the senate.

45 2. If, after the adjournment of the convention,
46 a vacancy occurs in the office of any director elected
47 by the convention, the governor shall fill the vacancy
48 by appointment of an eligible elector of the
49 appropriate state fair district. The appointee shall
50 serve until noon of the day following the adjournment

Page 3

1 of the next convention. The convention shall elect
2 a successor to fill the unexpired portion of the
3 term."

4 6. Page 4, by striking lines 13 through 21 and
5 inserting in lieu thereof the following: "(173.8),
6 Code 1977, is amended by striking the section and
7 inserting in lieu thereof the following:

8 **173.8 COMPENSATION AND EXPENSES.**

9 1. Members and directors of the board shall be
10 paid a forty dollar per diem and be reimbursed for
11 actual and necessary expenses incurred while engaged
12 in official duties. All per diem and expense moneys
13 paid to members and directors shall be paid from funds
14 of the state fair board.

15 2. A director and member of the state fair board
16 shall not be employed or receive or accept any benefits
17 from the state fair except those benefits available
18 to the general public or except as specifically
19 provided in this chapter.

20 3. Each director or member shall receive no more
21 than one free pass to any event sponsored by the state
22 fair board. Elected officials shall not receive any
23 free tickets to any event sponsored by the state fair
24 board."

25 7. By striking page 4, line 22 through page 5,
26 line 1 and inserting in lieu thereof the following:

27 "Sec. . Section one hundred seventy-three point
28 nine (173.9), Code 1977, is amended by striking the
29 section and inserting in lieu thereof the following:

30 **173.9 EXECUTIVE DIRECTOR.** The state fair board
31 shall appoint an executive director who shall serve
32 at the pleasure of the board. The salary of the
33 executive director shall be fixed by the general
34 assembly."

35 8. Page 5, by striking lines 5 through 18 and
36 inserting in lieu thereof the following:

37 "**173.13 ORGANIZATION.** The state fair board shall
38 organize annually during the month of October and
39 shall:

40 1. Select a president and vice-president from
41 among its directors to serve a term of one year.
42 The president shall not serve more than two consecutive
43 terms. The president may call a meeting of the board
44 when the interests and responsibilities of the board
45 require it or upon written request of a majority of

- 46 the directors.
 47 2. Establish procedures and requirements with
 48 respect to a quorum, the place, and the conduct of
 49 meetings."
 50 9. Page 5, by striking lines 19 through 26 and

Page 4

- 1 inserting in lieu thereof the following:
 2 "Sec. . Section one hundred seventy-three point
 3 fourteen (173.14), Code 1977, is amended by striking
 4 the section and inserting in lieu thereof the
 5 following:
 6 173.14 POWERS AND DUTIES OF BOARD. The directors
 7 and members of the state fair board shall be
 8 responsible for establishing the policies governing
 9 the annual state fair, the premium lists, the control
 10 of the state fair grounds including the buildings
 11 and equipment thereof, the concessions operated at
 12 the state fair, and all other aspects related to the
 13 state fair and the state fair grounds. These policies
 14 shall be established as rules in accordance with
 15 chapter seventeen A (17A) of the Code."
 16 10. By striking page 5, line 28 through page 6,
 17 line 9 and inserting in lieu thereof the following:
 18 "(173.16), Code 1977, is amended by striking the
 19 section and inserting in lieu thereof the following:
 20 173.16 MAINTENANCE OF STATE FAIR. All expenses
 21 incurred in maintaining the state fair grounds and
 22 in conducting the annual fair, including the
 23 compensation and expenses of the members and directors
 24 and employees of the board shall be recorded by the
 25 executive director and paid from the state fair
 26 receipts, unless a specific appropriation has been
 27 provided for such purpose.
 28 Sec. . Section one hundred seventy-three point
 29 nineteen (173.19), Code 1977, is amended to read as
 30 follows:
 31 173.19 AUDITING OF ACCOUNTS. ~~Prior to the annual~~
 32 ~~convention, the~~ The auditor of state shall annually
 33 examine and report to the executive council upon all
 34 financial affairs of the board.
 35 Sec. . Sections one hundred seventy-three point
 36 three (173.3), one hundred seventy-three point five
 37 (173.5), one hundred seventy-three point ten (173.10),
 38 one hundred seventy-three point eleven (173.11), one
 39 hundred seventy-three point twelve (173.12), one
 40 hundred seventy-three point fifteen (173.15), and
 41 one hundred seventy-three point eighteen (173.18),

- 42 Code 1977, are repealed.
 43 Sec. . This Act is effective July 1, 1977.
 44 The directors and officers of the state fair board
 45 serving unexpired terms on June 30, 1977, shall
 46 continue in office until noon of the day following
 47 the adjournment of the convention held in October,
 48 1977, and on that date, such terms of office shall
 49 expire notwithstanding section forty—nine point eight
 50 (49.8) of the Code.”

Page 5

- 1 11. By renumbering sections to conform to this
 2 amendment.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Griffee, Hansen, Higgins, Junker, Middleswart, Shimanek, Tauke and Walter.

Nay: Stromer.

Absent or Not Voting: Avenson, Jesse, Patchett, Poncey and West.

AMENDMENTS FILED

H-4049	S.F. 167	Schroeder of Pottawattamie
H-4050	S.F. 167	Schroeder of Pottawattamie
H-4051	S.F. 167	Welden of Hardin Millen of Van Buren
H-4052	S.F. 167	Schroeder of Pottawattamie
H-4054	S.F. 167	Davitt of Warren
H-4055	S.F. 167	Krause of Kossuth
H-4056	S.F. 167	Krause of Kossuth
H-4057	S.F. 167	Schroeder of Pottawattamie Brunow of Appanoose
H-4060	S.F. 167	Lipsky of Linn
H-4061	S.F. 167	Patchett of Johnson Dyrland of Clayton Krewson of Polk
H-4062	H.F. 586	Spear of Lee
H-4063	S.F. 213	Hines of Story
H-4065	S.F. 167	Krause of Kossuth
H-4066	H.F. 590	Patchett of Johnson Gilson of Guthrie Krewson of Polk Rinas of Linn

H-4067	S.F. 167	Krause of Kossuth
H-4069	S.F. 167	Krause of Kossuth
H-4070	S.F. 167	Patchett of Johnson
H-4072	S.F. 167	Small of Johnson
		Krause of Kossuth
H-4074	H.F. 488	Menke of O'Brien
H-4075	H.F. 488	Menke of O'Brien
H-4076	H.F. 595	Branstad of Winnebago
H-4077	H.F. 595	Branstad of Winnebago
		Thompson of Polk

On motion by Avenson of Fayette the House adjourned at 5:45 p.m. until 10:00 a.m., Tuesday, May 10, 1977.

JOURNAL OF THE HOUSE

One Hundred Twenty-first Calendar Day -- Eighty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 10, 1977

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

Prayer was offered by the Reverend Father Wayne Gubbells, pastor of St. Anne's Church, Logan, Iowa.

The Journal of Monday, May 9, 1977 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams for May 10 and 11 on request of Harbor of Mills; Garrison of Black Hawk on request of Dunton of Keokuk; Danker of Pottawattamie on request of Pellett of Cass; Byerly of Polk on request of Nielsen of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Den Herder of Sioux, from nineteen Iowa residents; by Husak of Tama from seventy-seven constituents; by Millen of Van Buren from twenty-one motel guests; by Norland of Worth from sixty-two constituents opposing Senate File 336 -- House File 535, a hotel-motel room tax.

By Hullinger of Decatur from two hundred fifty-eight citizens of Lee County requesting that House File 383, relating to recall by voters of a member of a county board of supervisors, be recommended for passage by the Iowa Legislature as soon as possible.

By Wells of Linn from sixty-three citizens of Iowa supporting House File 285, relating to prohibiting smoking in certain public

places such as hallways, elevators, libraries, theaters, concert halls, schools, ball parks, food service establishments, doctors' offices, etc., except in designated areas. Violators should be subject to a fine of \$10 to \$100.

By Branstad of Winnebago from 30 residents of Swea City, Bancroft, and Ledyard, Iowa, supporting House File 112, a bill to raise the legal drinking age in Iowa to nineteen years.

By Bina of Scott from fifteen citizens in support of House File 476, relating to a 1% local option sales tax and in opposition to Senate File 336, relating to a hotel-motel room tax; from the Mayor and City Council of Mechanicsville, a resolution No. 77-8, in support of House File 557, an act relating to a rural community development program for communities under 2,500 population.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 385, a bill for an act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the act retroactive.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 408, a bill for an act relating to the improvement and maintenance plans of county conservation boards.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 351, a bill for an act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 379, a bill for an act relating to the platting of land.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 382, a bill for an act relating to annual and biennial reports of state officials and departments.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 383, a bill for an act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the act retroactive.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 385, a bill for an act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 388, a bill for an act repealing certain standing appropriations and providing an effective date.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 35, a bill for an act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code, with report of committee recommending amendment and passage was taken up for consideration.

Lipsky of Linn offered amendment H-3667 filed by the committee on human resources on April 19, 1977 and found on pages 1495 and 1496 of the House Journal.

Brandt of Black Hawk offered the following amendment H-3864, to the committee amendment H-3667, filed by her and moved its adoption:

H-3864

- 1 Amend the Committee on Human Resources amendment
- 2 H-3667 to Senate File 35 as follows:
- 3 1. Page 1, by inserting after line 30 the follow-
- 4 ing:
- 5 "Sec. 3. Chapter two hundred thirty (230), Code
- 6 1977, is amended by adding the following new section:
- 7 NEW SECTION. RELEASING LIENS. A lien obtained
- 8 pursuant to an action to collect any claim arising
- 9 under this chapter shall be released by the board
- 10 of supervisors when the claim or claims on which the
- 11 lien is based have been fully paid or compromised
- 12 and settled by the board, or when the estate of which
- 13 the real estate subject to the lien is a part has
- 14 been probated and the proceeds allowable have been
- 15 applied to the claim or claims on which the lien is
- 16 based."
- 17 2. Page 1, line 31, by striking the numeral "3"
- 18 and inserting in lieu thereof the numeral "4".

Amendment H-3864 was adopted.

Lipsky of Linn moved the adoption of amendment H-3667, as amended.

Amendment H-3667, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 35)

The ayes were, 80:

Anderson
Binneboese
Brunow
Conlon
Cusack

Avenson
Brandt
Chiodo
Connors
Davitt

Baker
Branstad
Clark, B.J.
Crabb
Den Herder

Bina
Brockett
Clark, J.H.
Crawford
Dieleman

Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Schneklath	Shimaneck
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 2:

Bennett	Miller, O.L.
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Absent or not voting, 17:

Byerly	Daggett	Danker	Doyle
Garrison	Hargrave	Howell	Monroe
Newhard	Norland	Perkins	Rinas
Scheelhaase	Schroeder	Small	Spencer
Svoboda			

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

Senate File 65, a bill for an act relating to the privileges of licensed insurance agents, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 65)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.

Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 16:

Byerly	Chiodo	Daggett	Danker
Doyle	Garrison	Hargrave	Krewson
Monroe	Newhard	Nielsen	Perkins
Rinas	Schroeder	Spencer	Svoboda

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

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

The House resumed session, Speaker Cochran in the chair.

On motion by Fitzgerald of Webster the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

CONFERENCE COMMITTEE APPOINTED

(House File 74)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 74: Brandt of Black Hawk, chair; Hullinger of Decatur, Wyckoff of Benton, Danker of Pottawattamie and Clark of Lee.

CONSIDERATION OF BILLS

Regular Calendar

House File 595, a bill for an act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, and to assure federal funding of the administration of the Iowa unemployment compensation program, was taken up for consideration.

Connors of Polk asked for unanimous consent to suspend Rule 32 on House File 595.

Objection was raised.

Connors of Polk moved that Rule 32 be suspended on House File 595.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 50, nays 32.

The motion, having failed to receive a constitutional majority, lost.

Connors of Polk asked and received unanimous consent that Tom McDonnell and Dave Beard from the Iowa Department of Job Service be permitted in the House chamber during consideration of House File 595.

Branstad of Winnebago offered the following amendment H-4077 filed by him and Thompson of Polk:

H-4077

1 Amend House File 595 as follows:

2 1. Page 1, by inserting after line 30 the follow-
3 ing:

4 "Sec. . Section ninety-six point three (96.3),
5 subsection five (5), Code 1977, is amended to read
6 as follows:

7 5. DURATION OF BENEFITS. The maximum total amount
8 of benefits payable to any eligible individual during
9 any benefit year shall not exceed the total of the
10 wage credits accrued to his or her account during
11 his or her base period, or twenty-six times his or
12 her weekly benefit amount, whichever is the lesser.
13 The director shall maintain a separate account for
14 each individual who earns wages in insured work.
15 The director shall compute wage credits for each
16 individual by crediting his or her account with one-
17 half of the wages for insured work paid him or her
18 during his or her base period. Benefits paid to an
19 eligible individual shall be charged against the base
20 period wage credits in his or her account which have
21 not been previously charged hereunder, in the inverse
22 chronological order as the wages on which such wage
23 credits are based were paid. ~~However if the state
24 and national "off indicators" are in effect the maximum
25 benefits payable shall be extended to thirty-nine
26 times his or her weekly benefit amount, but not to
27 exceed the total of the wage credits accrued to his
28 or her account."~~

29 2. Strike page 16, line 30 through page 17, line
30 22, and inserting in lieu thereof the following:

31 "Sec. . Section ninety-six point nineteen
32 (96.19), subsection twenty-nine (29), Code 1977, is
33 amended by striking the subsection and inserting in
34 lieu thereof the following:

35 29. There is a state "on" indicator for a week
36 if the rate of insured unemployment under the state
37 law for the period consisting of such week and the

38 immediately preceding twelve weeks equaled or exceeded
39 four percent and equaled or exceeded one hundred
40 twenty percent of the average of the rates for the
41 corresponding thirteen-week period ending in each
42 of the two preceding two calendar years.

43 Sec. . Section ninety-six point nineteen
44 (96.19), subsection thirty (30), Code 1977, is amended
45 by striking the subsection and inserting in lieu
46 thereof the following:

47 30. There is a state "off" indicator for a week
48 if, for the period consisting of such week and the
49 immediately preceding twelve weeks, the rate of insured
50 unemployment under the state law was less than four

Page 2

1 percent or less than one hundred twenty percent of
2 the average of those rates for thirteen weeks ending
3 in each of the two preceding calendar years, except
4 that, notwithstanding any such provisions of this
5 subsection, any week for which there would otherwise
6 be a state "on" indicator shall continue to be such
7 a week and shall not be determined to be a week for
8 which there is a state "off" indicator."

9 3. Page 18, line 28, by striking the words
10 "section two (2)" and inserting in lieu thereof the
11 words "sections two (2) and twenty (20)".

Connors of Polk rose on a point of order that amendment
H-4077 was not germane.

The Speaker ruled the point well taken and amendment
H-4077 not germane.

Branstad of Winnebago moved that the rules governing
germaneness be suspended for the consideration of amendment
H-4077.

Roll call was requested by Branstad of Winnebago and Harvey
of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider
amendment H-4077?"

The ayes were, 42:

Baker	Bennett	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Den Herder	Dunton	Egenes
Gentleman	Gilson	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Perkins	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	West
Wulff	Wyckoff		

The nays were, 43:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Connors
Cusack	Davitt	Dieleman	Doyle
Dyrland	Fitzgerald	Gilloon	Griffee
Hargrave	Hines	Hinkhouse	Horn
Howell	Husak	Jochum	Koogler
Krause	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Norland
O'Halloran	Pavich	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Wells	Woods	Mr. Speaker	

Absent or not voting, 14:

Byerly	Daggett	Danker	Evans
Garrison	Higgins	Hullinger	Jesse
Newhard	Oxley	Patchett	Svoboda
Walter	Welden		

The motion lost.

Speaker pro tempore Nielsen of Polk in the chair at 1:58 p.m.

Thompson of Polk offered the following amendment H-4079 filed by Thompson, Harvey and Wyckoff from the floor:

H-4079

- 1 Amend House File 595 as follows:
- 2 1. Page 1, by inserting after line 30 the follow-
- 3 ing:

- 4 "Sec. . Section ninety-six point three (96.3),
 5 subsection four (4), unnumbered paragraph one (1),
 6 Code 1977, is amended to read as follows:
 7 With respect to benefit years beginning on or after
 8 July 1, 1975, an eligible individual's weekly benefit
 9 amount for a week of total unemployment shall be an
 10 amount equal to one-twentieth of his or her total
 11 wages in insured work paid during that quarter or
 12 his or her base period in which such total wages were
 13 highest, subject to the following limitation: The
 14 director shall determine annually a maximum weekly
 15 benefit amount by computing ~~sixty-six and two thirds~~
 16 sixty percent of the statewide average weekly wage
 17 paid to employees in insured work which shall be
 18 effective the first day of the first full week in
 19 July. Such maximum weekly benefit amount, if not
 20 a multiple of one dollar shall be rounded to the
 21 higher multiple of one dollar."
 22 2. Renumber the sections and correct internal
 23 references in conformance with this amendment.

Connors of Polk rose on a point of order that amendment H-4079 was not germane.

The Speaker ruled the point well taken and amendment H-4079 not germane.

Thompson of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H-4079.

Roll call was requested by Tauke of Dubuque and Stromer of Hancock.

On the question "Shall the rules be suspended to consider amendment H-4079?"

The ayes were, 44:

Baker	Bennett	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Den Herder	Dunton	Egenes
Gentleman	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Perkins	Schneklath

Schroeder	Shimaneck	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	West	Wulff	Wyckoff

The nays were, 42:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Connors
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Gilloon	Griffee	Hargrave
Higgins	Hines	Horn	Howell
Jochum	Koogler	Krause	Loneragan
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Norland	O'Halloran	Oxley	Pavich
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Wells
Woods	Mr. Speaker (Nielsen)		

Absent or not voting, 13:

Byerly	Cochran	Cusack	Daggett
Danker	Evans	Garrison	Hullinger
Jesse	Newhard	Patchett	Walter
Welden			

The motion lost.

Stromer of Hancock offered the following amendment H-4086 filed by him from the floor:

H-4086

- 1 Amend House File 595 as follows:
- 2 1. Page 1, by inserting after line 30 the follow-
- 3 ing:
- 4 "Sec. . Section ninety-six point three (96.3),
- 5 Code 1977, is amended by adding the following new
- 6 subsection:
- 7 NEW SUBSECTION. Notwithstanding any other provi-
- 8 sion of this chapter the maximum weekly benefit amount
- 9 payable to any individual for any one week shall not
- 10 exceed the following:
- 11 a. One hundred sixteen dollars if the individual
- 12 is not married or is married and has a working spouse
- 13 and no children.
- 14 b. One hundred eighteen dollars if the individual
- 15 has a working spouse and one child.

- 16 c. One hundred twenty dollars if the individual
17 has a working spouse and two children.
18 d. One hundred twenty—two dollars if the individual
19 has a working spouse and three or more children.
20 e. One hundred eighteen dollars if the individual
21 has a nonworking spouse and no children.
22 f. One hundred twenty dollars if the individual
23 has a nonworking spouse and one child.
24 g. One hundred twenty—two dollars if the individual
25 has a nonworking spouse and two children.
26 h. One hundred twenty—four dollars if the
27 individual has a nonworking spouse and three or more
28 children.

29 For the purposes of this subsection the term "child"
30 means a natural child, stepchild or adopted child
31 under eighteen years of age, and over eighteen if
32 physically or mentally incapacitated, of the individual
33 who is providing, and for at least ninety consecutive
34 days or for the duration of the parental relationship
35 if it has existed for less than ninety days immediately
36 preceding the beginning date of such individual's
37 benefit year has provided more than one—half of the
38 cost of supporting such child; provided, that no
39 person who has been determined to be a child of one
40 individual at the beginning date of such individual's
41 benefit year shall be deemed to be a child of any
42 other individual whose benefit year starts within
43 one year thereafter.

44 For the purposes of this subsection, the term
45 "nonworking spouse" means the lawful husband or wife
46 of an individual claiming benefits under this chapter,
47 for whom more than one—half the cost of support has
48 been supplied by such individual for at least ninety
49 consecutive days or for the duration of the marital
50 relationship if it has existed for less than ninety

Page 2

1 days, immediately preceding the beginning of such
2 individual's current benefit year, and who has no
3 earnings in excess of fifty dollars per week, but
4 only if such husband or wife is currently ineligible
5 to receive benefits under this chapter.

6 For the purposes of this subsection the term
7 "working spouse" means the lawful husband or wife
8 of an individual claiming benefits under this chapter
9 who earns in excess of fifty dollars per week.

10 An individual who is legally obligated to provide

11 for the support of a child or of a nonworking spouse
12 for said period of ninety consecutive days, but was
13 prevented from doing so by illness or injury when
14 such reason is certified to the employer and the
15 department by a licensed and practicing physician,
16 shall be deemed to have provided more than one-half
17 of the cost of supporting such child or nonworking
18 spouse for such period.

19 The family class to which an individual is assigned
20 shall be determined as of the day with respect to
21 which the individual first files a valid claim for
22 benefits in any benefit year, and shall be fixed for
23 the duration of such benefit year. The individual's
24 statements with respect to family status, made in
25 connection with the filing of such claim for benefits,
26 shall be accepted as establishing a prima-facie showing
27 thereof, subject, however, to the penalties for fraud
28 or false representation provided in this chapter."

29 2. Page 18, line 28, by inserting after the second
30 word "Act" the words "and the new section added by
31 amendment one (1) of this amendment,".

Connors of Polk rose on a point of order that amendment H-4086 was not germane.

The Speaker ruled the point well taken and amendment H-4086 not germane.

Thompson of Polk offered the following amendment H-4078 filed by Welden of Hardin and her from the floor:

H-4078

1 Amend House File 595 as follows:

2 1. Page 3, by inserting after line 17 the fol-
3 lowing section:

4 "Sec. . Section ninety-six point four (96.4),
5 Code 1977, is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. Prior to any week in any benefit
8 year for which the individual claims benefits, the
9 individual is unemployed for a waiting period of one
10 week. The one-week waiting period shall be waived
11 and become compensable after unemployment during
12 which benefits are payable for five consecutive weeks.
13 A week shall not be counted as a week of unemployment
14 for the purposes of this subsection:

15 a. If benefits have been paid with respect

- 16 thereto;
- 17 b. Unless the individual was eligible for bene—
- 18 fits with respect thereto in all respects except for
- 19 the requirements of subsection two (2) of this sec—
- 20 tion;
- 21 c. Unless it occurs after benefits first could
- 22 become payable to any individual under this chapter.”

Connors of Polk rose on a point of order that amendment H-4078 was not germane.

The Speaker ruled the point well taken and amendment H-4078 not germane.

Schroeder of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H-4078.

Roll call was requested by Egenes of Story and Harvey of Scott.

Rule 70 was invoked.

On the question “Shall the rules be suspended to consider amendment H-4078?”

The ayes were, 46:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Den Herder	Dunton	Egenes	Evans
Gentleman	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Hullinger	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Perkins	Scheelhaase
Schneklath	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 42:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Cochran
Connors	Cusack	Davitt	Dieleman

Doyle	Dyrland	Fitzgerald	Gilloon
Hargrave	Higgins	Hines	Horn
Howell	Husak	Jochum	Koogler
Krause	Lonergan	Middleswart	Miller, K.D.
Monroe	Newhard	Norland	Oxley
Pavich	Poncy	Rinas	Spear
Spencer	Svoboda	Walter	Wells
Woods	Mr. Speaker (Nielsen)		

Absent or not voting, 11:

Baker	Byerly	Daggett	Danker
Garrison	Griffee	Jesse	Miller, O.L.
O'Halloran	Patchett	Small	

The motion lost.

Miller of Buchanan offered the following amendment H-4082 filed by Miller, Hansen, Wyckoff, Harbor, Brockett and Evans from the floor:

H-4082

- 1 Amend House File 595 as follows:
- 2 1. Page 3, by inserting after line 17 the follow-
- 3 ing:
- 4 "Sec. . Section ninety-six point five (96.5),
- 5 subsection three (3), paragraph a, Code 1977, is
- 6 amended to read as follows:
- 7 a. In determining whether or not any work is suit-
- 8 able for an individual, the department shall consider
- 9 the degree of risk involved to his or her health,
- 10 safety, and morals, his or her physical fitness and
- 11 prior training, his or her experience and prior
- 12 earnings, his or her length of unemployment and
- 13 prospects for securing local work in his or her
- 14 customary occupation, and the distance of the available
- 15 work from his or her residence, and any other factor
- 16 which it finds bears a reasonable relation to the
- 17 purposes of this subsection. Work shall be determined
- 18 to be suitable if the spendable weekly earnings from
- 19 such work are equal to or greater than the individual's
- 20 weekly benefit amount and the work does not involve
- 21 unreasonable risk to the health, safety or morals
- 22 of the individual."

- 23 2. Page 18, by inserting after line 25 the follow—
 24 ing:
 25 "NEW SUBSECTION. Spendable weekly earnings is
 26 that amount remaining after payroll taxes are deducted
 27 from gross weekly earnings as defined in section
 28 eighty-five point sixty-one (85.61) of the Code."
 29 3. Renumber the sections as necessary in confor—
 30 mance with this amendment.

Connors of Polk rose on a point of order that amendment H-4082 was not germane.

The Speaker ruled the point well taken and amendment H-4082 not germane.

Hansen of O'Brien moved that the rules governing germaneness be suspended for the consideration of amendment H-4082.

Roll call was requested by Conlon of Muscatine and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4082?"

The ayes were, 54:

Baker	Bennett	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Davitt	Den Herder	Dunton
Egenes	Evans	Gentleman	Gilson
Halvorson	Hansen	Harbor	Harvey
Hines	Hinkhouse	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Wulff	Wyckoff		

The nays were, 35:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Cochran	Connors
Cusack	Dieleman	Dyrland	Fitzgerald
Gilloon	Griffie	Hargrave	Higgins
Horn	Howell	Jochum	Koogler
Krause	Lonergan	Monroe	Newhard
Norland	O'Halloran	Oxley	Pavich
Poncy	Small	Spear	Svoboda
Wells	Woods	Mr. Speaker (Nielsen)	

Absent or not voting, 10:

Byerly	Chiodo	Daggett	Danker
Doyle	Garrison	Hullinger	Jesse
Patchett	Rinas		

The motion prevailed and the House considered amendment H-4082.

Conlon of Muscatine offered the following amendment H-4093, to amendment H-4082, filed by him from the floor and moved its adoption:

H-4093

- 1 Amend amendment H-4082, to page 3 of House
- 2 File 595, as follows:
- 3 1. Page 1, line 17, by striking the word
- 4 "determined" and inserting in lieu thereof the
- 5 word "presumed".

Amendment H-4093 was adopted.

Miller of Buchanan moved the adoption of amendment H-4082, as amended.

Roll call was requested by Hansen of O'Brien and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-4082, as amended, be adopted?"

The ayes were, 58:

Baker	Bennett	Bina	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Davitt
Den Herder	Dieleman	Dunton	Egenes
Evans	Gentleman	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hines	Hinkhouse	Hoffmann	Howell
Husak	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Pellett	Perkins	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Wulff	Wyckoff		

The nays were, 30:

Anderson	Binneboese	Brandt	Chiodo
Connors	Cusack	Doyle	Dyrland
Fitzgerald	Gilloon	Hargrave	Higgins
Horn	Hullinger	Jochum	Krause
Loneragan	Monroe	Newhard	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Small	Svoboda	Wells
Woods	Mr. Speaker (Nielsen)		

Absent or not voting, 11:

Avenson	Byerly	Cochran	Daggett
Danker	Garrison	Jesse	Norland
Pelton	Scheelhaase	Spencer	

Amendment H-4082, as amended, was adopted.

Halvorson of Clayton offered the following amendment H-4092 filed by him and Hines of Story from the floor:

H-4092.

1 Amend House File 595 as follows:

2 1. Page 3, by inserting after line 17 the follow-
3 ing:

4 "Sec. . Section ninety-six point five (96.5),
5 subsection three (3), unnumbered paragraph one (1),
6 Code 1977, is amended to read as follows:

7 If the department finds that he or she has failed,
8 without good cause, either to apply for available,
9 suitable work when so directed by the employment
10 office or the ~~commission or department~~. The department
11 in cooperation with the employment office shall, if
12 possible, furnish each claimant with the names of
13 three employers. The claimant, to be eligible to
14 receive benefits, shall apply and obtain the signatures
15 of the employers designated by the department on forms
16 provided by the department or the names of at least
17 three employers if either the department cannot furnish
18 three employers' names or if the employers named by
19 the department cannot be contacted. The director
20 of the department may waive the requirement to obtain
21 the names of at least three employers in a county
22 or other designated geographical area where unusual
23 circumstances justify the waiver. A claimant shall
24 obtain the signatures of three employers with whom
25 applications are made, and the failure of the claimant
26 to obtain the signatures on claim forms provided by
27 the department of at least three employers shall
28 disqualify the applicant from further benefits until
29 the signatures of three employers are obtained. If
30 the department finds that a claimant fails to accept
31 suitable work when offered him or her, or to return
32 to his or her customary self-employment, if any."

33 2. Renumber sections and correct internal
34 references as necessary in conformance with this
35 amendment.

Connors of Polk rose on a point of order that amendment
H-4092 was not germane.

The Speaker ruled the point well taken and amendment
H-4092 not germane.

Halvorson of Clayton moved that the rules governing
germaneness be suspended for the consideration of amendment
H-4092.

Roll call was requested by Egenes of Story and Crabb of Crawford.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4092?"

The ayes were, 50:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Den Herder	Dunton	Egenes	Evans
Gentleman	Gilson	Halvorson	Hansen
Harbor	Harvey	Hines	Hinkhouse
Hoffmann	Howell	Husak	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Millen	Pelton
Perkins	Schnekloth	Schroeder	Shimanek
Smalley	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Wulff	Wyckoff		

The nays were, 37:

Anderson	Bina	Binneboese	Brandt
Brunow	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Gilloon	Griffie	Hargrave
Higgins	Horn	Hullinger	Jochum
Koogler	Krause	Lonergan	Monroe
Newhard	O'Halloran	Oxley	Pavich
Pellett	Poncy	Rinas	Scheelhaase
Small	Spear	Wells	Woods
			Mr. Speaker
			(Nielsen)

Absent or not voting, 12:

Avenson	Baker	Byerly	Cochran
Daggett	Danker	Garrison	Jesse
Miller, K.D.	Miller, O.L.	Norland	Patchett

The motion, having failed to receive a constitutional majority, lost.

Connors of Polk offered amendment H-4087 filed by Connors, Egenes, Jochum and Branstad from the floor. Division was requested as follows:

H-4087

1 Amend House File 595 as follows:

H-4087A

2 1. Page 5, line 5, by striking the words "five—
3 tenths of" and inserting in lieu thereof the words
4 "not more than".

5 2. Page 5, by striking lines 11 through 23, and
6 inserting in lieu thereof the following:

7 "A government entity electing to contribute at
8 a fixed contribution rate in lieu to making payments
9 as a government reimbursable employer may elect to
10 finance benefits as a government reimbursable employer
11 however the government entity shall be obligated to
12 pay within a time period determined by the department
13 to the fund the amount by which benefit payments for
14 the government entity exceed contributions by the
15 government entity on the effective date of the
16 election."

17 3. Page 6, by striking line 17 and inserting in
18 lieu thereof the following: "reimbursable status
19 including any benefits paid for a government entity
20 for claims filed while the government entity was a
21 contributing employer prior to an election to become
22 a government reimbursable employer which were paid
23 during the quarter or period."

24 4. Page 18, line 16, by striking the words "educa—
25 tion" and inserting in lieu thereof the words "public
26 instruction".

H-4087B

27 5. Page 18, by striking lines 26 and 27 and insert—
28 ing in lieu thereof the following:

29 "Sec. 36. Notwithstanding any other statutory
30 provisions, including rate and budget limitations,
31 political subdivisions may levy a tax outside their
32 general fund to pay the cost of unemployment compen—
33 sation benefits."

H-4087A

- 34 6. Page 18, by inserting before line 28 the
35 following:
36 "Sec. 37. Government entities, originally
37 classified as government reimbursable employers under
38 the provisions of this Act may elect to become
39 government contributing employers for a minimum of
40 two calendar years, however such election shall be
41 communicated to the department of job service, upon
42 forms provided by the department of job service, prior
43 to November 1, 1977."
44 7. Page 18, line 28, by inserting after the second
45 word "Act" the words "and section thirty-seven (37) of
46 item six (6) of this amendment,"
47 8. Renumber sections as necessary.

Welden of Hardin rose on a point of order that amendment H-4087A was not germane.

The Speaker ruled the point well taken and amendment H-4087A not germane.

Branstad of Winnebago rose on a point of order that amendment H-4087B was not germane.

The Speaker ruled the point not well taken and amendment H-4087B germane.

Connors of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H-4087A.

A non-record roll call was requested.

The ayes were 54, nays 14.

The motion prevailed and the House considered amendment H-4087A.

On motion by Connors of Polk, amendment H-4087A was adopted, placing out of order amendment H-4076 filed by Branstad of Winnebago on May 9, 1977.

Connors of Polk moved the adoption of amendment H-4087B.

Roll call was requested by Millen of Van Buren and Bennett of Ida.

On the question "Shall amendment H-4087B be adopted?"

The ayes were, 34:

Anderson	Brunow	Chiodo	Clark, J. H.
Connors	Crawford	Cusack	Davitt
Doyle	Dyrland	Egenes	Fitzgerald
Gilloon	Griffiee	Higgins	Hines
Horn	Howell	Jesse	Jochum
Lonergan	Monroe	Newhard	Norland
Patchett	Pavich	Poncy	Small
Spear	Spencer	Svoboda	Thompson
Wells	Mr. Speaker (Nielsen)		

The nays were, 55:

Baker	Bennett	Bina	Binneboese
Brandt	Branstad	Brockett	Clark, B. J.
Conlon	Crabb	Den Herder	Dieleman
Dunton	Evans	Gentleman	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Hullinger	Husak
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K. D.	Miller, O. L.	O'Halloran
Oxley	Pellett	Pelton	Perkins
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Tofte	Varley	Walter	Welden
West	Wulff	Wyckoff	

Absent or not voting, 10:

Avenson	Byerly	Cochran	Daggett
Danker	Garrison	Hargrave	Krause
Rinas	Woods		

Amendment H-4087B lost.

Smalley of Polk offered the following amendment H-4085 filed by him from the floor:

H-4085

- 1 Amend House File 595 as follows:
 2 1. Page 15, by inserting after line 34 the follow-
 3 ing:
 4 "Sec. Section ninety-six point nineteen
 5 (96.19), subsection fourteen (14), Code 1977, is
 6 amended to read as follows:
 7 14. "Week" means such period or periods of seven
 8 consecutive calendar days ending at midnight, or as
 9 the department may by regulations prescribe. The
 10 provisions of this chapter referring to "week" or
 11 "work week" for the purposes of qualifying or
 12 requelifying for benefits, shall mean employment
 13 within a period of seven consecutive calendar days
 14 of at least twenty-four hours."
 15 2. Renumber the sections and correct internal
 16 references as necessary in conformance with this
 17 amendment.

Connors of Polk rose on a point of order that amendment H-4085 was not germane.

The Speaker ruled the point well taken and amendment H-4085 not germane.

Smalley of Polk moved that the rules governing germaneness be suspended to consider amendment H-4085.

Roll call was requested by Egenes of Story and Crabb of Crawford.

On the question "Shall the rules be suspended to consider amendment H-4085?"

The ayes were, 41:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Den Herder	Dunton	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke

Middleswart	Millen	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Thompson	Tofte
Varley	Welden	West	Wulff
Wyckoff			

The nays were, 39:

Anderson	Bina	Binneboese	Brandt
Brunow	Chiado	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Gilloon	Gilson	Griffie
Hargrave	Higgins	Hines	Horn
Howell	Husak	Jochum	Lonergan
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Poncy	Rinas	Small	Spear
Walter	Wells	Mr. Speaker (Nielsen)	

Absent or not voting, 19:

Avenson	Baker	Byerly	Cochran
Daggett	Danker	Garrison	Hinkhouse
Hullinger	Jesse	Koogler	Krause
Miller, K.D.	Perkins	Scheelhaase	Spencer
Svoboda	Tauke	Woods	

The motion, having failed to receive a constitutional majority, lost.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H-4092.

Roll call was requested by West of Marshall and Egenes of Story.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-4092?"

The ayes were, 54:

Baker	Bennett	Branstad	Brockett
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Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Den Herder	Dunton	Egenes
Evans	Gentleman	Gilson	Halvorson
Hansen	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Hullinger	Husak
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Pellett	Pelton
Perkins	Schneklath	Schroeder	Shimanek
Smalley	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Wulff	Wyckoff		

The nays were, 36:

Anderson	Bina	Binneboese	Brandt
Brunow	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Gilloon	Hargrave	Higgins
Horn	Howell	Jesse	Jochum
Lonergan	Miller, O.L.	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Small
Spear	Wells	Woods	Mr. Speaker (Nielsen)

Absent or not voting, 9:

Avenson	Byerly	Cochran	Daggett
Danker	Garrison	Griffie	Krause
Scheelhaase			

The motion prevailed and the House considered amendment H-4092.

Action on amendment H-4092 was deferred.

Stromer of Hancock offered the following amendment H-4081 filed by him from the floor and moved its adoption:

H-4081

- 1 Amend House File 595 as follows:
- 2 1. Page 18, by striking lines 26 and 27.

Roll call was requested by Bennett of Ida and Stromer of Hancock.

Rule 70 was invoked.

On the question "Shall amendment H-4081 be adopted?"

The ayes were, 50:

Baker	Bennett	Bina	Branstad
Brockett	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Davitt	Den Herder
Dieleman	Duntón	Evans	Gilson
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Hullinger	Husak	Junker
Koogler	Krewson	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Pellett	Pelton	Perkins
Scheelhaase	Schneklath	Schroeder	ShimaneK
Smalley	Stephens	Stromer	Tauke
Tofte	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 42:

Anderson	Avenson	Binneboese	Brandt
Brunow	Cochran	Connors	Crawford
Doyle	Dyrland	Egenes	Fitzgerald
Gentleman	Giloon	Griffee	Halvorson
Hargrave	Higgins	Hines	Horn
Jesse	Jochum	Lipsky	Lorgan
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Small	Spear	Spencer
Svoboda	Thompson	Walter	Wells
Woods	Mr. Speaker (Nielsen)		

Absent or not voting, 7:

Byerly	Cusack	Daggett	Danker
Garrison	Howell	Krause	

Amendment H-4081 was adopted.

The House resumed consideration of amendment H-4092.

Junker of Woodbury offered the following amendment

H-4098, to amendment H-4092, filed by him from the floor and moved its adoption:

H-4098

- 1 Amend amendment H-4092, to page 3 of House
- 2 File 595, as follows:
- 3 1. Page 1, line 28, by inserting after the
- 4 word "applicant" the words "unless the waiver
- 5 of this provision has been obtained."

Amendment H-4098 was adopted.

Halvorson of Clayton moved the adoption of amendment H-4092, as amended.

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question "Shall amendment H-4092 be adopted?"

The ayes were, 52:

Baker	Bennett	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Den Herder	Dunton	Egenes
Evans	Gilson	Griffie	Halvorson
Hansen	Harbor	Harvey	Hines
Hoffmann	Howell	Hullinger	Husak
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Pellett	Pelton	Perkins
Schnekloth	Shimaneck	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	West	Wulff	Wyckoff

The nays were, 34:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Gentleman	Gilloon	Hargrave
Higgins	Horn	Jochum	Koogler
Krause	Lonergan	Monroe	Norland
Oxley	Patchett	Pavich	Poncy

Rinas
Woods

Schroeder
Mr. Speaker
(Nielsen)

Spencer

Wells

Absent or not voting, 13:

Byerly
Danker
Miller, O.L.
Small

Chiodo
Garrison
Newhard

Cochran
Hinkhouse
O'Halloran

Daggett
Jesse
Scheelhaase

Amendment H-4092, as amended, was adopted.

Branstad of Winnebago offered the following amendment H-4090 filed by him and Connors of Polk from the floor and moved its adoption:

H-4090

1 Amend House File 595 as follows:

2 1. Page 18, by inserting after line 27 the follow-
3 ing:

4 "Sec. . The department of job service is
5 directed to study and compile data to evaluate the
6 unemployment experience of political subdivisions
7 and instrumentalities of political subdivisions.
8 The department of job service shall submit to the
9 Sixty-eighth General Assembly, 1979 Session, prior
10 to February 1, 1979, a summary report of the unem-
11 ployment experience of political subdivisions and
12 political subdivision instrumentalities. The depart-
13 ment of job service shall prepare contribution tables
14 for government entities similar to the contribution
15 tables for other employers which will rank government
16 entity employers and assign the government entity
17 employers into rate classes designed to raise
18 sufficient revenue from government contributing
19 employers to meet the costs of unemployment
20 compensation benefit payments for government
21 contributing employers."

22 2. Renumber the sections and correct internal
23 references in conformance with this amendment.

Amendment H-4090 was adopted.

Branstad of Winnebago offered the following amendment H-4089 filed by Branstad, Thompson and Hansen from the floor:

H-4089

1 Amend House File 595 as follows:

2 1. Page 1, by inserting after line 30 the follow-

3 ing:

4 "Sec. . Section ninety-six point four (96.4),
5 subsection four (4), Code 1977, is amended by striking
6 the subsection and inserting in lieu thereof the
7 following:

8 4. The individual has been paid wages for insured
9 work of at least twenty-five dollars per week for
10 a period of twenty-four weeks in the base period.
11 If a person has drawn benefits in any benefit year,
12 to be eligible for benefits for the subsequent benefit
13 year the person must, during that year or the
14 subsequent year, be paid wages for insured work of
15 at least twenty-five dollars per week for a period
16 of eight weeks in the base period."

17 2. Renumber the sections and correct internal
18 references in conformance with this amendment.

Connors of Polk rose on a point of order that amendment H-4089 was not germane.

The Speaker ruled the point well taken and amendment H-4089 not germane.

Branstad of Winnebago moved that the rules governing germaneness be suspended to consider amendment H-4089.

Roll call was requested by Tauke of Dubuque and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4089?"

The ayes were, 46:

Baker
Clark, B.J.

Bennett
Clark, J.H.

Branstad
Conlon

Brockett
Crabb

Crawford	Den Herder	Dunton	Egenes
Evans	Gentleman	Griffee	Halvorson
Hansen	Harbor	Harvey	Hines
Hoffmann	Howell	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Pellett	Pelton
Perkins	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 35:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Connors
Cusack	Davitt	Dieleman	Dyrland
Fitzgerald	Gilloon	Gilson	Hargrave
Higgins	Horn	Jesse	Jochum
Koogler	Krause	Lonergan	Monroe
Norland	O'Halloran	Pavich	Scheelhaase
Small	Spear	Svoboda	Walter
Wells	Woods	Mr. Speaker (Nielsen)	

Absent or not voting, 18:

Byerly	Cochran	Daggett	Danker
Doyle	Garrison	Hinkhouse	Hullinger
Husak	Middleswart	Miller, O.L.	Newhard
Oxley	Patchett	Poncy	Rinas
Spencer	Tofte		

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello for the remainder of the day on request of Anderson of Jasper.

By unanimous consent the following amendment H-4110 filed by Branstad of Winnebago from the floor was adopted:

H-4110

- 1 Amend House File 595 as follows:
 2 1. Title page, line 5, by inserting after the
 3 word "contributions," the words "to the definition
 4 of suitability of work for purposes of determining
 5 eligibility for unemployment benefits, to the
 6 study and compilation of certain data by the depart-
 7 ment of job service, to the disqualification of certain
 8 applicants,"

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 595)

The ayes were, 62:

Baker	Bennett	Bina	Binneboese
Branstad	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Davitt	Den Herder
Dieleman	Dunton	Egenes	Evans
Gentleman	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller, K.D.
Pellett	Pelton	Perkins	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Smalley
Spear	Stephens	Stromer	Tauke
Thompson	Varley	Walter	West
Wulff	Wyckoff		

The nays were, 27:

Anderson	Avenson	Brandt	Chiodo
Cusack	Doyle	Dyrland	Fitzgerald

Gilloon	Hargrave	Higgins	Horn
Jesse	Jochum	Loneragan	Monroe
O'Halloran	Oxley	Patchett	Pavich
Rinas	Small	Svoboda	Welden
Wells	Woods	Mr. Speaker (Nielsen)	

Absent or not voting, 10:

Byerly	Daggett	Danker	Garrison
Miller, O.L.	Newhard	Norland	Poncy
Spencer	Tofte		

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

RULE 32 INVOKED
(House File 463)

The House resumed consideration of House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation, and amendment H-3953 filed May 3, 1977 and found on pages 1856 through 1859 of the House Journal.

Horn of Linn rose on a point of order and invoked Rule 32 on House File 463.

The Speaker ruled the point well taken and House File 463 referred to the committee on budget.

Patchett of Johnson moved that Rule 32 be suspended.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 41, nays 41.

The motion lost and House File 463 was referred to the committee on budget.

QUORUM CALL

Roll call was requested by Pavich of Pottawattamie and Howell of Floyd to determine that a quorum was present. Rules 69 and 70 were invoked. The vote revealed:

Present: 80

Anderson	Avenson	Baker	Bennett
Bina	Branstad	Brockett	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crawford	Davitt
Den Herder	Dieleman	Doyle	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Millen	Miller, K.D.
Monroe	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shirmanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Varley	Walter	Welden	Wells
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen).

Absent: 19

Binneboese	Brandt	Byerly	Crabb
Cusack	Daggett	Danker	Dunton
Garrison	Junker	Middleswart	Miller, O.L.
Newhard	Norland	Poncy	Rinas
Spencer	Tofte	West	

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren on request of Welden of Hardin; Halvorson of Clayton on request of Baker of Buena Vista; Dunton of Keokuk on request of Hullinger of Decatur; Dieleman of Marion on request of Howell of Floyd; Chiodo of Polk, Woods of Polk and Stephens of Plymouth on request of Smalley of Polk; all for the remainder of the day.

SENATE FILE 167 DEFERRED

The House resumed consideration of Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, and the committee amendment H-3804, as amended.

Brunow of Appanoose asked and received unanimous consent that action on the committee amendment H-3804, as amended, be deferred.

Miller of Buchanan offered amendment H-3463 filed by Miller, et al.

Tauke of Dubuque rose on a point of order that amendment H-3463 was not germane.

The Speaker ruled the point well taken and amendment H-3463 not germane.

Schnekloth of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-3463.

Roll call was requested by Pavich of Pottawattamie and Walter of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-3463?"

The ayes were, 45:

Baker	Bennett	Bina	Brandt
Bránstad	Clark, B.J.	Clark, J.H.	Davitt
Dyrland	Gentleman	Gilson	Hansen
Harbor	Harvey	Hines	Hoffmann
Horn	Howell	Husak	Jesse
Koogler	Krewson	Lageschulte	Lonergan
Menke	Millen	Miller, K.D.	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Schnekloth	Spear
Stromer	Svoboda	Thompson	Varley
Walter	Wells	West	Wulff
Wyckoff			

The nays were, 27:

Anderson	Avenson	Brunow	Cochran
Conlon	Connors	Crawford	Cusack
Doyle	Egenes	Fitzgerald	Gilloon
Hargrave	Hullinger	Jochum	Krause
Lindeen	Lipsky	Monroe	O'Halloran
Scheelhaase	Schroeder	Shimanek	Small
Tauke	Welden	Mr. Speaker (Nielsen)	

Absent or not voting, 27:

Binneboese	Brockett	Byerly	Chiodo
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Crabb	Daggett	Danker	Den Herder
Dieleman	Dunton	Evans	Garrison
Griffee	Halvorson	Higgins	Hinkhouse
Junker	Middleswart	Miller, O.L.	Newhard
Poncy	Rinas	Smalley	Spencer
Stephens	Tofte	Woods	

The motion, having failed to receive a constitutional majority, lost.

Miller of Buchanan moved that the House adjourn until 9:00 a.m., Wednesday, May 11, 1977.

Roll call was requested by Avenson of Fayette and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the House adjourn?"

The ayes were, 35:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Egenes	Gentleman
Hansen	Harbor	Harvey	Hoffmann
Husak	Jesse	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	O'Halloran	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Stromer
Tauke	Thompson	Varley	Welden
West	Wulff	Wyckoff	

The nays were, 38:

Anderson	Avenson	Baker	Bina
Brandt	Brunow	Cochran	Connors
Cusack	Davitt	Doyle	Dyrland
Fitzgerald	Gilloon	Gilson	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Jochum	Koogler	Krause
Lonergan	Monroe	Norland	Oxley
Patchett	Pavich	Perkins	Scheelhaase
Small	Spear	Svoboda	Walter
Wells	Mr. Speaker (Nielsen)		

Absent or not voting, 26:

Binneboese	Brockett	Byerly	Chiodo
Crabb	Daggett	Danker	Den Herder
Dieleman	Dunton	Evans	Garrison
Griffee	Halvorson	Higgins	Junker
Middleswart	Miller, O.L.	Newhard	Poncy
Rinas	Smalley	Spencer	Stephens
Tofte	Woods		

The motion lost.

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

The House resumed session, Speaker Cochran in the chair.

Fitzgerald of Webster asked and received unanimous consent that action on Senate File 167 be deferred and retained.

MOTION TO RECONSIDER
(House File 595)

I move to reconsider the vote by which House File 595 passed the House on May 10, 1977.

CONNORS of Polk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 6, 1977. Had I been present I would have voted "aye" on House Files 163, 354, 396, 455 and 544.

WALTER of Pottawattamie

I was necessarily absent from the House chamber on May 9 and May 10, 1977. Had I been present I would have voted "aye" on House File 597; Senate Files 35, 41, 65, 205, 224, 274 and 307.

HOWELL of Floyd

I was necessarily absent from the House chamber on May 9, 1977. Had I been present I would have voted "aye" on House File 597.

KREWSON of Polk

PRESENTATION OF VISITORS

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

Fifty-five sixth grade students from Martensdale Elementary School, Martensdale, Iowa, accompanied by Mrs. Rees and Mrs. Stewart. By Davitt of Warren.

One hundred sixth grade students from Terrace Elementary School, Ankeny, Iowa, accompanied by Ms. Kelly, Ms. Allen, Ms. Kpacek and Mr. Pauly. By Byerly of Polk.

Fifty eighth grade students from Panora-Linden Middle School, Panora, Iowa, accompanied by Mary Jane Carson and Hal Rossow. By Varley of Adair.

AMENDMENTS FILED

H-4080	S.F. 167	Harvey of Scott
H-4088	H.F. 594	Welden of Hardin
H-4091	Temporary Rules of the House	Miller of Buchanan
H-4094	S.F. 213	Welden of Hardin
H-4095	H.F. 590	Spear of Lee
H-4096	H.F. 590	Spear of Lee
H-4097	H.F. 463	Horn of Linn
H-4099	H.F. 590	Koogler of Mahaska Baker of Buena Vista Stromer of Hancock Koogler of Mahaska Perkins of Greene
H-4100	H.F. 590	Baker of Buena Vista

H-4101

H-4102

H.F. 463

H.F. 590

Patchett of Johnson
 Stromer of Hancock
 Miller of Calhoun
 Koogler of Mahaska
 Perkins of Greene
 Wulff of Black Hawk
 Hansen of O'Brien
 Dyrland of Clayton
 Welden of Hardin
 Wulff of Black Hawk
 Dunton of Keokuk
 Wyckoff of Benton
 Stromer of Hancock
 Middleswart of Warren
 Millen of Van Buren
 Den Herder of Sioux
 Tauke of Dubuque
 Tofte of Winneshiek
 Hinkhouse of Cedar
 Conlon of Muscatine
 Hoffmann of Muscatine
 Clark of Cerro Gordo
 Harbor of Mills
 Shimanek of Jones
 Pelton of Clinton
 Schneklath of Scott
 Bennett of Ida
 Halvorson of Clayton
 Hansen of O'Brien
 West of Marshall
 Evans of Grundy
 Brockett of Marshall
 Smalley of Polk
 Daggett of Adams
 Pellett of Cass
 Danker of Pottawattamie
 Schroeder of Pottawattamie
 Egenes of Story
 Junker of Woodbury
 Binneboese of Plymouth

H-4103	S.F. 167	Branstad of Winnebago Schroeder of Pottawattamie Brunow of Appanoose
H-4104	H.F. 594	Welden of Hardin
H-4105	S.F. 302	Griffee of Chickasaw
H-4106	H.F. 590	Patchett of Johnson
H-4107	H.F. 546	Krause of Kossuth Junker of Woodbury Lipsky of Linn
H-4108	S.F. 167	Horn of Linn
H-4109	S.F. 167	Schroeder of Pottawattamie Krause of Kossuth Brunow of Appanoose

On motion by Fitzgerald of Webster the House adjourned at 7:40 p.m., until 10:00 a.m., Wednesday, May 11, 1977.

JOURNAL OF THE HOUSE

One Hundred Twenty—second Calendar Day -- Eighty—fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 11, 1977

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

Prayer was offered by Father Paul Goodland, pastor of the Episcopal Church, Ames, Iowa.

The Journal of Tuesday, May 10, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello on request of Bina of Scott; Pavich of Pottawattamie on request of Walter of Pottawattamie; Rinas of Linn for the morning on request of Junker of Woodbury; Byerly of Polk on request of Nielsen of Polk; Garrison of Black Hawk on request of Dunton of Keokuk.

PETITIONS FILED

The following petitions were received and placed on file:

By Brandt of Black Hawk from twenty—one citizens; by Horn of Linn from sixty—one Iowa residents; by Millen of Van Buren from twenty—nine Iowa residents opposing Senate File 336 and House File 535, relating to the hotel—motel tax.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate

has on May 9, 1977, insisted on its amendment to House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code and the members of the conference committee on the part of the Senate, appointed May 10, 1977, are: The Senator from Black Hawk, Mr. Gallagher, Chair; the Senator from Adams, Mr. Briles; the Senator from Harrison, Mr. Culver; the Senator from Clarke, Mr. Ramsey, and the Senator from Pocahontas, Mr. Scott.

Also: That the Senate has on May 9, 1977, insisted on its amendment to House File 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission and county land use policy commissions and the members of the conference committee on the part of the Senate, appointed May 10, 1977, are: The Senator from Kossuth, Mr. Priebe, Chair; the Senator from Lee, Mr. Junkins; the Senator from Mitchell, Mr. Merritt; the Senator from Clarke, Mr. Ramsey; and the Senator from Clinton, Mr. Shaff.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 37

By Cusack, Brunow, Den Herder and Hansen

- 1 *Whereas*, the Advisory Commission on
- 2 Corrections Relief was delegated by the 1976
- 3 Session of the Sixty-sixth General Assembly
- 4 the task of analyzing the state's corrections
- 5 system in order to report back to the
- 6 General Assembly recommendations for future
- 7 state policy; and
- 8 *Whereas*, the Advisory Commission and its
- 9 staff, after intensive investigation and
- 10 research, have successfully completed their
- 11 analysis; *Now Therefore*,
- 12 *Be It Resolved by the House of Represen-*
- 13 *tatives, the Senate Concurring*, That the
- 14 General Assembly commends the Advisory
- 15 Commission and its staff for their dedicated
- 16 work and accurate and well-developed report
- 17 which provided the necessary data to allow
- 18 the General Assembly to make those important
- 19 decisions embodied in House File 464; and
- 20 *Be It Further Resolved*, That a copy of
- 21 this resolution be sent to each member of the
- 22 Advisory Commission and the staff of the
- 23 Advisory Commission.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 38

By Brandt, Egenes, Lipsky, O'Halloran

- 1 *Whereas*, it is to the advantage of both the
2 citizens of this state and the government of this
3 state that the law concerning intestate distribu—
4 tion of property be simplified and clarified; and
5 *Whereas*, it is to the advantage of both the state
6 and its citizens to promote a speedy and efficient
7 system for liquidating and distributing the estate
8 of a decedent; and
9 *Whereas*, the present laws of the state of Iowa
10 governing intestate distribution need revision to
11 bring them into conformity with present conditions
12 in society; and
13 *Whereas*, the current laws of intestate succession
14 put severe limitations upon the amount inherited by a spouse
15 when the marriage partner dies without a valid will;
16 *Now Therefore*,
17 *Be It Resolved by the House of Representatives*,
18 *the Senate Concurring*, That the Legislative Council
19 authorize the appointment of an interim study com—
20 mittee composed of members of the House and Senate
21 Committees on State Government to conduct a study
22 during the 1977 Interim reviewing this state's laws
23 concerning intestate distribution of property and
24 presenting recommendations for revision of those
25 laws to the 1978 Session of the Sixty—seventh General Assembly.

Laid over under Rule 25.

ADOPTION OF HOUSE RESOLUTION 19

Pursuant to House Rule 26, the Speaker announced that House Resolution 19 filed on May 2, 1977 and found on page 1797 of the House Journal was adopted by unanimous consent.

SIFTING COMMITTEE APPOINTED

Pursuant to Rule 56, the Speaker propounded the question to the House "Shall a sifting committee be appointed at this time?"

A non—record roll call was requested.

The ayes were 74, nays 6.

The vote disclosed the House favors the appointment of a sifting committee.

The Speaker announced the appointment of the following members to the sifting committee:

Fitzgerald of Webster, chair
Nielsen of Polk, vice—chair
Millen of Van Buren, ranking member
Bina of Scott
Crawford of Story
Davitt of Warren
Evans of Grundy
Harbor of Mills
Higgins of Scott
Hinkhouse of Cedar
Jochum of Dubuque
Miller of Calhoun
Monroe of Des Moines
Schroeder of Pottawattamie
Stromer of Hancock
Svoboda of Iowa
Woods of Polk

Fitzgerald of Webster moved that the following categories be exempt from the sifting committee calendar:

1. Unfinished business.
2. House Files amended by the Senate.
3. House and Senate Files that are governed by the joint rules of the General Assembly.
4. Motions to reconsider.
5. Conference committee reports, also bills in conference committee.
6. Budget calendar.
7. Ways and Means calendar.
8. Current weekly debate calendar.
9. Unanimous consent calendar.

As of today all bills not exempt are under the jurisdiction of the sifting committee.

The motion prevailed.

CONSIDERATION OF BILLS

Budget Calendar

Senate File 364, a bill for an act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system, with report of committee recommending amendment and passage was taken up for consideration.

Cusack of Scott offered amendment H-4036 filed by the committee on budget on May 6, 1977 and found on page 1983 of the House Journal and moved its adoption.

Amendment H-4036 was adopted, placing out of order amendment H-3916 filed by Miller of Buchanan on May 2, 1977.

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

On the question "Shall the bill pass?" (S.F. 364)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Hornvay	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pellett	Pelton

Perkins	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 2:

Gentleman	Krewson
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Absent or not voting, 10:

Byerly	Chiodo	Daggett	Danker
Garrison	Hines	Pavich	Poncy
Rinas	Varley		

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

IMMEDIATE MESSAGE

(Senate File 364)

Cusack of Scott asked and received unanimous consent that Senate File 364 be immediately messaged to the Senate.

Regular Calendar

House File 569, a bill for an act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities, was taken up for consideration.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 569)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.

Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 12:

Byerly	Chiodo	Daggett	Danker
Garrison	Hines	Millen	Pavich
Poncy	Rinas	Svoboda	Varley

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

House File 566, a bill for an act relating to the issuance and expiration of waterworks or waste waterworks operators' certificates, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 566)

The ayes were, 82:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Connors

Crabb	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 17:

Avenson	Branstad	Byerly	Chiodo
Daggett	Danker	Den Herder	Garrison
Hines	Hullinger	Jesse	Pavich
Poncy	Rinas	Scheelhaase	Varley
Welden			

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

House File 64, a bill for an act providing for part-time career employment for state employees, with report of committee recommending amendment and passage was taken up for consideration.

Brandt of Black Hawk offered amendment H-3876 filed by the committee on state government on April 29, 1977 and found on page 1772 of the House Journal.

Baker of Buena Vista rose on a point of order that the committee amendment H-3876 was not germane.

The Speaker ruled the point well taken and amendment H-3876 not germane.

Brandt of Black Hawk moved that the rules governing germaneness be suspended for the consideration of the committee amendment H-3876.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 56, nays 31.

The motion prevailed and the rules were suspended for the consideration of amendment H-3876.

Brandt of Black Hawk moved the adoption of the committee amendment H-3876.

A non-record roll call was requested.

The ayes were 60, nays 24.

Amendment H-3876 was adopted, placing out of order amendment H-3041 filed by Brandt of Black Hawk on February 9, 1977.

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

On the question "Shall the bill pass?" (H.F. 64)

The ayes were, 74:

Avenson	Bennett	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Davitt
Den Herder	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffie	Halvorson
Hansen	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte

Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pelton	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Spencer	Stromer	Svoboda	Tauke
Thompson	Walter	West	Woods
Wulff	Mr. Speaker		

The nays were, 13:

Baker	Crabb	Dieleman	Harbor
Millen	Pellett	Perkins	Smalley
Spear	Stephens	Tofte	Welden
Wyckoff			

Absent or not voting, 12:

Anderson	Byerly	Daggett	Danker
Garrison	Hines	Jesse	Pavich
Poncy	Rinas	Varley	Wells

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

IMMEDIATE MESSAGE
(House File 64)

Monroe of Des Moines asked and received unanimous consent that House File 64 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Pellett of Cass.

Senate File 329, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code, with report of committee recommending amendment and passage was taken up for consideration.

Shimanek of Jones offered amendment H-3965 filed by the committee on judiciary and law enforcement on May 4, 1977 and

found on pages 1901 through 1903 of the House Journal and requested division as follows:

H-3965A, lines 3 through 7 and 46 through 50 (page 1) and lines 1 through 36 and 38 and 39 (page 2).

H-3965B, lines 8 through 45 (page 1).

H-3965C, line 37 (page 2).

On motion by Shimanek of Jones, the committee amendment H-3965A was adopted.

Shimanek of Jones asked and received unanimous consent to withdraw amendment H-3965B.

On motion by Shimanek of Jones, the committee amendment H-3965C was adopted.

Middleswart of Warren asked and received unanimous consent to withdraw amendment H-3646 filed by him on April 19, 1977.

Schroeder of Pottawattamie offered the following amendment H-4111 filed by him from the floor and moved its adoption:

H-4111

- 1 Amend Senate File 329 as reprinted and passed
- 2 by the Senate as follows:
- 3 1. Page 11, by striking all of lines 16 through
- 4 35.
- 5 2. Page 12, by striking all of lines 1 through 3.

Amendment H-4111 was adopted.

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

On the question "Shall the bill pass?" (S.F. 329)

The ayes were, 82:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Walter
Welden	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 17:

Byerly	Clark, B.J.	Daggett	Danker
Dyrland	Garrison	Hines	Jesse
Koogler	Millen	Nielsen	Pavich
Poncy	Rinas	Svoboda	Varley
Wells			

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

INTRODUCTION OF BILLS

HOUSE FILE 602, by Cusack, a bill for an act to amend the Iowa housing finance authority relating to the eligibility of applicants, property improvement loans, lease—purchase agreements, homesteading, and a loan and grant fund.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 603, by Howell, a bill for an act relating to the restoration of borrow pits.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 604, by Danker, a bill for an act providing that directors and officers of a corporation shall be jointly and severally liable as guarantors for those corporate debts incurred during their term of office which mature during the first year the corporation engages in business.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 605, by Smalley, a bill for an act to provide that tort claims against the state may be tried before a jury, and to provide that in cases where the act or omission complained or occurred outside of Iowa and the plaintiff is not a resident of Iowa, costs may be assessed against the state regardless of which party prevails.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

HOUSE FILE 606, by Hargrave, Harvey, Crabb, Hines, Doyle, Rinas, Hinkhouse, Walter, Small, Hansen, Horn, Jochum and Nielsen, a bill for an act relating to the standards for protective clothing and equipment used by fire fighters.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 607, by Schnekloth, a bill for an act relating to annual financial reports for Iowa corporate shareholders.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 608, by Wulff, a bill for an act relating to the sale of real estate by employees or officers of state banks.

Read first time and referred to committee on COMMERCE.

HOUSE FILE 609, by committee on commerce, a bill for an act relating to the administration of the laws regulating financial institutions, including banks, savings and loan associations, credit unions, and persons licensed under chapters five hundred thirty-six (536) or five hundred thirty-six A (536A) of the Code.

Read first time and PLACED ON THE CALENDAR.

HOUSE FILE 610, by Higgins, a bill for an act relating to minimum standards for inmates in maximum security confinement.

Read first time and referred to committee on HUMAN RESOURCES.

HOUSE FILE 611, by committee on energy, a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency.

Read first time and PLACED ON THE CALENDAR.

SENATE MESSAGES CONSIDERED

SENATE FILE 118, a bill for an act declaring the multiflora rose to be a noxious weed.

Read first time and referred to committee on AGRICULTURE.

SENATE FILE 229, a bill for an act relating to checks, money orders, or other acceptable negotiable instruments used to make payments to public officers, and subjecting violators to removal from office.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 290, a bill for an act relating to the sale of beer on Sunday.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 311, a bill for an act relating to the authority of the state conservation commission to provide fire protection for its property.

Read first time and referred to committee on NATURAL RESOURCES.

SENATE FILE 351, a bill for an act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease.

Read first time and referred to committee on AGRICULTURE.

SENATE FILE 358, a bill for an act relating to the licensing and practicing of veterinarians.

Read first time and referred to committee on AGRICULTURE.

SENATE FILE 375, a bill for an act relating to the discipline of judicial magistrates.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 379, a bill for an act relating to the platting of land.

Read first time and PASSED ON FILE.

SENATE FILE 382, a bill for an act relating to annual and biennial reports of state officials and departments.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 383, a bill for an act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 385, a bill for an act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

Read first time and PASSED ON FILE.

SENATE FILE 388, a bill for an act repealing certain standing appropriations and providing an effective date.

Read first time and referred to committee on BUDGET.

On motion by Fitzgerald of Webster the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the afternoon session and morning of May 11 on request of Wyckoff of Benton.

QUORUM CALL

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

CONFERENCE COMMITTEES APPOINTED

(House File 210)

The Speaker announced the appointment of the Conference committee to consider the differences between the House and Senate concerning House File 210: O'Halloran of Black Hawk, chair; Middleswart of Warren, Perkins of Greene, Varley of Adair and Tofte of Winneshiek.

(House File 75)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 75: Hullinger of Decatur, chair; Howell of Floyd, Hinkhouse of Cedar, Varley of Adair and Evans of Grundy.

CONSIDERATION OF BILLS

(Regular Calendar)

House File 369, a bill for an act requiring the identification of charges imposed by public utilities for the late payment of utility service bills, with report of committee recommending passage was taken up for consideration.

Walter of Pottawattamie offered the following amendment H-3890 filed by him and moved its adoption:

H-3890

- 1 Amend House File 369 as follows:
- 2 1. Page 1, line 11, by inserting after the
- 3 word "determined" the following: ", or unless the

- 4 billing statement or invoice contains a clearly
- 5 printed statement that the difference between the
- 6 gross amount due and the net amount due for service
- 7 is a late penalty charge".

Amendment H-3890 was adopted.

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

On the question "Shall the bill pass?" (H.F. 369)

The ayes were, 77:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Dieleman	Doyle
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffee
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pellett	Perkins
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	West	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 22:

Brockett	Byerly	Daggett	Danker
Den Herder	Dunton	Garrison	Halvorson
Jesse	Junker	Middleswart	Newhard
Pavich	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Stephens	Varley
Wells	Woods		

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

RULE 48 SUSPENDED

Avenson of Fayette asked and received unanimous consent to suspend Rule 48 for the committee on budget meeting.

House File 63, a bill for an act relating to maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973, with report of committee recommending amendment and passage was taken up for consideration.

Doyle of Woodbury offered amendment H-3587 filed by the committee on transportation on April 15, 1977 and found on pages 1413 and 1414 of the House Journal. Division was requested as follows :

H-3587A, lines 2 through 18.

H-3587B, lines 19 through 35.

Doyle of Woodbury asked and received unanimous consent that action on amendment H-3587A be temporarily deferred.

On motion by Doyle of Woodbury, amendment H-3587B was adopted.

Doyle of Woodbury asked and received unanimous consent to withdraw amendment H-3165 filed by him on March 7, 1977.

The House resumed consideration of amendment H-3587A.

Krause of Kossuth offered the following amendment H-3914, to the committee amendment H-3587A, filed by him and moved its adoption:

H-3914

1 Amend amendment H-3587 to House File 63 by
2 striking lines 4 through 18 and inserting in lieu
3 thereof the following:
4 "Sec. . The legislative fiscal bureau, in
5 coordination with the appropriate committee
6 as designated by the legislative council, shall
7 investigate purchase specifications for law enforce-
8 ment communication devices promulgated by the
9 department of general services and shall report its
10 findings as to the adequacy of those specifications
11 to the General Assembly no later than January 15, 1978."

A non-record roll call was requested.

The ayes were 11, nays 46.

Amendment H-3914 lost.

Krause of Kossuth offered the following amendment H-3805, to the committee amendment H-3587A, filed by him and moved its adoption:

H-3805

1 Amend amendment H-3587 to House File 63 as
2 follows:
3 1. Page 1, by striking lines 14 and 15 and
4 inserting in lieu thereof the following: "public
5 safety, institutions under".

Amendment H-3805 was adopted.

Monroe of Des Moines offered the following amendment H-3915, to the committee amendment H-3587A, filed by him and moved its adoption:

H-3915

1 Amend H-3587, filed by the Committee on Transpor-
2 tation, to House File 63 as follows:
3 1. Page 1, by inserting after line 18 the follow-
4 ing section:
5 "Sec. . Section eighty point nine (80.9),

- 6 subsection two (2), Code 1977, is amended by adding
 7 the following new paragraph:
 8 NEW PARAGRAPH. To promulgate rules setting stan-
 9 dards and specifications for communications devices
 10 used by the department and communications devices
 11 used by local law enforcement agencies."

Amendment H-3915 was adopted.

On motion by Monroe of Des Moines, amendment H-3587A, as amended, was adopted, placing out of order amendment H-3520 filed by Monroe of Des Moines on April 5, 1977.

Conlon of Muscatine offered the following amendment H-4114 filed by him from the floor and moved its adoption:

H-4114

- 1 Amend House File 63 as follows:
- 2 1. Page 1, line 14, by striking the word
- 3 "less" and inserting in lieu thereof the word
- 4 "fewer".

Amendment H-4114 was adopted.

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

On the question "Shall the bill pass?" (H.F. 63)

The ayes were, 80:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Davitt	Den Herder
Dieleman	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum

Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Millen
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pellett	Perkins	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
West	Wulff	Wyckoff	Mr. Speaker

The nays were, 2:

Gilloon	Krause
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Absent or not voting, 17:

Byerly	Daggett	Danker	Dunton
Garrison	Junker	Middleswart	Newhard
Pavich	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Varley	Wells
Woods			

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

House File 546, a bill for an act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs, was taken up for consideration.

Krause of Kossuth asked and received unanimous consent to withdraw amendment H-4038 filed by Junker of Woodbury on May 6, 1977.

Krause of Kossuth offered the following amendment H-4107 filed by Krause, Junker and Lipsky and moved its adoption: adoption:

H-4107

1 Amend House File 546 as follows:

- 2 1. Page 1, line 9, by inserting after the word
3 "organizations" the words "applying for or receiving
4 federal, state or local aid for".
5 2. Page 1, line 11, by striking the second word
6 "to" and inserting in lieu thereof the word "to".
7 3. Page 1, line 12, by striking the word "be"
8 and inserting in lieu thereof the word "be".
9 4. Page 1, line 26, by striking the words
10 "state, local or private aid" and inserting in lieu
11 thereof the words "state or local aid".
12 5. Page 1, line 27, by inserting after the word
13 "services" the words ", except public school trans-
14 portation".
15 6. Page 1, line 33, by striking the words "state,
16 local, and private" and inserting in lieu thereof the
17 words "state and local, and private".

Amendment H-4107 was adopted.

Krause of Kossuth asked and received unanimous consent to withdraw the following amendments:

H-4034 filed by him on May 6, 1977.

H-4039 filed by Daggett of Adams on May 6, 1977.

Krause of Kossuth offered the following amendment H-3714 filed by him and Lipsky of Linn and moved its adoption:

H-3714

- 1 Amend House File 546 as follows:
2 1. Page 2, by striking line 11.

Amendment H-3714 was adopted.

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

On the question "Shall the bill pass?" (H.F. 546)

The ayes were, 77:

Avenson

Baker

Bennett

Bina

Binneboese	Brandt	Branstad	Brockett
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Den Herder	Dieleman	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pellett	Perkins
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	West	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 22:

Anderson	Brunow	Byerly	Daggett
Danker	Doyle	Dunton	Garrison
Junker	Koogler	Middleswart	Newhard
Pavich	Pelton	Poncy	Rinas
Scheelhaase	Schneklath	Varley	Welden
Wells	Woods		

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

IMMEDIATE MESSAGE

(House File 546)

Lipsky of Linn asked and received unanimous consent that House File 546 be immediately messaged to the Senate.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that members of the committee on budget be permitted to vote on any questions during the committee on budget meeting.

House File 158, a bill for an act relating to the storage of flammable and combustible liquids, with report of committee recommending amendment and passage was taken up for consideration.

Tauke of Dubuque offered amendment H-3766 filed by the committee on state government on April 26, 1977 and found on pages 1638 and 1639 of the House Journal.

Bennett of Ida offered the following amendment H-4112, to the committee amendment H-3766, filed by Bennett, Tauke, Hansen and Walter from the floor and moved its adoption:

H-4112

- 1 Amend the Committee Amendment H-3766 to House
- 2 File 158, as follows:
- 3 1. Line 11, by inserting after the word "each"
- 4 the word "tank".
- 5 2. Line 14, by inserting after the word "each"
- 6 the word "tank".
- 7 3. Line 19, by inserting after the word
- 8 "Intrastate" the word "tank".

Amendment H-4112 was adopted.

On motion by Tauke of Dubuque, the committee amendment H-3766, as amended, was adopted.

Evans of Grundy offered the following amendment H-3891 filed by him and Middleswart of Warren and moved its adoption:

H-3891

- 1 Amend House File 158 as follows:
- 2 1. Page 1, by adding after line 11 the follow-
- 3 ing:
- 4 "**NEW SECTION.** If the state fire marshal has
- 5 reasonable grounds for believing that a leak constitutes
- 6 a hazardous condition which threatens the public health
- 7 and safety, he may request the assistance of the depart-
- 8 ment of environmental quality, and upon such request
- 9 the department of environmental quality is empowered to
- 10 eliminate the hazardous condition as provided in House
- 11 File 490 as enacted by the Sixty-seventh General Assembly,

12 1977 Session, the provisions of section 10, paragraph 3,
13 of that Act to the contrary notwithstanding."

Amendment H-3891 was adopted.

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

On the question "Shall the bill pass?" (H.F. 158)

The ayes were, 77:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Gentleman	Gilloon	Gillon	Griffee
Halvorson	Hansen	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, K.D.	Miller, O.L.
Norland	O'Halloran	Oxley	Patchett
Pellett	Perkins	Schroeder	Shimaneck
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 22:

Brandt	Byerly	Daggett	Danker
Doyle	Fitzgerald	Garrison	Harbor
Junker	Krause	Middleswart	Monroe
Newhard	Nielsen	Pavich	Pelton
Poncy	Rinas	Scheelhaase	Schneklloth
Varley	Woods		

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

SENATE FILE 385 SUBSTITUTED FOR HOUSE FILE 596

Connors of Polk asked and received unanimous consent to substitute Senate File 385 for House File 596.

Senate File 385, a bill for an act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing, was taken up for consideration.

Perkins of Greene offered the following amendment H-4115 filed by him from the floor and moved its adoption:

H-4115

- 1 Amend Senate File 385, as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 11 through 15..

Amendment H-4115 was adopted.

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

On the question "Shall the bill pass?" (S.F. 385)

The ayes were, 81:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Davitt	Den Herder
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Millen
Miller, K.D.	Miller, O.L.	Nielsen	Norland

O'Halloran	Oxley	Patchett	Pellett
Perkins	Rinas	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 18:

Byerly	Daggett	Danker	Doyle
Garrison	Hullinger	Junker	Krause
Middleswart	Monroe	Newhard	Pavich
Pelton	Poncy	Scheelhaase	Schnekloth
Varley	Woods		

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

Fitzgerald of Webster asked for and received unanimous consent for the immediate consideration of Senate File 279, a bill for an act relating to the appointment and the duties of a county weed commissioner, with report of committee recommending passage.

Horn of Linn asked and received unanimous consent to withdraw amendment H-3736 filed by him on April 25, 1977.

Millen of Van Buren asked and received unanimous consent to withdraw amendment H-3871 filed by him on April 28, 1977.

Wyckoff of Benton asked and received unanimous consent that action on Senate File 279 be deferred.

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 358, a bill for an act to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral, with report of committee recommending passage was taken up for consideration.

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

Rule 70 was invoked.

On the question "Shall the bill pass?." (H.F. 358)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Millen
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pellett	Perkins	Rinas	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 16:

Brunow	Byerly	Daggett	Danker
Doyle	Garrison	Hines	Junker
Middleswart	Newhard	Pavich	Pelton
Poncy	Scheelhaase	Schnekloth	Varley

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

SENATE AMENDMENT CONSIDERED

Hullinger of Decatur called up for consideration House File 267, a bill for an act relating to the investment of certain funds in the custody of the clerk of the district court, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-4053

- 1 Amend House File 267, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Code" the words "except a supervised financial
- 5 institution organized under and holding an
- 6 authorization certificate issued pursuant to chapter
- 7 five hundred thirty-three (533) of the Code".

The motion prevailed and the House concurred in the Senate amendment H-4053.

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

On the question "Shall the bill pass?" (H.F. 267)

The ayes were, 76:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Higgins	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Millen	Miller, K.D.	Miller, O.L.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pellett	Perkins	Shimanek

Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 4:

Clark, J.H.	Gilloon	Schroeder	Tofte
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Absent or not voting, 19:

Byerly	Daggett	Danker	Doyle
Garrison	Hargrave	Hines	Junker
Middleswart	Newhard	Nielsen	Pavich
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Smalley	Varley	

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

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

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo for the remainder of the day on request of Branstad of Winnebago.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 36

Cusack of Scott called up for consideration House Concurrent Resolution 36, relating to an interactive budgeting system for use by the General Assembly, filed on May 6, 1977 and found on pages 1979 and 1980 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H-4126 filed by him from the floor and moved its adoption:

H-4126

- 1 Amend House Concurrent Resolution 36 as follows:
- 2 1. Page 2, by inserting after line 12 the

3 following:

4 "Be It Further Resolved, That any contract entered
5 into pursuant to this resolution shall be subject to
6 section twenty—three point eighteen (23.18) of
7 the Code, chapter two (2) of the Code notwith—
8 standing."

Roll call was requested by Schroeder of Pottawattamie and Menke of O'Brien.

On the question "Shall amendment H—4126 be adopted?"

The ayes were, 31:

Bennett	Branstad	Brockett	Conlon
Crabb	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Krewson	Lageschulte	Lindeen
Menke	Millen	Pellett	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Welden	West	Wulff	

The nays were, 54:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiодо
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Gilloon	Gilson	Griffee	Hargrave
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lonerган
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 14:

Byerly	Clark, B.J.	Clark, J.H.	Crawford
Daggett	Danker	Den Herder	Garrison
Junker	Lipsky	Newhard	Pelton
Poney	Varley		

Amendment H-4126 lost.

Cusack of Scott moved the adoption of House Concurrent Resolution 36.

Roll call was requested by Hargrave of Johnson and Harbor of Mills.

Rules 69 and 70 were invoked.

On the question "Shall the resolution be adopted?" (HCR-36)

The ayes were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Gilloon	Gilson	Griffee	Hargrave
Higgins	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Rinas	Scheelhaase
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 36:

Bennett	Branstad	Brockett	Clark, J.H.
Conlon	Crabb	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Hullinger	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schnekloth
Schroeder	Shimanek	Small	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	West	Wulff

Absent or not voting, 11:

Byerly	Clark, B.J.	Crawford	Daggett
Danker	Den Herder	Garrison	Junker
Newhard	Poncy	Varley	

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEE CHANGE
(House File 74)

The Speaker announced the appointment of Pellett of Cass as a member of the conference committee on House File 74, replacing Danker of Pottawattamie.

HOUSE FILE 221 WITHDRAWN

Scheelhaase of Woodbury asked and received unanimous consent to withdraw House File 221 from further consideration by the House.

HOUSE FILE 596 WITHDRAWN

Connors of Polk asked and received unanimous consent to withdraw House File 596 from further consideration by the House.

HOUSE FILE 16 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 16 from further consideration by the House.

HOUSE CONCURRENT RESOLUTION 39
By Committee on Budget

- 1 *Whereas, the report of the Advisory Commission on*
- 2 *Corrections Relief to the present General Assembly*
- 3 *recommended that payment to victims of crime, administered*
- 4 *from a fund made up of state appropriations and offender*
- 5 *contributions, should be made an essential part of cor-*
- 6 *rectional programs; and*
- 7 *Whereas, the General Assembly recognizes the value*
- 8 *of that proposal and the need to formulate programs*
- 9 *which assure both compensation of victims of criminal*
- 10 *acts and payment of restitution by those who commit*
- 11 *such acts; and*
- 12 *Whereas, in the formulation of a program of such*
- 13 *complex and highly technical nature, the General*
- 14 *Assembly should draw upon the services of interested*
- 15 *citizens having expertise in areas pertinent to such a*
- 16 *program of compensation and restitution; Now Therefore,*
- 17 *Be it Resolved by the House of Representatives, the*

18 *Senate Concurring*, That the Human Resources Committees
19 of the house and senate are directed to establish a
20 criminal victim compensation and restitution study
21 subcommittee to function during the 1977 legislative
22 interim. The study subcommittee shall be composed of
23 members of the General Assembly representing appropri-
24 ate standing committees of both houses of the General
25 Assembly and both political parties. The study subcom-
26 mittee may invite persons having knowledge and expertise
27 regarding the compensation of victims of criminal acts
28 and the payment of restitution by those who commit such
29 acts to appear before and to work with the committee
30 and may pay the expense of such persons from funds

Page 2

1 available under section two point twelve (2.12) of the
2 Code; and

3 *Be it Further Resolved*, That the study subcommittee
4 established under this resolution be directed to make
5 periodic progress reports to the Legislative Council,
6 and to present a final report, to the 1978 Session of
7 the Sixty-seventh General Assembly. The study subcom-
8 mittee shall:

9 1. Investigate the present compensation and restitu-
10 tion statutes and practices in Iowa, other states,
11 and at the federal level of government, and the need
12 for expansion of the present program in Iowa.

13 2. Propose an appropriate program for compensation
14 of victims of criminal acts and restitution by persons
15 who commit such acts, after due consideration to:

16 a. The level of compensation, the limits, if any, per
17 claim, and criteria for eligibility for and the manner
18 and source of payments in compensation for medical
19 expenses, loss of earnings, temporary or permanent
20 bodily disability or death resulting from criminal acts;

21 b. The need for and extent of restitution from offenders
22 for criminal acts resulting in bodily injury or death,
23 or loss of, or damage to property;

24 c. The manner of affording due process to and protect-
25 ing the rights of both victims and offenders;

26 d. The manner of handling collateral sources of compensa-
27 tion, and rights of subrogation;

28 e. The need for and the proposed composition and
29 authority of a state compensation and restitution commis-
30 sion; and

31 f. Such other matters as are pertinent and necessary
32 to the study subcommittee's charge.

Laid over under Rule 25.

MOTION TO RECONSIDER
(Amendment H-4081 to House File 595)

I move to reconsider the vote by which amendment H-4081 to House File 595 was adopted by the House on May 10, 1977.

HARVEY of Scott

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of May, 1977: House Files 101, 174, 209, 224, 228, 254 and 449.

David L. Wray
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber after 5:45 p.m., on May 10, 1977. Had I been present I would have voted "aye" on amendment H-4089 to House File 595; "nay" on House File 595.

TOFTE of Winneshiek

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 265 Judiciary and Law Enforcement

Relating to possession of controlled substances.

S. B. 266 Judiciary and Law Enforcement

Relating to incendiary device.

PRESENTATION OF VISITORS

Jochum of Dubuque presented to the House the Honorable Andrew Frommelt, former House member during the Fifty—fifth through Fifty—seventh General Assemblies; former Senate member during the Fifty—eighth through Sixty—third General Assemblies, representing Dubuque County.

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

Twenty foreign exchange students from Iowa Central Community College, Fort Dodge, Iowa, accompanied by Dick Inman and Mary Linney. By Fitzgerald of Webster.

Seventy—five sixth grade students from Southeast Elementary School, Ankeny, Iowa, accompanied by Mr. Bell, Mrs. Raney and Mr. Arnold. By Byerly of Polk.

One hundred twenty—five eighth grade students from Clarke Community School, Osceola, Iowa, accompanied by Sandy Kelso, Bruce McKena, Dennis Parrot and Larry Rohr.

Thirty sixth grade students from Ayrshire Elementary School, Ayrshire, Iowa, accompanied by Ruth Hansen. By Baker of Buena Vista.

Forty sixth grade students from Schaller Elementary School, Schaller, Iowa, accompanied by Mrs. Selberg and Mr. Bisenius. By Bennett of Ida.

Sixty—five students from Corning Elementary School, Corning, Iowa, accompanied by Mr. Max Steffen. By Daggett of Adams and Pellett of Cass.

Twenty—five students from Christ the King School, Des Moines, Iowa, accompanied by Sue Felice and Father Churchman. By Woods of Polk.

Sixty—two fifth grade students from Eagle Grove Community School, Eagle Grove, Iowa, accompanied by Lois Barns, Arnola Bastian and Sue Gazaway. By Stromer of Hancock.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:30 a.m., May 10, 1977

Convened: 8:30 a.m.

Adjourned: 9:38 a.m.

Present: Higgins, chair; Walter, vice-chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Lonergan, Miller of Buchanan and Tofte.

Absent: Dyrland, Garrison, Newhard and Schroeder.

House File 547, a bill for an act relating to birth certificates for adopted persons not born in Iowa.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Baker, Clark of Cerro Gordo, Gentleman, Hansen, Krewson, Lipsky, Lonergan, Miller of Buchanan and Tofte.

Nay: None.

Absent or not voting: Anderson, Brunow, Cusack, Dyrland, Garrison, Hargrave, Newhard and Schroeder.

Senate File 42, a bill for an act relating to county health centers.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Baker, Clark of Cerro Gordo, Gentleman, Hansen, Krewson, Lipsky, Lonergan, Miller of Buchanan and Tofte.

Nay: None.

Absent or not voting: Anderson, Brunow Cusack, Dyrland, Garrison, Hargrave, Newhard and Schroeder.

Senate File 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill.

Recommended AMEND AND DO PASS.

H-4113

- 1 Amend Senate File 333, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 9, by striking lines 19 and 20 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. 14. Sections two hundred twenty-six
- 6 point six (226.6), subsection five (5), and two
- 7 hundred twenty-nine point forty-four (229.44),
- 8 Code 1977, are repealed."

Aye: Higgins, Walter, Crawford, Baker, Brunow, Clark of Cerro Gordo, Gentleman, Hansen, Krewson, Lipsky, Lonergan, Miller of Buchanan and Tofte.

Nay: None.

Absent or not voting: Anderson, Cusack, Dyrland, Garrison, Hargrave, Newhard and Schroeder.

Study Bill 160, a bill for an act to amend and revise chapter two hundred fifty-two (252) of the Code, relating to support by counties of persons in need of assistance.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Baker, Clark of Cerro Gordo, Gentleman, Hansen, Krewson, Lipsky, Lonergan, Miller of Buchanan and Tofte.

Nay: None.

Absent or not voting: Anderson, Brunow, Cusack, Dyrland, Garrison, Hargrave, Newhard, and Schroeder.

Discussed and deferred House File 123.

COMMITTEE ON BUDGET

Scheduled: On call of chair, May 11, 1977

Convened: 2:00 p.m.

Adjourned: 3:15 p.m.

Present: Cusack, chair; Den Herder, ranking member; Avenson, Koogler, Norland, O'Halloran, Stromer, Welden and Wulff.

Absent: Jesse (arrived at 2:10 p.m.) and Varley.

Excused: Dunton, vice-chair; (arrived late) and Wells.

House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation.

Recommended DO PASS.

Aye: Cusack, Den Herder, Avenson, Jesse, Norland, O'Halloran, Stromer, Welden and Wulff.

Nay: Koogler.

Absent or not voting: Dunton, Varley and Wells.

House Concurrent Resolution, a house concurrent resolution to establish a criminal victim compensation and restitution interim study.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Norland, O'Halloran, Stromer and Wulff.

Nay: Welden.

Absent or not voting: Koogler, Varley and Wells.

AMENDMENTS FILED

H-4117

S.F. 213

Lageschulte of Bremer

H-4118

H.F. 557

Krewson of Polk

H-4119

H.F. 590

Bennett of Ida

H-4120

H.F. 590

Bennett of Ida
Gilson of Guthrie

		Hansen of O'Brien
		Miller of Calhoun
H-4121	S.F. 302	Griffie of Chickasaw
H-4122	H.F. 590	Monroe of Des Moines
H-4123	S.F. 279	Wyckoff of Benton
H-4124	S.F. 140	Norland of Worth
		West of Marshall
H-4125	S.F. 167	Miller of Buchanan

On motion by Fitzgerald of Webster the House adjourned at 6:17 p.m., until 10:00 a.m., Thursday, May 12, 1977.

JOURNAL OF THE HOUSE

One hundred twenty—third Calendar Day -- Eighty—fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 12, 1977

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

Prayer was offered by the Reverend John W. Rozenberger, pastor of the Meservey United Methodist Church, Meservey, Iowa.

The Journal of Wednesday, May 11, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Murphy, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of West of Marshall; Danker of Pottawattamie on request of Pellett of Cass.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 10, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 161, a bill for an act providing appropriations to state agencies with responsibilities related to natural resource management and research.

Also: That the Senate has on May 10, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 259, a bill for an act permitting vendors in liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases.

Also: That the Senate has on May 10, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 275, a bill for an act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties.

Also: That the Senate has on May 10, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 384, a bill for an act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings.

STEVEN C. CROSS, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 12, 1977, he approved and transmitted to the Secretary of State the following bills:

Senate File 28, an act to commemorate the birthday of Dr. Martin Luther King, Jr.

Senate File 119, an act relating to the regulation of savings and loan associations.

Senate File 231, an act providing for an extension of the moratorium for acquiring agricultural land to trusts.

Senate File 288, an act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

Senate File 314, an act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

SIFTING COMMITTEE RULES

1. Voting rules shall correspond with the rules of the House in that all votes shall be taken by complete roll call unless the use for the short form is voted.

2. Nine (9) affirmative votes shall be required to vote a bill out of committee.

3. Debate shall be limited to two minutes for a member to present the bill and one minute to each other member for debate.

4. The chair may by majority vote present priority and committee bills without charge to himself and he may be permitted to present a noncontroversial calendar to the committee for its approval, and the chair may be permitted to appoint a committee to bring in a list of noncontroversial bills.

5. The order of choosing to bring a bill out of committee shall be by priority to be established by drawing the names from a box and making a list showing the order of names as drawn. At least one (1) name shall be called at each meeting for the purpose of presenting a bill for consideration in addition to the provisions of Rule 4.

6. No vote on a bill shall be reconsidered at the same meeting.

Rules for Noncontroversial Bills

7. Bills may be placed on a noncontroversial calendar and shall be allotted five (5) minutes for debate. If debate on such bill exceeds the time allotted, the bill will return to its status prior to consideration by the noncontroversial committee.

8. Objections to consideration of bills placed on the sifting committee noncontroversial calendar must be filed, in writing by three (3) members of the House with the Chief Clerk of the House, within two (2) legislative days after such bill appears on the noncontroversial calendar.

9. Any bill eliminated by objection from consideration as a noncontroversial item made in accordance with sifting committee Rule 8, will return to its status prior to consideration by the noncontroversial committee.

FITZGERALD of Webster, chair

REPORT OF SIFTING COMMITTEE

Mr. Speaker: Your sifting committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the sifting committee calendar:

S.F. 349 Committee Bill -- To clarify and change the feticide provisions of the criminal code revision to conform to a recent United States Supreme Court decision. By committee on judiciary and law enforcement; Jesse, chair.

- S.F. 361 Committee Bill -- Relating to rules of appellate procedure in the courts. By committee on judiciary and law enforcement; Jesse, chair.
- S.F. 363 Committee Bill -- To make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, . . . By committee on judiciary and law enforcement; Jesse, chair.
- S.F. 333 Committee Bill -- To make certain clarifying and corrective revisions in and additions to chapter 229 of the Code, and certain related statutes, relating to hospitalization of the mentally ill. By committee on human resources; Higgins, chair.
- S.F. 180 Committee Bill -- Relating to the regulation of premium rates for credit life and credit accident and health insurance. By committee on commerce; Small, chair.
- S.F. 137 Relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties. By Robinson and Murray.

FITZGERALD of Webster, chair

APPOINTMENT OF SIFTING COMMITTEE NONCONTROVERSIAL SUBCOMMITTEE

Fitzgerald of Webster announced the appointment of the following members to the sifting committee noncontroversial subcommittee: Nielsen of Polk, chair; Harbor of Mills, Evans of Grundy, Jochum of Dubuque and Davitt of Warren.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 140, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth offered amendment H-3730 filed by the committee on ways and means on April 25, 1977 and found on pages 1614 and 1615 of the House Journal and moved its adoption.

Amendment H-3730 was adopted.

Norland of Worth offered the following amendment H-4124 filed by him and West of Marshall and moved its adoption:

H-4124

1 Amend Senate File 140, as passed by the Senate,
2 as follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing new section:

5 "Section 1. Section four hundred twenty-two point
6 thirty-three (422.33), subsection one (1), unnumbered
7 paragraph one (1), Code 1977, is amended to read as
8 follows:

9 If the trade or business of the corporation is
10 carried on entirely within the state or if the trade
11 or business consists of the operation of a farm and
12 the property is located entirely within the state,
13 the tax shall be imposed on the entire net income,
14 but if such trade or business is carried on partly
15 within and partly without the state or if the trade
16 or business consists of the operation of a farm and
17 the property is located partly within and partly
18 without the state, the tax shall be imposed only on
19 the portion of the net income reasonably attributable
20 to the trade or business within the state, said net
21 income attributable to the state to be determined
22 as follows: "

23 2. Page 5, by striking lines 30 through 35 and
24 inserting in lieu thereof the following new section:
25 "Sec. . SPECIAL RESERVE FUND CREATED. The
26 treasurer of state shall credit the first ten million
27 dollars received after the effective date of this
28 Act from the receipts resulting from the payments
29 received upon the filing of declarations of estimated
30 tax from corporations subject to the tax imposed under
31 division three (III) of this chapter to the general
32 fund of the state. After crediting the first ten
33 million dollars received to the general fund of the
34 state, the treasurer of state shall credit the next
35 twenty-five million dollars received after the
36 effective date of this Act from the receipts resulting
37 from the payments received upon the filing of
38 declarations of estimated tax from corporations subject
39 to the tax imposed under division three (III) of this
40 chapter to a special reserve fund, which is hereby

- 41 created in the office of the treasurer of state.”
42 3. Page 6, by striking line 1.
43 4. Page 6, by inserting after line 18 the follow—
44 ing new section:
45 “Sec. . The provisions of section one (1) of
46 this Act are retroactive to January 1, 1977 for tax
47 years beginning on or after January 1, 1977 and to
48 this extent the provisions of section one (1) of this
49 Act are retroactive.”
50 5. Page 6, line 19, by inserting after the word

Page 2

- 1 “Act” the words “, except the provisions of section
2 one (1) of this Act.”
3 6. Page 6, by inserting after line 20 the follow—
4 ing new section:
5 “Sec. . This Act, being deemed of immediate
6 importance, shall take effect and be in force from
7 and after its publication in The Marion Sentinel,
8 a newspaper published in Marion, Iowa, and in the
9 Farmer—Labor Press, a newspaper published in Council
10 Bluffs, Iowa.”
11 7. Renumber sections and correct internal
12 references as are necessary in accordance with this
13 amendment.
14 8. Amend the title, by striking everything after
15 the word “Act” in line 1 and inserting in lieu thereof
16 the words “relating to the taxation of corporations
17 and financial institutions to provide for the alloca—
18 tion of certain corporate income to this state for
19 corporate income tax purposes, to require the filing
20 of declarations of estimated tax and quarterly payments
21 by corporations and financial institutions, creating
22 a special reserve fund into which a portion of such
23 payments are to be deposited, providing penalties,
24 and making certain provisions of the Act retroactive.”

Amendment H—4124 was adopted.

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

On the question “Shall the bill pass?” (S.F. 140)

The ayes were, 80:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Conlon
Connors	Crawford	Cusack	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Higgins	Hines	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Shimanek	Small	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Varley	Walter	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 13:

Bennett	Clark, J.H.	Crabb	Harvey
Hinkhouse	Hoffmann	Pellett	Schneklath
Schroeder	Smalley	Stephens	Tofte
Welden			

Absent or not voting, 6:

Chiodo	Daggett	Danker	Egenes
Jesse	Junker		

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

SIFTING CALENDAR

Senate File 349, a bill for an act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 349)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Koogler	Krause	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poney	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 5:

Gentleman	Jesse	Krewson	Millen
Newhard			

Absent or not voting, 6:

Daggett	Danker	Egenes	Junker
Patchett	West		

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

AMENDMENT WITHDRAWN
(Amendment H-4035 to Senate File 318)

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H-4035, to Senate File 318, filed by Brunow of Appanoose and him on May 6, 1977.

Senate File 180, a bill for an act relating to the regulation of premium rates for credit life and credit accident and health insurance, with report of committee recommending passage was taken up for consideration.

Koogler of Mahaska offered the following amendment H-4130 filed by him from the floor and moved its adoption:

H-4130

- 1 Amend Senate File 180 as follows:
- 2 1. Page 1, line 4, by striking the following:
- 3 " , after a public hearing,".
- 4 2. Page 1, line 8, by adding after the word
- 5 "premium" the following: " , to be paid in full
- 6 by the lending institution,".

Amendment H-4130 lost.

Schroeder of Pottawattamie offered the following amendment H-4131 filed by him from the floor and moved its adoption:

H-4131

- 1 Amend Senaté File 180 as amended, passed and
- 2 reprinted by the Senate, page 1, as follows:
- 3 1. Line 8, by striking "sixty-five" and in-
- 4 sserting in lieu thereof "seventy-five."
- 5 2. Line 13, by striking the period and in-
- 6 sserting after "section": "if the total amount of
- 7 the original indebtedness owed to the creditor
- 8 for which policy or certificate of credit life in-
- 9 surance is written is five thousand dollars (\$5000.00)
- 10 or less. In the event that the total amount of
- 11 the original indebtedness owed to the creditor for
- 12 which the policy or certificate of credit life

13 insurance is written is more than five thousand
 14 dollars (\$5000.00), then a charge or premium
 15 of not more than sixty-five cents per annum per
 16 one hundred dollars of the initial amount of
 17 decreasing term credit life insurance, or its
 18 actuarial equivalent for credit life insurance
 19 written on other than the decreasing basis,
 20 shall be conclusively presumed to meet the re-
 21 quirements of this section."

Amendment H-4131 lost.

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

On the question "Shall the bill pass?" (S.F. 180)

The ayes were, 68:

Anderson	Avenson	Baker	Brandt
Brockett	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crawford	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Higgins
Hines	Hoffmann	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Schnekloth
Shimanek	Small	Spear	Spencer
Svoboda	Tauke	Varley	Walter
Wells	Woods	Wulff	Mr. Speaker

The nays were, 25:

Bennett	Bina	Binneboese	Branstad
Brunow	Clark, J.H.	Crabb	Den Herder
Doyle	Harvey	Hinkhouse	Husak
Lindeen	Millen	Miller, O.L.	Pellett
Scheelhaase	Schroeder	Smalley	Stephens

Stromer
Wyckoff

Thompson

Tofte

Welden

Absent or not voting, 6:

Daggett
Junker

Danker
West

Hargrave

Horn

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

MOTION TO RECONSIDER LOST

(Senate File 318)

Lageschulte of Bremer called up for consideration the motion to reconsider Senate File 318, filed on April 29, 1977, and moved to reconsider the vote by which Senate File 318, a bill for an act making technical changes of a corrective nature to the criminal code revision, passed the House on April 29, 1977.

Roll call was requested by Lageschulte of Bremer and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall the vote by which Senate File 318 passed the House be reconsidered?"

The ayes were, 45:

Bennett
Clark, B.J.
Dieleman
Griffee
Harvey
Husak
Millen
Pellett
Shimanek
Stephens
Tofte
Wyckoff

Branstad
Conlon
Dunton
Halvorson
Hoffmann
Lageschulte
Miller, O.L.
Pelton
Smalley
Stromer
Walter

Brockett
Crabb
Egenes
Hansen
Howell
Lindeen
Oxley
Schnekloth
Spear
Tauke
West

Byerly
Den Herder
Evans
Harbor
Hullinger
Middleswart
Pavich
Schroeder
Spencer
Thompson
Wulff

The nays were, 50 :

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiодо
Clark, J. H.	Connors	Crawford	Cusack
Davitt	Doyle	Dyrland	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Jesse	Jochum	Koogler
Krause	Krewson	Lipsky	Lonergan
Menke	Miller, K.D.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Patchett
Perkins	Poncy	Rinas	Small
Svoboda	Varley	Welden	Wells
Woods	Mr. Speaker		

Absent or not voting, 4:

Daggett	Danker	Junker	Scheelhaase
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The motion lost.

IMMEDIATE MESSAGE

(House Files 158 and 358)

West of Marshall asked and received unanimous consent that House Files 158 and 358 be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 21

Cusack of Scott asked and received unanimous consent for the immediate consideration of House Resolution 21 as follows:

HOUSE RESOLUTION 21

By Cusack, Bina, Higgins, Harvey, Hinkhouse,
Conlon, Schnekloth, Cochran, Fitzgerald and Millen

- 1 *Whereas, John Wesley McCormick has been a part*
- 2 *of Iowa journalism for some 40 years, and,*
- 3 *Whereas, McCormick, a graduate of Drake*
- 4 *University, has been a reporter for the International*
- 5 *News Service (INS), for the United Press*
- 6 *International (UPI) and was Des Moines bureau chief*
- 7 *for UPI before accepting a position as state desk*
- 8 *editor in Davenport in 1964, and,*

9 *Whereas*, McCormick ("Mac") rapidly rose within
10 The Davenport Times Democrat (now The Quad City
11 Times), held many positions and is now the Political
12 and Community Affairs Editor, and,

13 *Whereas*, Mac has ceaselessly followed the progress
14 of nearly every bill in the Iowa legislature for
15 years and has often been glowingly and grudgingly
16 called a "Walking Code of Iowa," and,

17 *Whereas*, Mac was personally responsible for
18 convincing his newspaper's management that the
19 newspapers must have full time correspondents in
20 both Iowa and Illinois capitols, and,

21 *Whereas*, Mac is a workaholic and has the
22 earned reputation as the fastest re-write man

Page 2

1 around, and

2 *Whereas*, Mac inherited a situation where the
3 newspapers catered generally to the wishes of one
4 political party and,

5 *Whereas*, Mac now has spokesmen for both parties
6 wishing him some of their venom, which is generally
7 considered a health and fair state of affairs, and,

8 *Whereas*, Mac has taken a personal interest in
9 the future of the Annie Wittenmyer Home and has
10 been instrumental in the transition to private
11 control (or whatever they have there), and,

12 *Whereas*, Mac has also been a leading community
13 figure in promotion of intergovernmental harmony
14 and coordination, particularly in connection with
15 the "uni-gov" and county home rule, and,

16 *Whereas*, Mac is generally gruffy, cynical,
17 presumptuous, cantankerous and a gentleman, now,

18 *Be It Resolved by the House of Representatives*,
19 that the House takes this opportunity to commend Mac
20 on his 62nd year, and,

21 *Be It Further Resolved*, that the House wishes
22 Mac well in his continued journalistic efforts, and,

23 *Be It Further Resolved*, that the House looks
24 forward with trepidation to the day Mac retires,
25 fearing he will write the books of legislative
26 memories he has stored away in his head, and,

27 *Be It Further Resolved*, that a copy of this
28 resolution shall be sent to John Wesley McCormick
29 by the Chief Clerk of the House.

Mr. McCormick addressed the House and thanked the members for the honor.

Cusack of Scott moved the adoption of House Resolution 21.

The motion prevailed and the resolution was adopted.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 9, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 121, a bill for an act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Sifting Calendar

Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, with report of committee recommending passage was taken up for consideration.

Chiodo of Polk offered amendment H-4132 filed by Chiodo, Small, Tauke, Varley, Evans, Hansen, Halvorson, Brockett, Monroe, Avenson and Koogler from the floor.

Chiodo of Polk offered the following amendment H-4134, to amendment H-4132, filed by Chiodo of Polk from the floor:

H-4134

- 1 Amend amendment H-4132, to Senate File 137
2 as passed by the Senate as follows:
3 1. Page 1, by striking lines 41 and 42 and
4 inserting in lieu thereof the following:
5 "C. One member shall be either a director or
6 a manager of a credit union organized under Iowa
7 law."
8 2. Page 2, line 1, by inserting after the
9 word "Code." the following: "A person who by
10 reason of having an account with any of the
11 regulated institutions, thereby having ownership
12 in that institution because of that account, shall
13 not be considered directly affiliated to that
14 institution in which such an account is held."
15 3. Page 12, line 26, by inserting after the
16 period the following: "The superintendent may
17 give information secured from or about credit
18 unions to the Iowa Credit Union League and its
19 affiliates. The superintendent may provide
20 information regarding credit unions to the admin-
21 istrator of any share insurance corporation
22 including the National Credit Union Administration,
23 for the purpose of availability of the national
24 credit union insurance fund to the credit unions."

Welden of Hardin rose on a point of order that amendment H-4132 was not germane.

The Speaker propounded the question to the House.

A non-record roll call was requested.

The ayes were 46, nays 15.

Amendment H-4132 was ruled germane.

Schroeder of Pottawattamie rose on a point of order that amendment H-4134 was not germane.

The Speaker ruled the point not well taken and amendment H-4134 germane.

Brunow of Appanoose in the chair at 2:10 p.m.

On motion by Chiodo of Polk, amendment H-4134, to amendment H-4132, was adopted.

Junker of Woodbury moved that Senate File 137 be deferred.

The motion lost.

Chiodo of Polk moved the adoption of amendment H-4132, as amended.

A non-record roll call was requested.

The ayes were 56, nays 29.

Amendment H-4132, as amended, was adopted, placing out of order amendment H-3861 filed by Schroeder of Pottawattamie on April 28, 1977.

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

On the question "Shall the bill pass?" (S.F. 137)

The ayes were, 73:

Anderson	Avenson	Baker	Bina
Brandt	Brockett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crawford	Cusack	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Higgins	Hines	Hoffmann	Horn
Hullinger	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lipsky	Menke	Millen	Miller, K.D.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Shimanek	Small	Smalley	Spear

Spencer
Walter

Svoboda
Wells

Tauke
Woods

Varley
Wulff
Mr. Speaker
(Brunow)

The nays were, 23:

Bennett
Gentleman
Husak
Miller, O.L.
Schroeder
Welden

Binneboese
Harvey
Lindeen
Newhard
Stephens
West

Branstad
Hinkhouse
Lonergan
Scheelhaase
Thompson
Wyckoff

Crabb
Howell
Middleswart
Schneklath
Tofte

Absent or not voting, 3:

Daggett

Danker

Stromer

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

Senate File 363, a bill for an act to make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the general assembly, to provide that consents to adoption obtained prior to January 1, 1977 shall be unaffected by the termination requirements which became effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights, with report of committee recommending passage was taken up for consideration.

Speaker pro tempore Nielsen of Polk in the chair at 3:08 p.m.

Lipsky of Linn offered the following amendment H-4133 filed by her from the floor and moved its adoption:

H-4133

- 1 Amend Senate File 363, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by striking the word and
- 4 figure "Sec. 2." and inserting in lieu thereof the
- 5 word and figure "Sec. 3."
- 6 2. By renumbering the remaining sections of the
- 7 bill to conform to this amendment.

Amendment H-4133 was adopted.

Jesse of Polk offered the following amendment H-4141 filed by him from the floor and moved its adoption:

H-4141

- 1 Amend Senate File 363, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 21 the follow-
- 4 ing section:
- 5 "Sec. . Section six hundred point eight (600.8),
- 6 subsection three (3), Code 1977, is amended by striking
- 7 the subsection and inserting in lieu thereof the
- 8 following:
- 9 3. The department, an agency or an investigator
- 10 shall conduct all investigations and reports required
- 11 under subsection two (2) of this section."
- 12 2. Page 3, by inserting after line 3 the follow-
- 13 ing paragraph:
- 14 "Any interstate investigations or placements shall
- 15 follow the procedures and regulations under the inter-
- 16 state compact on the placement of children. Such
- 17 investigations and placements shall be in compliance
- 18 with the laws of the states involved."
- 19 3. Page 4, line 8, by striking the words "two
- 20 (2) and three (3)" and inserting in lieu thereof the
- 21 words "two (2), three (3) and five (5)".
- 22 4. Page 4, by inserting after line 32 the follow-
- 23 ing:
- 24 5. An interlocutory or a final adoption decree
- 25 shall be entered with the clerk of the court. Such
- 26 decree shall set forth any facts of the adoption
- 27 petition which have been proven to the satisfaction
- 28 of the court and any other facts considered to be

29 relevant by the court and shall grant the adoption
30 petition. If so designated in the adoption decree,
31 the name of the adopted person shall be changed by
32 issuance of that decree. The clerk of the court
33 shall, within thirty days of issuance, deliver one
34 certified copy of any adoption decree to the
35 petitioner, one copy of any adoption ~~abstract~~ decree
36 to the department and any agency or person making
37 an independent placement who placed a minor person
38 for adoption, and one certification of adoption as
39 prescribed in section 144.19 to the state registrar
40 of vital statistics. Upon receipt of the
41 certification, the state registrar shall prepare a
42 new birth certificate pursuant to section 144.23 and
43 deliver to the parents named in the decree and any
44 adult person adopted by the decree a copy of the new
45 birth certificate. The parents shall pay the fee
46 prescribed in section 144.46. If the person adopted
47 was born outside the state, the state registrar shall
48 forward the certification of adoption to the
49 appropriate agency in the state of birth. A copy
50 of any interlocutory adoption decree vacation shall

Page 2

1 be delivered and another birth certificate shall be
2 prepared in the same manner as a certification of
3 adoption is delivered and the birth certificate was
4 originally prepared.

Amendment H-4141 was adopted.

Lipsky of Linn offered the following amendment H-4135 filed
by her from the floor and moved its adoption:

H-4135

1 Amend Senate File 363, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 24 and 25 and
4 inserting in lieu thereof the words:
5 "ed. Any other person who is required to consent".
6 2. Page 3, by inserting after line 26 the following
7 words:
8 "Nothing in this subsection shall require the
9 petitioner to give notice to self or to petitioner's
10 spouse."
11 3. Page 4, line 4, by striking the words "of

- 12 notice" and inserting in lieu thereof the words "of
 13 service".
- 14 4. Page 10; line one, by inserting after the word
 15 "court" the words "except that notice need not be
 16 served on the petitioner or on any necessary party
 17 who is spouse of the petitioner".
- 18 5. Page 11, line 16, by striking the words "or
 19 unlocated".
- 20 6. Page 13, line 8, by striking the word "that"
 21 and inserting in lieu thereof the words "shall issue".
- 22 7. Page 13, line 9, by striking the words "shall
 23 be issued".

Amendment H-4135 was adopted.

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

On the question "Shall the bill pass?" (S.F. 363)

The ayes were, 93:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Harbor
Hargrave	Harvey	Higgins	Hines
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Nielsen)

The nays were, none.

Absent or not voting, 6:

Daggett
Husak

Danker
Stromer

Hansen

Hinkhouse

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

Senate File 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, with report of committee recommending amendment and passage was taken up for consideration.

Gentleman of Polk offered amendment H-4113 filed by the committee on human resources on May 11, 1977 and found on page 2101 of the House Journal, and moved its adoption.

Amendment H-4113 was adopted.

Miller of Buchanan offered the following amendment H-4142, filed by him and Monroe of Des Moines from the floor, and moved its adoption:

H-4142

- 1 Amend Senate File 333 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 11 through 23 and
- 4 inserting in lieu thereof the following: "two hundred
- 5 twenty-nine point twelve (229.12), Code 1977, is
- 6 amended to read as follows:
- 7 229.12 HEARING PROCEDURE.
- 8 1. At the hospitalization hearing, evidence in
- 9 support of the contentions made in the application
- 10 shall be presented by the county attorney. During
- 11 the hearing the applicant and the respondent shall
- 12 be afforded an opportunity to testify and to present
- 13 and cross-examine witnesses, and the court may receive
- 14 the testimony of any other interested person. The

15 respondent has the right to be present at the hearing.
16 If the respondent exercises that right and has been
17 medicated within twelve hours, or such longer period
18 of time as the court may designate, prior to the
19 beginning of the hearing or an adjourned session
20 thereof, the judge shall be informed of that fact
21 and of the probable effects of the medication upon
22 convening of the hearing.

23 2. All persons not necessary for the conduct of
24 the proceeding shall be excluded, except that the
25 court may admit persons having a legitimate interest
26 in the proceeding. Upon motion of the county attorney,
27 the judge may exclude the respondent from the hearing
28 during the testimony of any particular witness if
29 the judge determines that that witness' testimony
30 is likely to cause the respondent severe emotional
31 trauma.

32 3. The respondent's welfare shall be paramount
33 and the hearing shall be conducted in as informal
34 a manner as may be consistent with orderly procedure,
35 but consistent therewith the issue shall be tried
36 as a civil matter. Such discovery as is permitted
37 under the Iowa rules of civil procedure shall be
38 available to the respondent. The court shall re-
39 ceive all relevant and material evidence which may
40 be offered and need not be bound by the rules of
41 evidence. There shall be a presumption in favor of
42 the respondent, and the burden of evidence in support
43 of the contentions made in the application shall be
44 upon the applicant. If upon completion of the hearing
45 the court finds that the contention that the respondent
46 is seriously mentally impaired has not been sustained
47 by clear and convincing evidence, it shall deny the
48 application and terminate the proceeding.

49 4. If the respondent is not taken into custody
50 under section two hundred twenty-nine point eleven

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1 (229.11) of the Code, but the court subsequently finds
2 good cause to believe that the respondent is about
3 to depart from the jurisdiction of the court, the
4 court may order such limited detention of the
5 respondent as is authorized by section two hundred
6 twenty-nine point eleven (229.11) of the Code and
7 is necessary to insure that the respondent will not
8 depart from the jurisdiction of the court without

9 the court's approval until the proceeding relative
 10 to the respondent has been concluded."

Amendment H-4142 was adopted.

Small of Johnson in the chair at 3:40 p.m.

Nielson of Polk offered the following amendment H-4143 filed by him and Doyle of Woodbury from the floor:

H-4143

1 Amend Senate File 333, as amended, passed and re—
 2 printed by the Senate, as follows:
 3 1. Page 2, line 25, by striking the words and
 4 numeral "subsection two (2)" and inserting in lieu
 5 thereof the words and numerals "subsections two (2)
 6 and three (3)".
 7 2. Page 2, line 33, by striking the word
 8 "Immediately" and inserting in lieu thereof the word
 9 "Immediately".
 10 3. Page 2, by striking lines 34 and 35 and insert—
 11 ing in lieu thereof the words "~~upon taking the person~~
 12 ~~into custody; the nearest available magistrate, as~~
 13 ~~defined in section 748.1; shall be notified"~~.
 14 4. Page 3, by striking lines 1 through 15 and
 15 inserting in lieu thereof the following: "~~and shall~~
 16 ~~immediately proceed to the facility. The magistrate~~
 17 ~~shall in the manner prescribed by section 220.8,~~
 18 ~~subsection 1 insure that the person has or is provided~~
 19 ~~legal counsel at the earliest practicable time, and~~
 20 ~~shall arrange for the counsel to be present, if~~
 21 ~~practicable, before proceeding under this section.~~
 22 A person believed mentally ill, and therefore likely
 23 to injure himself or herself or others if not
 24 immediately detained, may be delivered to a hospital
 25 by someone other than a peace officer. Upon delivery
 26 of the person believed mentally ill to the hospital,
 27 the chief medical officer may order treatment of that
 28 person, including chemotherapy, but only to the extent
 29 necessary to preserve the person's life or to
 30 appropriately control behavior by the person which
 31 is likely to result in physical injury to that person
 32 or others if allowed to continue. The peace".
 33 5. Page 3, lines 17 and 18, by striking the words
 34 "remain until the magistrate's arrival and shall"
 35 and inserting in lieu thereof the words "remain until-

- 36 ~~the magistrate's arrival and shall~~.
37 6. Page 3, line 19, by striking the words
38 "magistrate. If the magistrate" and inserting in
39 lieu thereof the words "magistrate-chief medical
40 officer. If the magistrate chief medical officer".
41 7. Page 3, line 20, by striking the words "probable
42 cause" and inserting in lieu thereof the words
43 "probable-cause reason".
44 8. Page 3, line 23, by striking the word
45 "magistrate" and inserting in lieu thereof the words
46 "chief medical officer".
47 9. Page 3, line 24, by striking the word "enter"
48 and inserting in lieu thereof the words "enter
49 prepare".
50 10. Page 3, line 27, by striking the word

Page 2

- 1 "magistrate's" and inserting in lieu thereof the words
2 "magistrate's chief medical officer's".
3 11. Page 3, line 30, by striking the words
4 "probable cause" and inserting in lieu thereof the
5 words "probable-cause reason".
6 12. Page 3, by striking lines 33, 34 and 35, and
7 inserting in lieu thereof the words "A If it is
8 necessary to transport the person to an appropriate
9 hospital, a".
10 13. Page 4, by striking line 1 and inserting in
11 lieu thereof the words "certified copy of the order".
12 14. Page 4, by striking line 4 and inserting in
13 lieu thereof the following:
14 "time. The chief medical officer's order shall
15 be filed as early as reasonably possible on the next
16 business day with the clerk of the district court
17 in the county where an application for hospitalization
18 of the person, if deemed necessary, would be filed
19 under section two hundred twenty-nine point six (229.6)
20 of the Code. The clerk shall at once notify the
21 nearest available magistrate, as defined in section
22 seven hundred forty-eight point one (748.1) of the
23 Code, who shall immediately proceed to the hospital
24 where the person is detained, review the matter, and
25 either affirm or dismiss the chief medical officer's
26 order. Unless convinced upon initial inquiry that
27 there are no grounds for affirming the chief medical
28 officer's order, the magistrate shall in the manner
29 prescribed by section two hundred twenty-nine point

30 eight (229.8), subsection one (1) of the Code insure
31 that the person has or is provided legal counsel at
32 the earliest practicable time, and shall arrange for
33 the counsel to be present, if practicable, before
34 proceeding further under this section.

35 3. The chief medical officer of the hospital shall
36 examine and may detain and care for the person taken
37 into custody and detained under an order prepared
38 pursuant to subsection two (2) of this section for
39 a period not to exceed forty-eight hours from the
40 time such order is dated, excluding Saturdays, Sundays
41 and holidays, unless the order is sooner dismissed
42 by a magistrate. The hospital may provide treatment
43 which is necessary to preserve the person's life,
44 or to appropriately control behavior by the person
45 which is likely to result in physical injury to himself
46 or herself or others if allowed to continue, but may
47 not otherwise provide treatment to the person without
48 his or her consent. The person shall be discharged
49 from the hospital and released from custody not later
50 than the expiration of that period, unless an

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1 application for his or her involuntary hospitalization
2 is sooner filed with the clerk pursuant to section
3 229.6. The detention of any person by the procedure
4 and not in excess of the period of time prescribed
5 by this section shall not render the peace officer,
6 physician or hospital so detaining that person liable
7 in a criminal or civil action for false arrest or
8 false imprisonment if the peace officer, physician
9 or hospital had reasonable grounds to believe the
10 person so detained was mentally ill and likely to
11 physically injure himself or herself or others if
12 not immediately detained."

RULE 48 SUSPENDED

Horn of Linn asked and received unanimous consent that Rule 48 be suspended for the budget subcommittee on education meeting.

Nielsen of Polk moved the adoption of amendment H-4143.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 47, nays 41.

Amendment H-4143 was adopted.

Brandt of Black Hawk offered the following amendment H-4144 filed by her from the floor:

H-4144

1 Amend Senate File 333, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "Sec. . Section two hundred twenty-nine point
6 seven (229.7), Code 1977, is amended to read as
7 follows:

8 229.7 SERVICE OF NOTICE UPON RESPONDENT. Upon
9 the filing of an application for involuntary
10 hospitalization, the clerk shall docket the case and
11 immediately notify a district court judge who shall
12 review the application and accompanying documentation.
13 If the application is adequate as to form, the judge
14 may set a time and place for a hearing on the
15 application, if feasible, and but the hearing shall
16 not be held less than forty-eight hours after notice
17 to the respondent unless the respondent waives such
18 minimum prior notice requirement. The judge shall
19 direct the clerk to send copies of the application
20 and supporting documentation, together with a notice
21 informing the respondent of the procedures required
22 by this chapter, to the sheriff or his or her deputy
23 for immediate service upon the respondent. If the
24 respondent is taken into custody under section 229.11,
25 service of the application, documentation and notice
26 upon the respondent shall be made at the time he or
27 she is taken into custody.

28 Sec. . Section two hundred twenty-nine point
29 eight (229.8), subsection three (3), paragraph a,
30 Code 1977, is amended to read as follows:

31 a. If not previously done, set a time and place
32 for a hospitalization hearing, which shall be at the
33 earliest practicable time not less than forty-eight
34 hours after notice to the respondent, unless the

35 respondent waives such minimum prior notice
 36 requirement; and”.

Action on amendment H-4144 was deferred.

Lipsky of Linn moved to reconsider the vote by which amendment H-4143 was adopted by the House on May 12, 1977.

Nielsen of Polk asked and received unanimous consent that action on Senate File 333 be deferred.

REPORT OF COMMITTEE

Jesse of Polk from the committee on judiciary and law enforcement submitted the following report:

Senate File 361, a bill for an act relating to rules of appellate procedure in the courts.

Recommended AMEND AND DO PASS.

H-4136.

- 1 Amend Senate File 361 as amended and passed by
 2 the Senate as follows:
 3 1. Page 2, by inserting after line 8 the following
 4 new sections:
 5 “Sec. . Chapter one thousand two hundred forty—
 6 five (1245), Acts of the Sixty—sixth General Assembly,
 7 1976 Session, chapter two (2), section one thousand
 8 three hundred one (1301), rule twenty—three (23),
 9 subsection four (4), paragraphs c and d, are amended
 10 to read as follows:
 11 c. APPEAL. Appeal from an order granting or
 12 denying a motion for new trial or in arrest of judgment
 13 may be taken by the state or the defendant; provided
 14 that appellate review of an order granting or denying
 15 a motion in arrest of judgment upon a plea of guilty
 16 shall not lie except where discretionary review is
 17 granted. Where the court has denied the motion for
 18 new trial or in arrest of judgment, or both, appeal
 19 or discretionary review, whichever is applicable,
 20 may be had only after judgment is pronounced.
 21 d. CUSTODY PENDING APPELLATE DETERMINATION.

22 Pending determination by the supreme appellate court
23 of such appeal or discretionary review, the trial
24 court shall determine whether the defendant shall
25 remain in custody, or whether, if in custody, the
26 defendant should be released on bail or his or her
27 own recognizance. Where the trial court has arrested
28 judgment and an appeal is taken by the state or
29 discretionary review is granted to the state, and
30 it further appears to the trial court that there is
31 no evidence sufficient to charge the defendant with
32 an offense, the defendant shall not be held in custody.

33 Sec. . Chapter one thousand two hundred forty—
34 five (1245), Acts of the Sixty—sixth General Assembly,
35 1976 Session, chapter two (2), section one thousand
36 four hundred five (1405), subsection one (1), paragraph
37 c, is amended to read as follows:

38 c. An order ~~arresting judgment or granting a new~~
39 trial; or, except upon a plea of guilty, an order
40 arresting judgment.

41 Sec. . Chapter one thousand two hundred forty—
42 five (1245), Acts of the Sixty—sixth General Assembly,
43 1976 Session, chapter two (2), section one thousand
44 four hundred five (1405), subsection two (2), is
45 amended by adding the following new paragraph:

46 NEW PARAGRAPH. e. Where the court has accepted
47 a plea of guilty, an order arresting judgment upon
48 that plea.

49 Sec. . Chapter one thousand two hundred forty—
50 five (1245), Acts of the Sixty—sixth General Assembly,

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1 1976 Session, chapter two (2), section one thousand
2 four hundred six (1406), subsection one (1), paragraph
3 a, is amended to read as follows:

4 a. A final judgment of sentence, except upon a
5 plea of guilty, and except in case of simple
6 misdemeanor and ordinance violation convictions.

7 Sec. . Chapter one thousand two hundred forty—
8 five (1245), Acts of the Sixty—sixth General Assembly,
9 1976 Session, chapter two (2), section one thousand
10 four hundred six (1406), subsection two (2), is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. f. Where the court has accepted
13 a plea of guilty, a final judgment of sentence upon
14 that plea and an order denying a motion in arrest
15 of judgment upon that plea."

16 2. By renumbering sections of the bill.

17 3. Amend the title, line 1, by inserting after

18 the word "to" the words "appellate review and".

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase and Shimanek.

Nay: Smalley and Woods.

Absent or Not Voting: Garrison, Higgins, Nielsen and Spencer.

SIFTING CALENDAR

Senate File 361, a bill for an act relating to rules of appellate procedure in the courts, with report of committee recommending amendment and passage was taken up for consideration.

Jesse of Polk offered amendment H-4136 filed by the committee on judiciary and law enforcement.

Jesse of Polk offered the following amendment H-4146, to the committee amendment H-4136, filed by him from the floor and moved its adoption:

H-4146

- 1 Amend amendment H-4136 to Senate File 361 as
- 2 amended and passed by the Senate as follows:
- 3 1. Page 1, by inserting after line 32 the
- 4 following:
- 5 "Sec. . Chapter one thousand two hundred
- 6 forty-five (1245), Acts of the Sixty-sixth General
- 7 Assembly, 1976 Session, chapter two (2), section
- 8 one thousand four hundred four (1404), is amended
- 9 to read as follows:
- 10 SEC. 1404. NEW SECTION. Perfection of an
- 11 appeal and application for discretionary review.
- 12 An appeal and an application for discretionary
- 13 review from a judgment of sentence upon a plea of
- 14 guilty is perfected by filing a written notice
- 15 within sixty days after judgment or order with the
- 16 clerk of the court wherein the judgment or order
- 17 was issued. Application for discretionary review
- 18 is made by filing a written notice within ten days
- 19 after judgment or order with the clerk of the court
- 20 wherein the judgment or order was issued."

Amendment H-4146 was adopted.

Higgins of Scott in the chair at 4:50 p.m.

On motion by Jesse of Polk, the committee amendment H-4136, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 361)

The ayes were, 94:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Higgins)		

The nays were, none.

Absent or not voting, 5:

Daggett
Stromer

Danker

Lindeen

Rinas

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

WEEKLY DEBATE CALENDAR

Avenson of Fayette asked and received unanimous consent to resume consideration of Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, and the committee amendment H-3804, as amended.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the following amendments:

H-3893 filed by Branstad of Winnebago on April 29, 1977.

H-4050 filed by Schroeder of Pottawattamie on May 9, 1977.

H-4052 filed by Schroeder of Pottawattamie on May 9, 1977.

H-4055 filed by Krause of Kossuth on May 9, 1977.

H-4056 filed by Krause of Kossuth on May 9, 1977.

H-4057 filed by Schroeder of Pottawattamie and Brunow of Appanoose on May 9, 1977.

H-4065 filed by Krause of Kossuth on May 10, 1977.

H-4067 filed by Krause of Kossuth on May 9, 1977.

H-4069 filed by Krause of Kossuth on May 9, 1977.

H-4072 filed by Small of Johnson and Krause of Kossuth on May 9, 1977.

Schroeder of Pottawattamie offered the following amendment H-4109, to the committee amendment H-3804 filed by Schroeder, et al, and moved its adoption:

H-4109

- 1 Amend amendment H-3804, filed by the Committee
- 2 on Transportation, to Senate File 167, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 6, line 45, by inserting after the
- 5 word "pounds" the words "for the period commencing
- 6 July 1, 1978 and ending June 30, 1983 and twenty
- 7 thousand pounds commencing July 1, 1983 and
- 8 thereafter,"
- 9 2. Page 6, line 50, by inserting after the word
- 10 "engineer." the words "Annual special permits for
- 11 a particular vehicle shall not be issued by the depart-

12 ment unless prior approval is given by the county
 13 engineer of the county in which the vehicle will be
 14 operated."

15 3. Page 7, line 6, by inserting after the word
 16 "authority." the words "Annual special permits for
 17 a particular vehicle shall not be issued by the
 18 department unless approved by the local authority
 19 responsible for the roads over which the vehicle will
 20 be operated."

21 4. Page 7, line 10, by striking the word
 22 "fifty" and inserting in lieu thereof the words
 23 "one hundred".

Amendment H-4109 was adopted.

Action on the committee amendment H-3804, as amended,
 was deferred.

Millen of Van Buren offered the following amendment H-3588
 filed by him and moved its adoption:

H-3588

1 Amend Senate File 167, as passed by the
 2 Senate, as follows:

3 1. Page 2, line 12, by inserting after the
 4 word "materials" the following: ", agricultural
 5 limestone".

6 2. Page 2, line 14, by inserting after the
 7 word "of" the following: "agricultural lime-
 8 stone and".

Amendment H-3588 was adopted.

Welden of Harden asked and received unanimous consent to
 withdraw amendment H-4051 filed by him and Millen of Van
 Buren on May 9, 1977.

Krause of Kossuth offered the following amendment H-4145
 filed by Krause, Schroeder and Brunow from the floor and moved
 its adoption:

H-4145

1 Amend Senate File 167, as amended, passed and

2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 18 the
4 following:

5 "Sec. . Section three hundred seven point
6 twenty-six (307.26), subsection five (5), Code 1977,
7 is amended to read as follows:

8 5. Advise and assist the director in the conduct
9 of research on railroad-highway grade crossings and
10 encourage and develop a safety program in order to
11 reduce injuries or fatalities including, but not
12 limited to, the following:

13 a. The implementation of a program of construc-
14 ing rumble strips at grade crossings on selected hard
15 surface roads.

16 b. The establishment of standards for warning
17 devices for particularly hazardous crossings or for classes
18 of crossings on highways, which standards are designed to
19 reduce injuries, fatalities and property damage. Such
20 standards shall regulate the use of warning devices
21 and signs which shall be in addition to the requirements
22 of section three hundred twenty-seven G point two (327G.2)
23 of the Code. Implementation of such standards shall
24 be the responsibility of the government agency or
25 department or political subdivision having jurisdiction
26 and control of the highway and such implementation
27 shall be deemed adequate for the purposes of railroad
28 grade crossing protection. The department, or the
29 political subdivision having jurisdiction, may direct
30 the installation of temporary protection while awaiting
31 installation of permanent protection. Unless the depart-
32 ment finds that a railroad grade crossing is particularly
33 hazardous it shall be presumed to be not particularly
34 hazardous.

35 2. Page 25, by inserting after line 32 the follow-
36 ing new section:

37 "Sec. . Section three hundred twenty-one point
38 three hundred forty-two (321.342), Code 1977, is
39 amended by adding the following new unnumbered
40 paragraph:

41 **NEW UNNUMBERED PARAGRAPH.** The department, city,
42 or county shall be required to post the standard sign
43 as prescribed by the manual on uniform traffic control
44 devices adopted by the department pursuant to section
45 three hundred twenty-one point two hundred fifty-two
46 (321.252) of the Code in advance of each railroad
47 grade crossing to warn the motorist that he or she
48 is approaching a railroad grade crossing. Upon
49 properly posting all railroad grade crossing within
50 its jurisdiction and upon implementing the standards

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1 established in accordance with section three hundred
2 seven point twenty-six (307.26) of the Code, the
3 department, city, or county shall not have any other
4 affirmative duty to warn a motor vehicle operator
5 approaching or at the railroad grade crossing."

6 3. Page 30, by inserting after line 34 the follow-
7 ing section:

8 "Sec. . Section three hundred twenty-seven
9 G point thirty-two (327G.32), Code 1977, is amended
10 to read as follows:

11 327G.32 BLOCKING HIGHWAY CROSSING. A railroad
12 corporation or its employees shall not operate any
13 train in such a manner as to prevent vehicular use
14 of any highway, street or alley for a period of time
15 in excess of ten minutes except:

16 1. When necessary to comply with signals affect-
17 ing the safety of the movement of trains.

18 2. When necessary to avoid striking any object
19 or person on the track.

20 3. When the train is disabled.

21 ~~4. When the train is in motion except while engaged..~~
22 ~~in-switching operations.....~~

23 ~~5. When there is no vehicular traffic waiting..~~
24 ~~to use the crossing.~~

25 ~~6. 4. When necessary to comply with governmental~~
26 ~~safety regulations including, but not limited to,~~
27 ~~speed ordinances and speed regulations.~~

28 Any officer or employee of a railroad corporation
29 violating any provision of this section shall, upon
30 conviction be subject to the penalty provided in
31 section 327G.14. An employee shall not be guilty
32 of such violation if his action was necessary to
33 comply with the direct order or instructions of a
34 railroad corporation or its supervisors. Such guilt
35 shall then be with the railroad corporation.

36 The provisions of this section notwithstanding,
37 a political subdivision may pass a resolution or
38 ordinance regulating the length of time a specific
39 crossing may be blocked if the political subdivision
40 demonstrates such a resolution or ordinance is
41 necessary for public safety or convenience. If such
42 a resolution or ordinance is passed the political
43 subdivision shall immediately within thirty days of
44 the effective date of the resolution or ordinance

45 notify the board and the railroad corporation using
46 the crossing affected by the resolution or ordinance.
47 The resolution or ordinance shall not become effective
48 unless the board and the railroad corporation are
49 notified within thirty days. The resolution or
50 ordinance shall be come effective thirty days after

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1 such notification unless a person files an objection
2 to the resolution or ordinance with the board. If
3 an objection is filed the board shall hold a hearing
4 according to the rules established by the board.
5 The board may disapprove the resolution or ordinance
6 if public safety or convenience does not require such
7 a resolution or ordinance. The resolution approved
8 by the political subdivision shall be prima facie
9 evidence that the resolution is adopted to preserve
10 public safety or convenience.

11 The board when considering rebuttal evidence shall
12 weigh the benefits accruing to the political
13 subdivision as it bears to the general public use
14 compared to the burden placed on the railroad oper-
15 ation. Public safety or convenience may include,
16 but shall not be limited to, high traffic density
17 at a specific crossing of a main artery or interfer-
18 ence with the flow of authorized emergency vehicles.

19 Political subdivisions shall notify the board
20 within sixty days of the effective date of this Act,
21 of each existing resolution or ordinance which does
22 not conform with the provisions of this section.
23 Political subdivisions not notifying the board of
24 an existing resolution or ordinance during the calendar
25 year beginning January 1, 1976 shall have an additional
26 sixty days after the effective date of this Act to
27 notify the board. Failure to do so shall render the
28 resolution or ordinance void.

29 Such ordinances or resolutions may remain in effect
30 until the board has acted upon each ordinance or
31 resolution under the procedures specified in this
32 section."

33 4. By numbering and renumbering sections as
34 necessary.

Amendment H-4145 was adopted.

Miller of Buchanan offered the following amendment H-3405
filed by him and moved its adoption:

H-3405

- 1 Amend Senate File 167, as amended, passed and
- 2 reprinted by the Senate, page 20, line 34, by striking
- 3 the words "two point six percent (2.6%)" and inserting
- 4 in lieu thereof the words "three percent".

Roll call was requested by Miller of Buchanan and Gentleman of Polk.

On the question "Shall amendment H-3405 be adopted?"

The ayes were, 34:

Anderson	Baker	Bina	Binneboese
Branstad	Byerly	Clark, J.H.	Conlon
Cusack	Dunton	Dyrland	Evans
Garrison	Hansen	Hines	Hinkhouse
Husak	Koogler	Lindeen	Menke
Miller, K.D.	Miller, O.L.	Newhard	Oxley
Pellett	Perkins	Poncy	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Wyckoff		

The nays were, 53:

Avenson	Bennett	Brandt	Brunow
Chiodo	Clark, B.J.	Connors	Crabb
Crawford	Davitt	Den Herder	Dieleman
Doyle	Egenes	Gentleman	Gilson
Griffee	Halvorson	Harbor	Hargrave
Harvey	Hoffmann	Horn	Howell
Hullinger	Jochum	Junker	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Middleswart	Millen	O'Halloran	Patchett
Pavich	Pelton	Scheelhaase	Schneklath
Schroeder	Small	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	Woods	Wulff
			Mr. Speaker (Higgins)

Absent or not voting, 12:

Brockett	Cochran	Daggett	Danker
Fitzgerald	Gilloon	Jesse	Monroe
Nielsen	Norland	Rinas	West

Amendment H-3405 lost.

Dieleman of Marion asked and received unanimous consent to withdraw amendment H-3455 filed by him on March 31, 1977.

Patchett of Johnson asked and received unanimous consent to defer action on amendment H-4061.

Lipsky of Linn offered the following amendment H-3773 filed by her:

H-3773

1 Amend Senate File 167 as amended, passed and reprinted
2 by the Senate as follows:

3 1. Page 25, by inserting after line 32 the following:
4 "Sec. Section three hundred twenty-one point
5 two hundred thirty-six (321.236), Code 1977, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. Establishing comprehensive anti-
8 noise ordinances providing maximum noise levels for
9 motor vehicles upon streets and highways. Nothing in
10 this subsection shall be construed as limiting or pre-
11 cluding the enforcement of equipment requirements or
12 any other provisions of law relating to motor vehicle
13 noise in this chapter."

14 2. Amend the title, line 24, by inserting after the
15 word "turns," the words "allowing local authorities to
16 establish comprehensive anti-noise ordinances,".

Brunow of Appanoose rose on a point of order that amendment H-3773 was not germane.

The Speaker ruled the point well taken and amendment H-3773 not germane.

Lipsky of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H-3773.

Roll call was requested by Lipsky of Linn and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-3773?"

The ayes were, 53:

Bennett	Bina	Brandt	Branstad
Brockett	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Egenes
Evans	Garrison	Gentleman	Griffee
Halvorson	Hansen	Harvey	Hines
Hoffmann	Horn	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Miller, O.L.
O'Halloran	Patchett	Pavich	Pellett
Pelton	Poncy	Schneklath	Shimanek
Small	Smalley	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	Wulff
			Mr. Speaker
			(Higgins)

The nays were, 34:

Anderson	Avenson	Baker	Binneboese
Brunow	Chiodo	Cochran	Connors
Cusack	Davitt	Den Herder	Doyle
Dunton	Dyrland	Gilloon	Gilson
Harbor	Hargrave	Hinkhouse	Howell
Hullinger	Husak	Krause	Miller, K.D.
Nielsen	Oxley	Perkins	Scheelhaase
Schroeder	Spear	Stromer	West
Woods	Wyckoff		

Absent or not voting, 12:

Daggett	Danker	Dieleman	Fitzgerald
Jesse	Lonergan	Millen	Monroe
Newhard	Norland	Rinas	Welden

The motion prevailed and the rules were suspended to consider amendment H-3773.

Middleswart of Warren offered the following amendment H-3830, to amendment H-3773, filed by him and moved its adoption:

H-3830

- 1 Amend amendment H-3773 to Senate File 167 as
- 2 passed by the Senate and reprinted as follows:
- 3 1. Page 1, line 9, by inserting after the
- 4 word "vehicles" the words "subject to registration".

Amendment H-3830 was adopted.

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

The House resumed session, Speaker Cochran in the chair.

Lipsky of Linn moved the adoption of amendment H-3773, as amended.

Roll call was requested by Lipsky of Linn and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall amendment H-3773, as amended, be adopted?"

The ayes were, 41:

Bennett	Bina	Brandt	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Crabb
Crawford	Den Herder	Dunton	Egenes
Gentleman	Griffee	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Horn
Husak	Jesse	Krewson	Lindeen
Lipsky	Millen	O'Halloran	Patchett
Pellett	Pelton	Schneklath	Shimanek
Smalley	Stephens	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Wells			

The nays were, 52:

Anderson	Avenson	Baker	Binneboese
Brunow	Chiodo	Conlon	Connors
Cusack	Davitt	Dieleman	Doyle
Dyrland	Evans	Fitzgerald	Garrison

Gilloon	Gilson	Hargrave	Higgins
Hines	Hinkhouse	Howell	Hullinger
Jochum	Koogler	Krause	Lageschulte
Loneragan	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Schroeder
Spear	Spencer	Tofte	Welden
West	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 6:

Branstad	Daggett	Danker	Junker
Small	Wulff		

Amendment H-3773, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren for the remainder of the day on request of Davitt of Warren.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-4103 filed by him and Brunow of Appanoose on May 10, 1977.

Schroeder of Pottawattamie offered the following amendment H-4049 filed by him:

H-4049

- 1 Amend Senate File 167, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by inserting after line 4 the follow-
- 4 ing new sections:
- 5 "Sec. . . Section three hundred twenty-one point
- 6 four hundred fifty-four (321.454), Code 1977, is
- 7 amended to read as follows:
- 8 321.454 WIDTH OF VEHICLES. The total outside
- 9 width of any vehicle or the load thereon shall not
- 10 exceed eight feet except that a bus having a total
- 11 outside width not exceeding eight feet six inches,
- 12 exclusive of safety equipment, shall be exempt from
- 13 the permit requirements of chapter three hundred

14 twenty-one E (321E) of the Code and may be operated
15 on the public highways of the state. However, if
16 hay, straw or stover moved on any implement of
17 husbandry and the total width of load of the implement
18 of husbandry exceeds eight feet in width, the implement
19 of husbandry shall not be subject to the permit
20 requirements of chapter 321E. If hay, straw or stover
21 is moved on any other vehicle subject to registration,
22 such moves shall be subject to the permit requirements
23 for transporting loads exceeding eight feet in width
24 as required under chapter 321E.

25 Sec. . Section three hundred twenty-one point
26 four hundred fifty-seven (321.457), subsection two
27 (2), Code 1977, is amended to read as follows:

28 2. No single bus, unladen or with load, shall
29 have an overall length, inclusive of front and rear
30 bumpers, in excess of forty feet, ~~provided that a~~
31 ~~bus in excess of thirty-five feet in overall length~~
32 ~~shall not have less than three axes."~~

33 2. Amend the title, line 24, by inserting after
34 the word "turns," the words "relating to the width
35 and length of buses which may be operated on the
36 highways of this state,".

Lipsky of Linn offered the following amendment H-4060, to amendment H-4049, filed by her:

H-4060

1 Amend amendment H-4049 to Senate File 167 as
2 passed and reprinted by the Senate as follows:

3 1. Page 1, line 15, by inserting after the
4 word "state" the following: "provided the roadway
5 is not less than twenty feet wide".

Perkins of Greene rose on a point of order that amendment H-4060 was not germane.

The Speaker ruled the point not well taken and amendment H-4060 germane.

Lipsky of Linn moved the adoption of amendment H-4060, to amendment H-4049.

Amendment H-4060 lost.

Harvey of Scott offered the following amendment H-4080, to amendment H-4049, filed by him and moved its adoption:

H-4080

- 1 Amend amendment H-4049 to page 27 of Senate
- 2 File 167, as passed by the Senate and reprinted,
- 3 as follows:
- 4 "1. Page 1, by striking lines 26 and 27 and
- 5 inserting in lieu thereof the following: "four
- 6 hundred fifty-seven (321.457), subsections one (1)
- 7 and two (2), Code 1977, are amended to read as
- 8 follows:
- 9 1. No single truck, unladen or with load,
- 10 shall have an overall length, inclusive of front
- 11 and rear bumpers, in excess of ~~thirty-five~~ forty
- 12 feet."

Amendment H-4080 was adopted.

On motion by Schroeder of Pottawattamie, amendment H-4049, as amended, was adopted.

Davitt of Warren offered amendment H-4054 filed by him.

Brunow of Appanoose asked and received unanimous consent that action on amendment H-4054 be deferred.

Miller of Buchanan offered amendment H-3978 filed by Miller, et al. Division was requested as follows:

H-3978

- 1 Amend Senate File 167, as passed by the Senate
- 2 and reprinted, as follows:

H-3978A

- 3 1. Page 27, by inserting after line 29 the
- 4 following:
- 5 "NEW SECTION. A copy of the permits issued by
- 6 the state or county to move mobile homes shall be sent
- 7 to the county treasurer of the county of final des-
- 8 tination by the permit issuing officer. A one dollar

9 fee shall be added to the permit charge to cover the
10 costs of this service.

H-3978B

11 NEW SECTION. The county treasurer shall have
12 the power to deputize a collector to enforce tax
13 collections."

On motion by Miller of Buchanan, amendment H-3978A was adopted.

On motion by Miller of Buchanan, amendment H-3978B lost.

Husak of Tama offered the following amendment H-3533 filed by him and moved its adoption:

H-3533

1 Amend Senate File 167, as passed by the
2 Senate and reprinted, as follows:
3 1. Page 29, line 5, by striking the word
4 "fifteen" and inserting in lieu thereof the
5 word "twelve".

Amendment H-3533 lost.

The House resumed consideration of amendment H-4054.

Davitt of Warren asked and received unanimous consent to withdraw amendment H-4054 filed by him on May 9, 1977.

Horn of Linn called up for consideration the motion to reconsider amendment H-4046 filed by him on May 9, 1977 and moved to reconsider the vote by which amendment H-4046, as amended, (to amendment H-3804) was adopted by the House on May 9, 1977.

A non-record roll call was requested.

The ayes were 49, nays 38.

The motion prevailed and the House reconsidered amendment H-4046, as amended.

Spear of Lee moved the adoption of amendment H-4046, as amended, to the committee amendment H-3804.

Roll call was requested by O'Halloran of Black Hawk and Wulff of Black Hawk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-4046, as amended, be adopted?"

The ayes were 44:

Bennett	Bina	Brandt	Branstad
Clark, B.J.	Conlon	Crabb	Cusack
Den Herder	Dunton	Evans	Garrison
Halvorson	Hansen	Hargrave	Higgins
Hinkhouse	Hoffmann	Howell	Husak
Junker	Lageschulte	Lindeen	Millen
Miller, K.D.	Miller, O.L.	Monroe	Pellett
Pelton	Perkins	Scheelhaase	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Thompson
Tofte	Varley	Wulff	Wyckoff

The nays were, 43:

Anderson	Avenson	Baker	Binneboese
Brunow	Byerly	Chiodo	Connors
Crawford	Davitt	Dieleman	Doyle
Dyrland	Egenes	Fitzgerald	Gentleman
Giloon	Gilson	Griffee	Horn
Hullinger	Jesse	Jochum	Koogler
Krause	Krewson	Lipsky	Lonergan
Menke	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Poncy
Small	Svoboda	Tauke	Walter
Welden	Wells	Mr. Speaker	

Absent or not voting, 12:

Brockett	Clark, J.H.	Daggett	Danker
Harbor	Harvey	Hines	Middleswart
Norland	Rinas	West	Woods

Amendment H-4046, as amended, was adopted, placing out of order the following amendments:

H-4061 filed by Patchett, et al., on May 9, 1977.

H-4070 filed by Patchett of Johnson on May 9, 1977.

Horn of Linn offered the following amendment H-4108 filed by him:

H-4108

- 1 Amend Senate File 167, as passed by the
2 Senate and reprinted, as follows:
3 1. Page 25, by inserting after line 32 the
4 following sections:
5 "Sec. . Section three hundred twenty-one
6 point two hundred eighty-five (321.285), sub-
7 section eight (8), Code 1977, is amended to read
8 as follows:
9 8. Notwithstanding any other speed restric-
10 tions, the speed limits for all vehicular traffic,
11 except vehicles subject to the provisions of
12 section 321.286 on fully controlled-access,
13 divided, multilaned highways including the national
14 system of interstate highways designated by the
15 federal highway administration and this state (23
16 U.S.C. 103 (d)) shall be ~~fifty-five~~ sixty-five
17 miles per hour. However, the department or the
18 cities, with the approval of the department, may
19 establish a lower speed limit upon such highways
20 located within the corporate limits of any city
21 used as city alternate routes, commonly referred
22 to as "freeways." For the purposes of this sub-
23 section a fully controlled-access highway is a
24 highway that gives preference to through traffic
25 by providing access connections with selected public
26 roads only and by prohibiting crossings at grade or
27 direct private driveway connections. It is further
28 provided that a minimum speed of forty miles per hour,
29 road conditions permitting, shall be established on
30 the highways referred to in this subsection.
31 Sec. . Section three hundred twenty-one
32 point two hundred eighty-six (321.286), subsection
33 one (1), Code 1977, is amended to read as follows:
34 1. ~~Fifty-five~~ Sixty-five miles per hour on all
35 fully controlled-access, divided, multilaned high-
36 ways including interstate highways."

Horn of Linn asked for unanimous consent to withdraw amendment H-4108.

Objection was raised.

Krause of Kossuth rose on a point of order that amendment H-4108 was not germane.

The Speaker ruled the point well taken and amendment H-4108 not germane.

Horn of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H-4108.

A non-record roll call was requested.

The ayes were 24, nays 52.

The motion lost.

Brunow of Appanoose moved the adoption of the committee amendment H-3804, as amended.

Amendment H-3804, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd for the remainder of the day on request of Dieleman of Marion.

Miller of Buchanan moved that the rules governing germaneness be suspended for the consideration of amendment H-3463.

Roll call was requested by Miller of Buchanan and Husak of Tama.

On the question "Shall the rules be suspended to consider amendment H-3463?"

The ayes were, 44:

Baker	Bennett	Bina	Binneboese
Branstad	Byerly	Chiodo	Connors
Cusack	Dunton	Evans	Garrison
Gentleman	Gilson	Griffee	Hansen
Harbor	Hines	Horn	Husak
Jesse	Junker	Koogler	Krewson
Menke	Millen	Miller, K.D.	Miller, O.L.
Newhard	Patchett	Pavich	Pelton
Poncy	Schneklath	Spear	Stephens
Stromer	Thompson	Tofte	Walter
Welden	Wells	Woods	Wyckoff

The nays were, 43:

Avenson	Brandt	Brunow	Clark, B.J.
Conlon	Crabb	Crawford	Davitt
Den Herder	Dieleman	Doyle	Dyrland
Egenes	Fitzgerald	Gilloon	Halvorson
Hargrave	Higgins	Hinkhouse	Hoffmann
Hullinger	Jochum	Krause	Lageschulte
Lindeen	Loneragan	Monroe	Nielsen
O'Halloran	Oxley	Pellet	Perkins
Scheelhaase	Schroeder	Shimaneck	Small
Smalley	Spencer	Svoboda	Tauke
Varley	Wulff	Mr. Speaker	

Absent or not voting, 12:

Anderson	Brockett	Clark, J.H.	Daggett
Danker	Harvey	Howell	Lipsky
Middleswart	Norland	Rinas	West

The motion, having failed to receive a constitutional majority, lost, placing out of order amendment H-4125 filed by Miller of Buchanan on May 11, 1977.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer for the remainder of the day on request of Millen of Van Buren.

Patchett of Johnson offered the following amendment H-4158 filed by him from the floor and moved its adoption:

H-4158

1 Amend Senate File 167, as passed by the Senate
2 and reprinted, as follows:

3 1. Page 22, by inserting after line 29 the
4 following section:

5 "Sec. . Section three hundred twenty-one point
6 one hundred seventy-seven (321.177), subsection one
7 (1), Code 1977, is amended to read as follows:

8 1. To any person, as an operator, who is under
9 the age of sixteen years; provided that, effective
10 ~~August 1, 1966, the department shall not issue a~~
11 ~~license to any person, as an operator, who is under~~
12 ~~the age of seventeen years and effective August 1,~~
13 ~~1967, the department shall not issue a license to~~
14 ~~any person, as an operator, who is under the age of~~
15 ~~eighteen years, without his first having successfully~~
16 ~~completed an approved driver education course, in~~
17 ~~which case, the minimum age shall be sixteen years.~~
18 However, the department may issue a restricted license
19 as provided in section 321.194, or an instruction
20 permit as provided in section 321.180, to any person
21 who is at least fourteen years of age. The department,
22 may issue a license restricted only for use for
23 motorized bicycles as provided in section 321.189,
24 subsection 2, to any person fourteen years of age
25 or older who has successfully completed an approved
26 ~~driver's education course established by the department~~
27 ~~of public instruction to acquaint the motorized bicycle~~
28 ~~operator with the rules of the road.~~

29 Sec. . Section three hundred twenty-one point
30 one hundred seventy-eight (321.178), subsection one
31 (1), Code 1977, is amended to read as follows:

32 1. APPROVED COURSE. An approved driver education
33 course as programmed by the department of public
34 instruction shall consist of at least thirty clock
35 hours of classroom instruction, and six or more clock
36 hours of laboratory instruction of which at least
37 three clock hours shall consist of street or highway
38 driving.

39 ~~Every public school district in Iowa shall offer~~
40 ~~or make available to all students residing in the~~
41 ~~school district or Iowa students attending a nonpublic~~
42 ~~school in the district an approved course in driver~~
43 ~~education. Said Driver education courses when offered~~
44 ~~may be offered at sites other than at the public~~
45 ~~school, including nonpublic school facilities within~~
46 ~~the public school districts. An approved course~~

47 offered during the summer months, on Saturdays, after
48 regular school hours during the regular terms or
49 partly in one term or summer vacation period and

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1 partly in the succeeding term or summer vacation
2 period, as the case may be, shall satisfy the
3 requirements of this section to the same extent as
4 an approved course offered during the regular school
5 hours of the school term. A student who successfully
6 completes and obtains certification in an approved
7 course in driver education may, upon proof of such
8 fact, be excused from any field test which he would
9 otherwise be required to take in demonstrating his
10 ability to operate a motor vehicle.

11 "Student," for purposes of this section, means
12 any person between the ages of fifteen years and
13 twenty-one years who resides in the public school
14 district and who satisfies the preliminary licensing
15 requirements of the department or any person between
16 fourteen and twenty-one years of age who resides in
17 the public school district, who satisfies the
18 preliminary licensing requirements of the department
19 for operation of a motorized bicycle and who is
20 enrolled in an approved driver education course for
21 the purpose of qualifying for a motorized bicycle
22 license as provided for in section 321.189, subsection
23 -2.

24 ~~Any person who successfully completes an approved~~
25 ~~driver education course at a private or commercial~~
26 ~~driver education school licensed by the department,~~
27 ~~shall likewise be eligible for an operator's license~~
28 ~~at the age of sixteen years, providing the instructor~~
29 ~~in charge of the student's training has satisfied~~
30 ~~the educational requirements for a teaching certificate~~
31 ~~at the secondary level and holds a valid certificate~~
32 ~~to teach driver education in the public schools of~~
33 ~~Iowa.~~

34 Sec. . Section three hundred twenty-one point
35 one hundred seventy-eight (321.178), subsections two
36 (2) and three (3), Code 1977, are amended by striking
37 the subsections." "

Roll call was requested by Hoffmann of Muscatine and Schroeder of Pottawattamie.

On the question "Shall amendment H-4158 be adopted?"

The ayes were, 17:

Baker	Chiodo	Conlon	Cusack
Dyrland	Evans	Gentleman	Higgins
Jesse	Krewson	Miller, K.D.	Newhard
Patchett	Small	Smalley	Varley
Wells			

The nays were, 64:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brunow	Byerly
Clark, B.J.	Connors	Crabb	Crawford
Davitt	Dieleman	Doyle	Dunton
Egenes	Garrison	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Husak	Jochum	Junker	Koogler
Krause	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, O.L.	Monroe
Nielsen	O'Halloran	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Spear
Stevens	Stromer	Tauke	Thompson
Tofte	Walter	Welden	West
Woods	Wulff	Wyckoff	Mr. Speaker

Absent or not voting, 18:

Branstad	Brockett	Clark, J.H.	Daggett
Danker	Den Herder	Fitzgerald	Gilloon
Harvey	Howell	Hullinger	Lageschulte
Middleswart	Norland	Oxley	Rinas
Spencer	Svoboda		

Amendment H-4158 lost.

Small of Johnson offered the following amendment H-4157 filed by him from the floor and moved its adoption:

H-4157

- 1 Amend Senate File 167, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 22, line 31, by inserting after the

4 word "subsection" the following: "one (1), un-
5 numbered paragraphs one (1) and four (4), and sub-
6 section".

7 2. Page 22, line 31, by striking the word
8 "is" and inserting in lieu thereof the word "are".

9 3. Page 22, by inserting after line 32 the
10 following:

11 "An approved driver education course as pro-
12 grammed by the department ~~of public instruction~~
13 shall consist of at least thirty clock hours of
14 classroom instruction, and six or more clock hours
15 of laboratory instruction of which at least three
16 clock hours shall consist of street or highway
17 driving.

18 Any person who successfully completes an
19 approved driver education course at a private or
20 commercial driver education school licensed by the
21 department, shall likewise be eligible for an
22 operator's license at the age of sixteen years,
23 providing the instructor in charge of the student's
24 training has satisfied the ~~educational requirements~~
25 ~~for a teaching certificate at the secondary level and~~
26 ~~holds a valid certificate to teach driver education~~
27 ~~in the public schools of Iowa department's require-~~
28 ments for instructors of driver education."

Roll call was requested by O'Halloran of Black Hawk and Hoffmann of Muscatine.

On the question "Shall amendment H-4157 be adopted?"

The ayes were, 23:

Baker	Chiodo	Conlon	Cusack
Egenes	Evans	Gentleman	Hargrave
Higgins	Jesse	Koogler	Krewson
Millen	Miller, K.D.	Newhard	Perkins
Small	Smalley	Svoboda	Varley
Walter	Wells	Woods	

The nays were, 59:

Anderson	Avenson	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Clark, B.J.	Connors	Crabb	Crawford
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Garrison	Gilson
Griffie	Halvorson	Hansen	Harbor
Hines	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jochum	Junker

Krause	Lindeen	Lipsky	Lonergan
Menke	Miller, O.L.	Monroe	Norland
O'Halloran	Patchett	Pavich	Pelton
Poncy	Scheelhaase	Schnekloth	Schroeder
Shimanek	Spear	Stromer	Tauke
Thompson	Tofte	Welden	West
Wulff	Wyckoff	Mr. Speaker	

Absent or not voting, 17:

Binneboese	Brockett	Clark, J.H.	Daggett
Danker	Fitzgerald	Gilloon	Harvey
Howell	Lageschulte	Middleswart	Nielsen
Oxley	Pellett	Rinas	Spencer
Stephens			

Amendment H-4157 lost.

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

On the question "Shall the bill pass?" (S.F. 167)

The ayes were, 80:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, O.L.	Newhard
Norland	O'Halloran	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 5:

Byerly Nielsen	Jesse	Miller, K.D.	Monroe
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Absent or not voting, 14:

Binneboese	Brockett	Daggett	Danker
Den Herder	Gilloon	Howell	Lageschulte
Middleswart	Oxley	Pellett	Rinas
Spencer	Stephens		

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

IMMEDIATE MESSAGE

Brunow of Appanoose asked and received unanimous consent that Senate File 167 be immediately messaged to the Senate.

HOUSE FILE 493 WITHDRAWN

Newhard of Jones asked and received unanimous consent to withdraw House File 493 from further consideration by the House.

HOUSE FILE 131 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 131 from further consideration by the House.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 74

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 difference between the Senate and House of Representatives on House File 74, a bill for an act to provide recreational program activities for residents of county care facilities, respectfully submit the following recommendations:

1. That the Senate recede from its amendment.
2. That the House of Representatives recede from its

amendments.

3. That House File 74 be amended as follows:

a. Page 1, by striking lines 8 through 13 and inserting in lieu thereof the following:

"industry of its occupants. The board of supervisors or the committee shall provide for the costs of the activities program to be included in the county care facility's budget."

b. Amend the title, line 1, by striking the word "recreational".

ON THE PART OF THE SENATE: ON THE PART OF THE HOUSE:

C. W. Hutchins, chair
Stephen W. Bisenius
E. Kevin Kelly
Charles P. Miller
Joan Orr

Diane Brandt, chair
Arlo Hullinger
Russell L. Wyckoff
Wendell C. Pellett
John H. Clark

MOTIONS TO RECONSIDER
(Senate File 137)

I move to reconsider the vote by which Senate File 137 passed the House on May 12, 1977.

CHIODO of Polk

(Senate File 137)

I move to reconsider the vote by which Senate File 137 passed the House on May 12, 1977.

JUNKER of Woodbury

SENATE MESAGES CONSIDERED

SENATE FILE 377, a bill for an act relating to the development of air carrier service in the state by the state department of transportation.

Read first time and referred to committee on
TRANSPORTATION.

EXPLANATIONS OF VOTE

I was attending the Law Enforcement Academy dedication on the afternoon of May 11, 1977. Had I been present, I would have voted "aye" on House Files 63, 158, 267, 358, 369, 546 and Senate File 385.

MIDDLESWART of Warren

I was necessarily absent from the House chamber on Monday, May 9, 1977 through Wednesday, May 11, 1977. Had I been present I would have voted "aye" on: Senate Files 35, 41, 65, 205, 224, 274, 307, 329, 364, 385; and House Files 63, 64, 158, 267, 358, 546, 566, 569 and 597; and "nay" on House File 595.

GARRISON of Black Hawk

I was attending the dedication of the Iowa Law Enforcement Academy at Camp Dodge, Iowa on Wednesday afternoon, May 11, 1977. Had I been present I would have voted "aye" on House Files 63, 158, 267, 358, 369 and 546 and Senate File 385.

SCHNEKLOTH of Scott

PRESENTATION OF VISITORS

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

Sixty-five fourth grade students from Berg Elementary School, Newton, Iowa, accompanied by Mrs. Roth and Miss Johnston. By Dieleman of Marion and Anderson of Jasper.

Thirty-five Oelwein Junior High School students from Oelwein Junior High School, Oelwein, Iowa. By Avenson of Fayette.

Fifty-two sixth grade students from Treynor Elementary School, Treynor, Iowa, accompanied by Miss Sullivan, Mrs. Wehing and Mr. Lambertsen. By Schroeder of Pottawattamie.

One hundred Junior and Senior High students from South Tama Community High School, Tama, Iowa, accompanied by Joan Felkner. By Husak of Tama.

Fifty-four fifth grade students from Dike Elementary School, Dike, Iowa, accompanied by Pat Miller. By Evans of Grundy.

Forty third through sixth grade students from Clearfield Elementary School, Clearfield, Iowa, accompanied by Mrs. Wilson and Miss Davison. By Daggett of Adams.

Thirty-five Juniors from Fox Valley High School, Milton, Iowa, accompanied by Mrs. Joyce Bachman and Mrs. Jerry Mohr. By Millen of Van Buren.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Scheduled: 8:00 a.m., May 11, 1977

Convened: 8:15 a.m.

Adjourned: 9:00 a.m.

Present: Higgins, chair; Crawford, ranking member; Baker, Brunow, Clark of Cerro Gordo, Dyrland, Gentleman, Hansen, Krewson, Lipsky, Miller of Buchanan, Schroeder and Tofte.

Absent: Walter, vice-chair; Anderson, Cusack, Garrison, Hargrave, Lonergan and Newhard.

Discussed interim committee plans.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 8:30 a.m., May 11, 1977

Convened: 8:30 a.m.

Adjourned: 10:15 a.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Absent: Patchett (arrived 8:45 a.m.), Higgins (arrived 9:45 a.m.), Garrison, Nielsen and Spencer.

House File 237, a bill for an act relating to fraudulent practices.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen and Spencer.

House File 299, a bill for an act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Nielsen, Patchett and Spencer.

House File 349, a bill for an act amending the accommodation provision of the criminal code.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None

Absent or Not Voting: Garrison, Higgins, Nielsen and Spencer.

Senate File 238, a bill for an act relating to business corporations.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Nielsen and Spencer.

Senate File 239, a bill for an act relating to nonprofit corporations.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Nielsen and Spencer.

Senate File 251, a bill for an act amending the criminal code revision to allow museums to possess offensive weapons solely as relics.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Gentleman, Higgins, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: Dyrland.

Absent or Not Voting: Garrison, Nielsen, Patchett and Spencer.

Senate File 319, a bill for an act amending the criminal code revision so that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

Recommended AMEND AND DO PASS.

H-4128

1 Amend Senate File 319 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing section:

4 "Section 1. Chapter one thousand two hundred
5 forty-five (1245), Acts of the Sixty-sixth General
6 Assembly, 1976 Session, chapter three (3), section
7 eight hundred three (803), is amended to read as
8 follows:

9 SEC. 803. NEW SECTION. PLACE OF PROBABLE CAUSE
10 HEARING. The probable cause hearing shall be held
11 in the same county as the alleged parole violator
12 had his or her initial appearance. ~~The clerk of court
13 shall provide a room suitable for the probable cause
14 hearing.~~

15 2. By renumbering the remaining sections to con-
16 form to this amendment.

H-4129

1 Amend Senate File 319 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "chapter" the words "and who is an attorney".

4 2. Title page, line 1, by striking the word
5 "revisions" and inserting in lieu thereof the word
6 "revision".

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek and Woods.

Nay: Smalley.

Absent or Not Voting: Garrison, Higgins, Nielsen and Spencer.

Senate File 349, a bill for an act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen and Spencer.

Senate File 355, a bill for an act changing the criminal code provision on the use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen, Patchett and Spencer.

Senate File 362, a bill for an act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Higgins, Nielsen and Spencer.

Study Bill 265, a bill for an act relating to the legalization of marijuana.

Recommended DO PASS.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Patchett, Scheelhaase and Shimanek.

Nay: Branstad, Conlon, Connors, Pelton, Smalley and Woods.

Absent or Not Voting: Garrison, Nielsen and Spencer.

Study Bill 266, a bill for an act relating to an incendiary device.

Recommended DO PASS.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Higgins, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or Not Voting: Garrison, Nielsen and Spencer.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., May 11, 1977

Convened: 9:10 a.m.

Adjourned: 9:45 a.m.

Present: Brunow, chair; Hansen, ranking member; Gilson, Hargrave, Lindeen and Miller of Calhoun.

Absent: Hines.

Excused: Clark of Cerro Gordo, Gentleman (arrived 9:30 a.m.), Daggett, Doyle and Newhard.

Discussed House Concurrent Resolution relating to restitution and compensation of victims to crime.

AMENDMENTS FILED

H-4127	S.F. 213	Spear of Lee
H-4137	S.F. 222	Stromer of Hancock Monroe of Des Moines Varley of Adair Wyckoff of Benton Harvey of Scott Walter of Pottawattamie
H-4138	H.F. 356	Lonergan of Boone
H-4139	H.F. 356	Lonergan of Boone
H-4140	S.F. 118	Evans of Grundy Avenson of Fayette Scheelhaase of Woodbury Pellett of Cass Smalley of Polk Middleswart of Warren
H-4147	H.F. 594	Hansen of O'Brien Monroe of Des Moines West of Marshall

		Cusack of Scott
		Dyrland of Clayton
		Higgins of Scott
H-4148	H.F. 594	Welden of Hardin
H-4149	H.F. 594	Lipsky of Linn
H-4150	S.F. 333	Nielsen of Polk
		Newhard of Jones
		Gentleman of Polk
H-4151	S.F. 213	Spear of Lee
H-4152	S.F. 213	Horn of Linn
H-4153	S.F. 213	Spear of Lee
H-4154	S.F. 351	Hines of Story
H-4155	H.F. 594	Welden of Hardin
H-4156	S.F. 213	Millen of Van Buren
		Wulff of Black Hawk
		Welden of Hardin
		Crabb of Crawford
		Harbor of Mills
		Varley of Adair
		West of Marshall
		Smalley of Polk
		Lindeen of Henry
		Stephens of Plymouth
		Den Herder of Sioux
		Halvorson of Clayton
		Evans of Grundy
		Tofte of Winneshiek
		Bennett of Ida
		Schnekloth of Scott
		Harvey of Scott
H-4159	H.F. 594	Lipsky of Linn
H-4160	S.F. 376	Higgins of Scott
H-4161	H.F. 463	Horn of Linn
		Koogler of Mahaska
H-4162	H.F. 291	Perkins of Greene
		West of Marshall
		Baker of Buena Vista

On motion by Fitzgerald of Webster the House adjourned at 8:43 p.m. until 9:30 a.m., Friday, May 13, 1977.

JOURNAL OF THE HOUSE

One Hundred Twenty-fourth Calendar Day -- Eighty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 13, 1977

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

Prayer was offered by Father James R. Smith, Administrator of Carroll-Kuemper High School, Carroll, Iowa.

The Journal of Thursday, May 12, 1977 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Loneragan of Boone for the morning session on request of Crabb of Crawford; Daggett of Adams on request of West of Marshall.

PETITIONS FILED

The following petitions were received and placed on file:

By Nielsen of Polk from forty-two constituents favoring legislation that would raise the legal drinking age to 19; from forty-four constituents opposing legislation allowing the sale of beer on Sunday; from forty-three constituents opposing legislation allowing pari-mutuel betting in Iowa.

By Brandt of Black Hawk from twenty-one citizens opposing Senate File 336 and House File 535 relating to the imposition of a hotel-motel tax.

INTRODUCTION OF BILLS

HOUSE FILE 612, by Harbor, Pellett, Danker, Husak, Wyckoff and Daggett, a bill for an act to expand the composition and duties of the Iowa development commission for the purpose of implementing an Iowa grain alcohol fuel program, providing a

reduced tax on fuels containing grain alcohol, and making an appropriation from the general fund of the state for use in the development of an Iowa grain fuel program.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 613, by Wulff, a bill for an act to provide for periodic legislative review of certain state agencies.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 614, by Smalley, a bill for an act allowing a deduction for income tax purposes of certain attorney's fees.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE JOINT RESOLUTION 12, by Dyrland, Jochum, O'Halloran, Small, Gilloon, Gentleman, Cusack, Tauke, Hargrave, Rinas, Monroe, Brunow, Patchett, Horn, Evans, Avenson, Fitzgerald, Wells, Hoffmann, Thompson, Shimanek, Pelton, Brandt, Clark of Lee, Crawford, Miller of Calhoun, Jesse, Lonergan, Krause, Higgins, Bina, Svoboda, Walter, Egenes, Krewson, Garrison, Oxley, Lindeen, Lipsky, Hines, Newhard and Clark of Cerro Gordo, a Joint Resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights under the law shall not be denied or abridged by the state or by any of its political subdivisions on account of sex.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE MESSAGES CONSIDERED

SENATE FILE 121, a bill for an act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

Read first time and referred to committee on AGRICULTURE.

SENATE FILE 259, a bill for an act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 275, a bill for an act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE FILE 384, a bill for an act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of fifteen or more dwelling units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons.

Read first time and referred to committee on CITIES.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 11, 1977, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 354, a bill for an act to require that a certificate of need be obtained as a condition of offering certain new health care services.

Also: That the Senate has on May 11, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 421, a bill for an act relating to the weighing of bulk commodities by hopper scale or belt conveyor.

Also: That the Senate has on May 11, 1977, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 334, a bill for an act relating to registration fees for motor vehicles and making technical changes.

Also: That the Senate has on May 11, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 390, a bill for an act relating to the authority of public members of examining boards.

Also: That the Senate has on May 11, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 391, a bill for an act relating to the operation of watercraft.

Also: That the Senate has on May 11, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 19, providing for a legislative study during the interim regarding the problems of products liability insurance.

STEVEN C. CROSS, Secretary

SENATE CONCURRENT RESOLUTION 19
By Committee on Commerce

1 *Whereas*, the availability of liability insurance for
2 manufacturers and sellers of products in this state is
3 necessary to protect consumers and businesses; and

4 *Whereas*, it appears that products liability insur-
5 ance is either unavailable or is available only at
6 excessive costs for certain products; and

7 *Whereas*, the 1976 legislative Insurance Pool Study
8 Committee apparently was unable to complete its inves-
9 tigation of the products liability problem in Iowa in
10 order to make recommendations; and

11 *Whereas*, the general assembly should determine whether
12 or not legislative action is necessary in the products
13 liability insurance areas; *Now Therefore*,

14 *Be It Resolved by the Senate, the House Concurring*,
15 That the legislative council appoint a ten-member study
16 committee which shall include members of the appropriate

17 standing committees of the senate and house of represen-
18 tatives representing both political parties, which com-
19 mittee shall conduct during the 1977-78 legislative
20 interim a study of the problems of products liability
21 insurance. The committee should consider information
22 presented to the 1976 interim study committee for the
23 purpose of avoiding unnecessary duplication of time and
24 effort.

25 The study committee shall prepare and submit a report
26 to the legislative council and to the general assembly
27 at the conclusion of the interim, which shall be accom-
28 panied by legislative bill drafts designed to carry out
29 any recommendations of the committee.

Laid over under Rule 25.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 13, 1977, he approved and transmitted to the Secretary of State the following bill:

House File 224, an act relating to mobile home tiedowns and providing a penalty.

AMENDED SIFTING COMMITTEE RULE

Fitzgerald of Webster reported the adoption of the following sifting committee rule 7, amending rule 7 as found on page 2106 of the House Journal:

7. Bills may be arranged on the noncontroversial calendar in divisions according to the time allotted for debate thereon. Bills presented on one division shall be allotted five minutes and bills presented on the other division shall be allotted fifteen minutes for debate. If debate on such bill exceeds the time allotted for the division upon which it is presented, the bill will return to the regular calendar to the same position it held prior to its consideration by the noncontroversial committee.

REPORT OF SIFTING COMMITTEE

Mr. Speaker: Your sifting committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the appropriate sifting committee calendars:

**SIFTING COMMITTEE NONCONTROVERSIAL
FIVE MINUTE CALENDAR**

- S.F. 259 Permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty. By Hutchins.
- S.F. 251 Amending the criminal code revision to allow museums to possess offensive weapons solely as relics. By Schwengels.
- S.F. 42 Relating to county health centers. By Doderer.
- S.F. 238 Relating to business corporations. By Kelly.
- S.F. 239 Relating to nonprofit corporations. By Kelly.
- H.F. 406 Relating to the investment of police and fire retirement system funds. By Connors.
- S.F. 311 Relating to the authority of the state conservation commission to provide fire protection for its property. By Tieden.
- S.F. 377 COMMITTEE BILL — Relating to the development of air carrier service in the state by the state department of transportation. By senate committee on transportation.
- S.F. 5 To provide for board of directors meetings of non-profit corporations by conference telephone or similar communications equipment. By Murray.

**SIFTING COMMITTEE NONCONTROVERSIAL
FIFTEEN MINUTE CALENDAR**

- H.F. 32 Relating to the membership, terms of office, and organization of the capitol planning commission. By Brockett and Brunow.
- S.F. 118 Declaring the multiflora rose to be a noxious weed. By Schwengels.
- S.F. 280 Relating to the disposition of a decedent's property. By Kelly.
- S.F. 383 COMMITTEE BILL — Relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive. By senate committee on state government.
- H.F. 591 To legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established. By Hansen.

- S.F. 362 To legalize proceedings taken by the board of supervisors of Wayne County relating to the sale of certain properties. By Senate Committee on Judiciary.
- H.F. 524 To provide that sexual abuse of children is included in the mandatory reporting provisions of chapter 235A of the Code. By Dyrland, Anderson, and Brunow.
- H.F. 237 Relating to fraudulent practices. By Newhard.
- H.F. 299 Relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search. By Doyle.
- H.F. 487 Relating to the effective dates of codes of ethics adopted by the houses of the general assembly. By Junker and Cusack.
- H.F. 433 Relating to the termination of a life estate in agricultural land which has been leased. By Perkins.
- H.F. 291 Relating to the service records of deceased veterans. By Perkins, Baker, Hansen, et al.

SIFTING COMMITTEE REGULAR CALENDAR

- S.F. 319 COMMITTEE BILL — Amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole. By senate committee on judiciary.
- H.F. 349 Amending the accommodation provision of the criminal code. By Tauke.
- H.F. 485 Creating a corporate residential utility consumer action group, and providing penalties. By Jochum, Hines, O'Halloran.
- S.F. 337 COMMITTEE BILL — To provide a funding system for unemployment compensation benefits. By senate committee on labor and industrial relations.
- S.F. 195 COMMITTEE BILL — Increasing fees for permits to carry weapons. By senate committee on state government.

FITZGERALD of Webster, chair

CONSIDERATION OF BILLS

Sifting Calendar

The House resumed consideration of Senate File 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the

mentally ill, and the motion to reconsider the vote by which amendment H-4143 was adopted by the House.

On the motion to reconsider amendment H-4143, the motion prevailed and the House reconsidered amendment H-4143, as found on pages 2126 through 2128 of the House Journal.

Nielsen of Polk offered the following amendment H-4150, to amendment H-4143 filed by Nielsen, et al., and moved its adoption:

H-4150

1 Amend the Nielsen-Doyle amendment H-4143 to Senate
2 File 333, as amended, passed and reprinted by the
3 Senate as follows:

4 1. Page 2, by striking lines 14 through 23 and
5 inserting in lieu thereof the following: "time.
6 The chief medical officer shall notify the nearest
7 available magistrate, as defined in section seven
8 hundred forty-eight point one (748.1) of the Code,
9 of the order at once if the order is prepared between
10 the hours of eight o'clock a.m. and eight o'clock
11 p.m.; if the order is prepared between the hours of
12 eight o'clock p.m. of one day and eight o'clock a.m.
13 of the following day, such magistrate shall be no-
14 tified by the chief medical officer not later than
15 eight o'clock a.m. of the latter day. Upon being
16 so notified the magistrate shall immediate pro-
17 ceed to the hospital".

18 2. Page 2, line 34, by inserting after the word
19 "section." the words "If the chief medical officer's
20 order is affirmed by the magistrate, a copy of the
21 order shall be filed as early as reasonably possible
22 on the next business day with the clerk of the district
23 court in the county where it is anticipated that an
24 order will be filed under section two hundred twenty-
25 nine point six (229.6) of the Code."

Amendment H-4150 was adopted.

Nielsen of Polk moved the adoption of amendment H-4143, as amended.

Amendment H-4143, as amended, was adopted.

The House resumed consideration of amendment H-4144, found on pages 2129 and 2130 of the House Journal.

Brandt of Black Hawk moved the adoption of amendment H-4144.

Amendment H-4144 was adopted.

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

On the question "Shall the bill pass?" (S.F. 333)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poney	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 8:

Clark, J.H.	Daggett	Hines	Hullinger
Lonergan	Norland	Smalley	Spencer

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

IMMEDIATE MESSAGE

Gentleman of Polk asked and received unanimous consent that Senate File 333 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Weekly Debate Calendar

House File 594, by committee on state government, a bill for an act relating to substance abuse by changing the name of the division on alcoholism of the state department of health to the division on substance abuse, expanding the powers and duties of the division to reflect jurisdiction over programs relating to all forms of substance abuse, applying the funding formula for alcoholism in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the division, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance; and repealing chapter two hundred twenty-four B (224B) of the Code, was taken up for consideration.

Hansen of O'Brien offered the following amendment H-4147 filed by Hansen, et al.:

H-4147

- 1 Amend House File 594 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section one hundred twenty-five point
- 5 two (125.2), Code 1977, is amended by striking
- 6 subsections one (1), three (3), five (5), and eleven
- 7 (11) and inserting in lieu thereof the following:
- 8 1. "Chemical dependency" means an addiction or
- 9 dependency, either physical or psychological, on a

10 chemical substance. Persons who take medically
 11 prescribed drugs shall not be considered chemically
 12 dependent if the drug is medically prescribed and
 13 the intake is proportionate to the medical need.

14 3. "Chemical substance" means alcohol, wine,
 15 spirits and beer as defined in chapter one hundred
 16 twenty-three (123) of the Code and drugs as defined
 17 in section two hundred three A point two (203A.2),
 18 subsection three (3) of the Code, which when used
 19 improperly could result in chemical dependency.

20 5. "Substance abuser" means a person who habitually
 21 lacks self-control as to the use of chemical sub-
 22 stances or uses chemical substances to the extent
 23 that his or her health is substantially impaired or
 24 endangered or that his or her social or economic
 25 function is substantially disrupted.

26 Sec. 2. Section one hundred twenty-five point
 27 two (125.2), subsections two (2), four (4), six (6),
 28 seven (7), eight (8), and ten (10), Code 1977, are
 29 amended to read as follows:

30 2. "Facility" means a hospital, institution, de-
 31 toxification center, or installation providing care,
 32 maintenance and treatment for alcoholics substance
 33 abusers and approved-licensed by the director -
 34 department under section 125.13.

35 4. "Department" means the state-Iowa department
 36 of health substance abuse.

37 6. "Director" means the director of the Iowa
 38 division on alcoholism department of substance abuse.

39 7. "Commission" means the Iowa commission on alco-
 40 holism substance abuse within the division-depart-

41 8. "Incapacitated by alcohol a chemical substance"
 42 means that a person, as a result of the use of alcohol-
 43 a chemical substance, is unconscious or has his or
 44 her judgement otherwise so impaired that he or she
 45 is incapable of realizing and making a rational
 46 decision with respect to his the need for treatment.

47 10. "Intoxicated person" means a person whose
 48 mental or physical functioning is substantially impaired
 49 as a result of the use of alcohol a chemical substance.

50 Sec. 3. Section one hundred twenty-five point

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1 three (125.3), Code 1977, is amended to read as
 2 follows:

3 125.3 ESTABLISHED. There is established within
 4 the state Iowa department of health-a-division-on

5 ~~alcoholism~~ substance abuse which shall develop,
6 implement and administer a comprehensive alcoholism-
7 substance abuse program pursuant to sections 125.1
8 to 125.26. There is established within the division--
9 department a commission on ~~alcoholism~~ substance abuse
10 to establish policies governing the performance of
11 the division department in the discharge of duties
12 imposed on it by this chapter. The commission shall
13 consist of nine members appointed by the governor.
14 Appointments shall be made on the basis of interest
15 in and knowledge of alcoholism substance abuse, however
16 two of the members shall be persons who, in their
17 regular work, have direct contact with substance abuse
18 clients. All members shall be eligible electors of
19 the state of Iowa and ~~no more than five members shall~~
20 ~~belong to the same political party. No member shall~~
21 ~~be a director of a local or regional alcoholism center.~~

22 Sec. 4. Section one hundred twenty-five point
23 five (125.5), Code 1977, is amended to read as follows:

24 125.5 MEETINGS. The commission shall organize
25 annually and shall select from its membership a
26 chairman chairperson and a vice ~~chairman~~ chairperson.
27 The commission shall meet at least six times a year.
28 Other meetings shall be called by the ~~chairman~~
29 chairperson or upon written request of a majority
30 of the members of the commission. The chairman
31 chairperson shall preside at all meetings or in his
32 the chairperson's absence the vice ~~chairman~~ chairperson
33 shall preside. Five members of the commission shall
34 constitute a quorum but the concurrence of a majority
35 of the commission shall be required to determine any
36 matter relating to its duties.

37 Sec. 5. Section one hundred twenty-five point
38 six (125.6), Code 1977, is amended to read as follows:

39 125.6 COMPENSATION. Each member of the Iowa
40 commission on ~~alcoholism~~ substance abuse shall receive
41 forty dollars per day for each day spent in performance
42 of the duties of the commission. Each member shall
43 also receive his actual necessary expenses incurred
44 in the performance of his or her duties.

45 Sec. 6. Section one hundred twenty-five point
46 seven (125.7), Code 1977, is amended by adding the
47 following new subsection:

48 NEW SUBSECTION. Consider and approve or disapprove
49 all applications for a license and all cases involving
50 the renewal, denial, suspension or revocation of a

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1 license.

2 Sec. 7. Section one hundred twenty-five point
3 seven (125.7), subsections two (2), four (4), five
4 (5) and eight (8); Code 1977, are amended to read
5 as follows:

6 2. Approve the comprehensive ~~alcoholism~~ substance
7 abuse program, and the funding therefore, developed
8 by the ~~division~~ department pursuant to sections 125.1
9 to 125.26.

10 4. Establish policies governing the performance
11 of the director in the discharge of ~~his~~ the director's
12 duties.

13 5. Advise or make recommendations to the governor
14 and the general assembly relative to ~~alcoholism-~~
15 substance abuse treatment, intervention and education
16 and prevention programs in this state.

17 8. Submit to the governor and the general assembly
18 an annual report covering the activities of the
19 ~~division~~ department.

20 Sec. 8. Section one hundred twenty-five point
21 eight (125.8), Code 1977, is amended by striking the
22 section and inserting in lieu thereof the following:

23 125.8 DIRECTOR APPOINTED. The director of the
24 department shall be appointed by the governor with
25 the approval of two-thirds of the members of the
26 senate. The director shall be a qualified person
27 who has training or experience in handling substance
28 abuse problems and the ability to organize and
29 otherwise supervise delivery systems providing
30 treatment, intervention and education and prevention
31 services to persons suffering from substance abuse
32 problems. The director shall serve as secretary to
33 the commission.

34 Sec. 9. Section one hundred twenty-five point
35 nine (125.9), subsections one (1), two (2), four (4)
36 and six (6), Code 1977, are amended to read as follows:

37 1. Plan, establish and maintain treatment,
38 intervention and education and prevention programs
39 as necessary or desirable in accordance with the
40 comprehensive ~~alcoholism~~ substance abuse program.

41 2. Make contracts necessary or incidental to the
42 performance of ~~his~~ the duties and the execution of
43 ~~his~~ the powers of the director, including contracts
44 with public and private agencies, organizations and
45 individuals to pay them for services rendered or
46 furnished to ~~alcoholics~~ substance abusers or

47 intoxicated persons.
48 4. Co-ordinate the activities of the division
49 department and co-operate with alcoholism substance
50 abuse programs in this and other states, and make

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1 contracts and other joint or co-operative arrangements
2 with state, local or private agencies in this and
3 other states for the treatment of alcoholics substance
4 abusers and intoxicated persons and for the common
5 advancement of alcoholism-substance abuse programs.

6 6. Employ a deputy director who shall be exempt
7 from the merit system and shall serve at the pleasure
8 of the director. The director may employ other staff
9 necessary to carry out the duties assigned to him-
10 the director.

11 Sec. 10. Section one hundred twenty-five point
12 nine (125.9), Code 1977, is amended by adding the
13 following new subsections after subsection four (4):

14 NEW SUBSECTION. Require that a written report,
15 in reasonable detail, be submitted to the director
16 at any time by any agency of this state or of any
17 of its political subdivisions in respect to any
18 substance abuse prevention function, or program for
19 the benefit of persons who are or have been involved
20 in substance abuse, which is being conducted by the
21 agency.

22 NEW SUBSECTION. Submit to the governor a written
23 report of the pertinent facts at any time the director
24 concludes that any agency of this state or of any
25 of its political subdivisions is conducting any
26 substance abuse prevention function, or program for
27 the benefit of persons who are or have been involved
28 in substance abuse in a manner not consistent with
29 or which impairs achievement of the objectives of
30 the state plan to combat substance abuse, and has
31 failed to effect appropriate changes in the function
32 or program.

33 Sec. 11. Section one hundred twenty-five point
34 ten (125.10), Code 1977, is amended to read as follows:

35 125.10 DUTIES OF DIRECTOR. The director shall:

36 1. Prepare and submit a state plan subject to
37 approval by the commission and in accordance with
38 the provisions of title XLII, United States Code,
39 section 4573. The state plan shall designate the
40 division-department as the sole agency for supervision
41 of the administration of the plan and may shall provide
42 for the appointment of a citizens advisory council

43 on ~~alcoholism~~ substance abuse.
44 2. Develop, encourage, and foster state-wide,
45 regional and local plans and programs for the
46 prevention of ~~alcoholism~~ substance abuse and the
47 treatment of ~~alcoholics~~ substance abusers and
48 intoxicated persons in co-operation with public and
49 private agencies, organizations and individuals, and
50 provide technical assistance and consultation services

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1 for these purposes.
2 3. Co-ordinate the efforts and enlist the
3 assistance of all public and private agencies,
4 organizations and individuals interested in the
5 prevention of ~~alcoholism~~ substance abuse and the
6 treatment of ~~alcoholics~~ substance abusers and
7 intoxicated persons.
8 4. Co-operate with the department of social
9 services in establishing and conducting programs to
10 provide treatment for ~~alcoholics~~ substance abusers
11 and intoxicated persons.
12 5. Co-operate with the department of public
13 instruction, boards of education, schools, police
14 departments, courts and other public and private
15 agencies, organizations and individuals in establishing
16 programs for the prevention of ~~alcoholism~~ substance
17 abuse and the treatment of ~~alcoholics~~ substance abusers
18 and intoxicated persons, and in preparing curriculum
19 materials thereon for use at all levels of school
20 education.
21 6. Prepare, publish, evaluate and disseminate
22 educational material dealing with the nature and
23 effects of ~~alcohol~~ chemical substances.
24 7. Develop and implement, as an integral part
25 of treatment programs, an educational program for
26 use in the treatment of ~~alcoholics~~ substance abusers
27 and intoxicated persons, which program shall include
28 the dissemination of information concerning the nature
29 and effects of ~~alcohol~~ chemical substances.
30 8. Organize and implement, in co-operation with
31 local treatment programs, training programs for all
32 persons engaged in treatment of ~~alcoholics~~ substance
33 abusers and intoxicated persons.
34 9. Sponsor and implement, ~~in co-operation with~~
35 ~~local treatment programs~~, research in cooperation
36 with local treatment programs into the causes and

37 nature of ~~alcoholism~~ substance abuse and treatment
38 of ~~alcoholics~~ substance abusers and intoxicated
39 persons, and serve as a clearing house for information
40 relating to ~~alcoholism~~ substance abuse.

41 10. Specify uniform methods for keeping statistical
42 information by public and private agencies,
43 organizations and individuals, and collect and make
44 available relevant statistical information, including
45 number of persons treated, frequency of admission
46 and readmission, and frequency and duration of
47 treatment.

48 11. Develop and implement, with the counsel and
49 approval of the commission, a comprehensive plan for
50 treatment of ~~alcoholics~~ substance abusers and

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1 intoxicated persons, said plan to be co-ordinated
2 with health systems agencies.

3 12. Assist in the development of, and co-operate
4 with, ~~alcohol~~ substance abuse education and treatment
5 programs for employees of state and local governments
6 and businesses and industries in the state.

7 13. Utilize the support and assistance of
8 interested persons in the community, particularly
9 recovered ~~alcoholics~~ substance abusers, to encourage
10 ~~alcoholics~~ substance abusers to voluntarily undergo
11 treatment.

12 14. Co-operate with the commissioner of public
13 safety in establishing and conducting programs designed
14 to deal with the problem of persons operating motor
15 vehicles while intoxicated.

16 15. Encourage general hospitals and other
17 appropriate health facilities to admit without
18 discrimination ~~alcoholics~~ substance abusers and
19 intoxicated persons and to provide them with adequate
20 and appropriate treatment, and may negotiate and
21 implement contracts with hospitals and other
22 appropriate health facilities with adequate
23 detoxification facilities.

24 16. Encourage all health and disability insurance
25 programs to include ~~alcoholism~~ substance abuse as
26 a covered illness.

27 17. Review all state health, welfare, education
28 and treatment plans proposals to be submitted for
29 federal funding under federal legislation, and advise
30 the governor on provisions to be included relating
31 to ~~alcoholism~~ substance abuse and substance abusers

32 and intoxicated persons.

33 Sec. 12. Section one hundred twenty-five point
34 eleven (125.11), Code 1977, is amended by striking
35 the section and inserting in lieu thereof the
36 following:

37 125.11 STATE ADVISORY COUNCIL--MEMBERSHIP.

38 1. There is established within the department
39 a state advisory council which shall be composed of
40 nine members and which shall advise the director in
41 administering this chapter. The governor shall appoint
42 the members of the advisory council, who shall serve
43 at the pleasure of the governor, and shall designate
44 the chairperson of the advisory council. The director
45 or a designee shall serve as the advisory council's
46 secretary. The advisory council shall be entirely
47 advisory in character and may not exercise
48 administrative authority.

49 2. Members of the substance abuse advisory council
50 shall, to the extent practicable, be drawn from

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1 different geographical areas of the state, and shall
2 provide representation for:

3 a. Nongovernmental organizations concerned directly
4 or indirectly with substance abuse such as local
5 citizen groups, employee groups, national groups,
6 labor and management, and other provider, consumer,
7 and consumer advocate groups.

8 b. Public agencies concerned directly or indirectly
9 with substance abuse, such as local elected officials
10 or representatives of health and mental health
11 agencies, welfare agencies, and law enforcement
12 agencies.

13 c. The minority, poverty, and major population
14 groups which are significantly affected by the problems
15 of substance abuse.

16 d. At least one representative of the state health
17 coordinating council.

18 3. Members of the council shall serve without
19 compensation but shall receive reimbursement for
20 travel and other necessary expenses actually incurred
21 in the performance of their duties.

22 Sec. 13. Section one hundred twenty-five point
23 twelve (125.12), Code 1977, is amended to read as
24 follows:

25 125.12 COMPREHENSIVE PROGRAM FOR TREATMENT--
26 REGIONAL FACILITIES.

- 27 1. The commission shall establish a comprehensive
28 and co-ordinated program for the treatment of
29 alcoholics substance abusers and intoxicated persons.
30 Subject to the approval of the ~~commissioner~~ commission,
31 the director shall divide the state into appropriate
32 regions for the conduct of the program and establish
33 standards for the development of the program on the
34 regional level. In establishing the regions,
35 consideration shall be given to city and county lines,
36 population concentrations and existing ~~alcoholism-~~
37 ~~substance abuse~~ treatment services. In determining
38 the regions, the director shall not be required to
39 follow the regional map as prepared by the office
40 for planning and programming.
- 41 2. The program of the commission shall include:
42 a. Emergency treatment provided by a facility
43 affiliated with or part of the medical service of
44 a general hospital.
45 b. Inpatient treatment.
46 c. Intermediate treatment.
47 d. Outpatient and follow-up treatment.
48 e. Prevention.
- 49 3. The director shall provide for adequate and
50 appropriate treatment for alcoholics substance abusers

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- 1 and intoxicated persons admitted under sections 125.16
2 to 125.19. Treatment shall not be provided at a
3 correctional institution except for inmates.
- 4 4. The director shall maintain, supervise and
5 control all facilities operated by ~~him~~ the director
6 pursuant to this chapter. The administrator of each
7 facility shall make ~~an annual~~ a report of the
8 activities of the facility to the director commission
9 in the form and manner the director commission
10 specifies.
- 11 5. All appropriate public and private resources
12 shall be co-ordinated with and utilized in the program
13 if possible.
- 14 6. The director shall prepare, publish and
15 distribute annually a list of all facilities.
- 16 7. The director may contract for the use of a
17 facility if the director, subject to the policies
18 of the commission and pursuant to section 125.27,
19 considers this to be an effective and economical
20 course to follow.
- 21 Sec. 14. Section one hundred twenty-five point

22 thirteen (125.13), Code 1977, is amended by striking
23 the section and inserting in lieu thereof the
24 following:
25 125.13 PROGRAMS LICENSED--EXCEPTIONS:
26 1. Except as provided in subsection two (2) of
27 this section, a person may not maintain or conduct
28 any chemical substitutes or antagonists program,
29 residential program or nonresidential outpatient
30 program, the primary purpose of which is the treatment
31 and rehabilitation of substance abusers without having
32 first obtained a written license for the program from
33 the department.
34 2. The licensing requirements of this Act, except
35 the requirements imposed by section twenty-four (24)
36 of this Act, shall not apply to any of the following:
37 a. Hospitals providing any care or treatment to
38 substance abusers required on January 1, 1978, by
39 other provisions of law to be licensed.
40 b. Any practitioner of medicine and surgery or
41 osteopathic medicine and surgery, in his or her private
42 practice. However, a program shall not be exempted
43 from licensing by the commission by virtue of its
44 utilization of the services of a medical practitioner
45 in its operation.
46 c. Private institutions conducted by and for
47 persons who adhere to the faith of any well recognized
48 church or religious denomination for the purpose of
49 providing care, treatment, counseling, or
50 rehabilitation to drug dependent persons and who rely

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1 solely on prayer or other spiritual means for healing
2 in the practice of religion of such church or
3 denomination.
4 d. Facilities, institutions, or programs which,
5 in the discretion of the department, provide services
6 which are only informational or educational in nature.
7 Sec. 15. Chapter one hundred twenty-five (125),
8 Code 1977, is amended by adding sections sixteen (16)
9 through twenty-four (24) of this Act after section
10 one hundred twenty-five point thirteen (125.13) of
11 the Code.
12 Sec. 16. NEW SECTION. LICENSES--RENEWAL--FEES.
13 The commission shall meet to consider all cases
14 involving issuance, denial, suspension, or revocation
15 of a license. Upon approval of an application for
16 licensing by the commission, a license shall be issued

17 by the department. Licenses shall expire one year
18 from the date of issuance and shall be renewed upon
19 timely application made in the same manner as for
20 original issuance of a license unless notice of non-
21 renewal is given to the licensee at least thirty days
22 prior to the expiration of the license. The department
23 shall charge a fee for licensing and renewal.

24 Sec. 17. NEW SECTION. INSPECTION OF LICENSEES.

25 The department shall at least annually inspect the
26 facilities and review the procedures utilized by each
27 licensed program. The examination and review may
28 include case record audits and interviews with staff
29 and patients, consistent with the confidentiality
30 safeguards of state and federal law.

31 Sec. 18. NEW SECTION. TRANSFER OF LICENSE OR
32 CHANGE OF LOCATION PROHIBITED. A license issued under
33 this chapter may not be transferred, and the location
34 of the physical facilities occupied or utilized by
35 any program licensed under this chapter shall not
36 be changed without the prior written consent of the
37 commission.

38 Sec. 19. NEW SECTION. LICENSE SUSPENSION OR
39 REVOCATION. Violation of any of the requirements
40 or restrictions of this chapter or of any of the rules
41 properly established pursuant to this chapter is cause
42 for suspension, revocation or refusal to renew a
43 license. The director shall at the earliest time
44 feasible notify a licensee whose license the commission
45 is considering suspending or revoking and shall inform
46 the licensee what changes must be made in the
47 licensee's operation to avoid such action. The
48 licensee shall be given a reasonable time for
49 compliance, as determined by the director, after
50 receiving such notice or a notice that the commission

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1 does not intend to renew the license. When the
2 licensee believes compliance has been achieved, or
3 if the licensee considers the proposed suspension,
4 revocation or refusal to renew unjustified, the li-
5 censee may submit pertinent information to the
6 commission who shall expeditiously make a decision
7 in the matter and notify the licensee of the decision.

8 Sec. 20. NEW SECTION. HEARING BEFORE COMMISSION.

9 If a licensee under this chapter makes a written
10 request for a hearing within thirty days of suspension,
11 revocation or refusal to renew a license, a hearing

12 before the commission shall be expeditiously arranged.
13 If the role of a commission member is inconsistent
14 with the member's job role or function, or if any
15 commission member feels unable for any reason to
16 disinterestedly weigh the merits of the case before
17 the commission, the member shall not participate in
18 the hearing and shall not be entitled to vote on the
19 case. The commission shall issue a written statement
20 of its findings within thirty days after conclusion
21 of the hearing upholding or reversing the proposed
22 suspension, revocation or refusal to renew a license.
23 No action involving suspension, revocation or refusal
24 to renew a license shall be taken by the commission
25 unless a quorum of five of the nine members are present
26 at the meeting. A copy of the decision shall be
27 promptly transmitted to the affected licensee who
28 may, if aggrieved by the decision, seek judicial
29 review of the actions of the commission may be sought
30 in accordance with the terms of the Iowa administrative
31 procedure Act.

32 **Sec. 21. NEW SECTION. REISSUANCE OR REINSTATEMENT.**

33 After suspension, revocation or refusal to renew a
34 license pursuant to this chapter, the affected licensee
35 shall not have the license reissued or reinstated
36 within one year of the effective date of the
37 suspension, revocation or expiration upon refusal
38 to renew, unless by order of the commission. After
39 that time, proof of compliance with the requirements
40 and restrictions of this chapter and the rules
41 established pursuant to this chapter must be presented
42 to the commission prior to reinstatement or reissuance
43 of a license.

44 **Sec. 22. NEW SECTION. RULES.** The commission
45 shall establish rules pursuant to chapter seventeen
46 A (17A) of the Code requiring facilities to use
47 reasonable accounting and reimbursement systems which
48 recognize relevant cost-related factors for substance
49 abuse patients. A facility shall not be licensed
50 nor shall any payment be made under this chapter to

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1 a facility which fails to comply with those rules
2 or which does not permit inspection by the department
3 or examination of all records, including financial
4 records, methods of administration, general and special
5 dietary programs, the disbursement of drugs and methods
6 of supply, and any other records the commission deems

7 relevant to the establishment of such a system.
8 However, rules issued pursuant to this paragraph shall
9 not apply to any facility referred to in section
10 fourteen (14), subsection two (2) or section thirty—
11 four (34) of this Act.

12 Sec. 23. NEW SECTION. CHEMICAL SUBSTITUTES AND
13 ANTAGONISTS PROGRAMS. The commission shall have
14 exclusive power in this state to approve and license
15 chemical substitutes and antagonists programs, and
16 monitor chemical substitutes and antagonists programs
17 in this state to insure that the programs are operating
18 within the rules established pursuant to this chapter.

19 The department may:

20 1. Continuously study and evaluate chemical
21 substitutes and antagonists programs in this state
22 and annually report to the governor and the general
23 assembly on the effectiveness and needs of the
24 programs.

25 2. Provide advise, consultation, and technical
26 assistance to chemical substitutes and antagonists
27 programs.

28 3. In its discretion, approve local agencies or
29 bodies to assist it in carrying out the provisions
30 of this chapter.

31 Sec. 24. Section one hundred twenty—five point
32 fifteen (125.15), Code 1977, is amended to read as
33 follows:

34 125.15 ACCEPTANCE FOR TREATMENT--RULES. The
35 commission shall adopt and may amend and repeal rules
36 for acceptance of persons into the treatment program,
37 subject to the provisions of chapter 17A, considering
38 available treatment resources and facilities, for
39 the purpose of early and effective treatment of
40 alcoholics substance abusers and intoxicated persons.
41 In establishing the rules the commission shall be
42 guided by the following standards:

43 1. If possible a patient shall be treated on a
44 voluntary rather than an involuntary basis.

45 2. A patient shall be initially assigned or
46 transferred to outpatient or intermediate treatment,
47 unless he the patient is found to require inpatient
48 treatment.

49 3. A person shall not be denied treatment solely
50 because he the person has withdrawn from treatment

2 ~~he~~ the person has relapsed after earlier treatment.

3 4. An individualized treatment plan shall be
4 prepared and maintained on a current basis for each
5 patient.

6 5. Provision shall be made for a continuum of
7 co-ordinated treatment services, so that a person
8 who leaves a facility or a form of treatment will
9 have available and may utilize other appropriate
10 treatment.

11 Sec. 25. Section one hundred twenty-five point
12 sixteen (125.16), Code 1977, is amended to read as
13 follows:

14 125.16 VOLUNTARY TREATMENT OF ALCOHOLICS SUBSTANCE
15 ABUSERS.

16 1. An alcoholic, a substance abuser may apply for
17 voluntary treatment or rehabilitation services directly
18 to a facility or to a licensed physician and surgeon
19 or osteopathic physician and surgeon. If the proposed
20 patient is a minor or an incompetent person, he, a
21 parent, a legal guardian or other legal representative
22 may make the application. The licensed physician
23 and surgeon or osteopathic physician and surgeon or
24 any employee or person acting under his or her
25 direction or supervision, or the facility shall not
26 report or disclose the name of the person or the fact
27 that treatment was requested or has been undertaken
28 to any law enforcement officer or law enforcement
29 agency; nor shall such information be admissible as
30 evidence in any court, grand jury, or administrative
31 proceeding unless authorized by the person seeking
32 treatment. If the person seeking such treatment or
33 rehabilitation is a minor who has personally made
34 application for treatment, the fact that the minor
35 sought treatment or rehabilitation or is receiving
36 treatment or rehabilitation services shall not be
37 reported or disclosed to the parents or legal guardian
38 of such minor without the minor's consent, and the
39 minor may give legal consent to receive such treatment
40 and rehabilitation.

41 2. Subject to rules adopted by the commission,
42 the administrator in charge of a facility may determine
43 who shall be admitted for treatment or rehabilitation.
44 If a person is refused admission, the administrator,
45 subject to rules adopted by the commission, shall
46 refer the person to another facility for treatment
47 if possible and appropriate.

48 3. A substance abuser seeking treatment or
49 rehabilitation shall first be examined and evaluated
50 by a licensed physician and surgeon or osteopathic

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1 physician and surgeon who shall prescribe a proper
2 course of treatment and medication, if needed. The
3 licensed physician and surgeon or osteopathic physician
4 and surgeon may further prescribe a course of treatment
5 or rehabilitation and authorize another licensed
6 physician and surgeon or osteopathic physician and
7 surgeon or facility to provide the prescribed treatment
8 or rehabilitation services. Treatment or
9 rehabilitation services may be provided to a person
10 individually or in a group. Any facility providing
11 or engaging in such treatment or rehabilitation shall
12 not report or disclose to a law enforcement officer
13 or law enforcement agency the name of any person
14 receiving or engaged in such treatment or
15 rehabilitation; nor shall any person receiving or
16 participating in such treatment or rehabilitation
17 report or disclose the name of any other person engaged
18 in or receiving such treatment or rehabilitation
19 or that such program is in existence, to a law enforce-
20 ment officer or law enforcement agency. Such
21 information shall not be admitted in evidence in any
22 court, grand jury, or administrative proceeding.
23 However, any person engaged in or receiving such
24 treatment or rehabilitation may authorize the
25 disclosure of his or her name and individual parti-
26 cipation.

27 3 4. If a patient receiving inpatient care leaves
28 a facility, he the patient shall be encouraged to
29 consent to appropriate outpatient or intermediate
30 treatment. If it appears to the administrator in
31 charge of the facility that the patient is an alcoholic
32 a substance abuser who requires help, the director
33 may arrange for assistance in obtaining supportive
34 services and residential facilities.

35 4 5. If a patient leaves a facility, with or
36 against the advice of the administrator in charge
37 of the facility, the director may make reasonable
38 provisions for his-the patient's transportation to
39 another facility or to his-the patient's home. If
40 he the patient has no home he the patient shall be
41 assisted in obtaining shelter. If he the patient
42 is a minor or an incompetent person the request for
43 discharge from an inpatient facility shall be made
44 by a parent, legal guardian or other legal
45 representative or by the minor or incompetent if he
46 the patient was the original applicant.

47 6. Any person who reports or discloses the name
 48 of a person receiving treatment or rehabilitation
 49 services to a law enforcement officer or law
 50 enforcement agency or any person receiving treatment

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1 or rehabilitation services who discloses the name
 2 of any other person receiving treatment or
 3 rehabilitation services without the written consent
 4 of the person in violation of the provisions of this
 5 section shall upon conviction be guilty of a simple
 6 misdemeanor.

7 Sec. 26. Section one hundred twenty-five point
 8 seventeen (125.17), subsections one (1) and two (2),
 9 Code 1977, are amended to read as follows:

10 1. An intoxicated person may come voluntarily
 11 to a facility for emergency treatment. A person who
 12 appears to be intoxicated or incapacitated by ~~alcohol~~
 13 a chemical substance in a public place and in need
 14 of help ~~may~~ shall be taken to a facility by a peace
 15 officer. If the person refuses the proffered help,
 16 ~~he~~ the person may be arrested and charged with
 17 intoxication.

18 2. If no facility is readily available the person
 19 may be taken to an emergency medical service
 20 customarily used for incapacitated persons. The peace
 21 officer in detaining the person and in taking him
 22 the person to a facility, is taking him the person
 23 into protective custody and shall make every reasonable
 24 effort to protect his the person's health and safety.
 25 In taking the person into protective custody, the
 26 detaining officer may take reasonable steps to protect
 27 himself or herself. A taking into protective custody
 28 under this section is not an arrest and no entry or
 29 other record shall be made to indicate that the person
 30 who is taken into protective custody has been arrested
 31 or charged with a crime.

32 Sec. 27. Section one hundred twenty-five point
 33 seventeen (125.17), subsection four (4), is amended
 34 by striking the section and inserting in lieu thereof
 35 the following:

36 4. A person who is found to be intoxicated or
 37 incapacitated by a chemical substance after examination
 38 by a qualified health professional shall be required
 39 to remain at the facility until the qualified health
 40 professional determines that the person is not likely
 41 to physically injure himself or herself or others.

42 If the person is detained longer than twenty-four
43 hours the qualified health professional shall examine
44 him or her at least once every twelve hours to
45 determine if further detention is necessary. The
46 qualified health professional shall enter a written
47 order for the person to be detained in custody. Such
48 order shall state the circumstances under which the
49 person was taken into custody and the grounds
50 supporting the finding or probable cause to believe

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1 that he or she is sufficiently impaired or incapacitated
2 by a chemical substance to cause physical injury to
3 himself or herself or others if released. The order
4 shall be filed in the district court of the area in
5 which the person is detained.

6 Sec. 28. Section one hundred twenty-five point
7 eighteen (125.18), subsection one (1), Code 1977,
8 is amended to read as follows:

9 1. An intoxicated person who has threatened,
10 attempted, or inflicted physical harm on himself or
11 herself or another and is likely to inflict physical
12 harm on himself or herself or another unless committed
13 or who is incapacitated by alcohol a chemical
14 substance, may be committed to a facility for emergency
15 treatment. A refusal to undergo treatment does not
16 constitute evidence of lack of judgment as to the
17 need for treatment.

18 Sec. 29. Section one hundred twenty-five point
19 nineteen (125.19), subsections one (1), two (2), and
20 five (5) and subsection nine (9), paragraphs a and
21 b, Code 1977, are amended to read as follows:

22 1. A person may be committed to the custody of
23 ~~the division~~ a facility by the district court upon
24 the petition of ~~his~~ the person's spouse or guardian,
25 a relative, the certifying physician, or the
26 administrator in charge of a facility. The petition
27 shall allege that the person is ~~an alcoholic a~~
28 substance abuser who habitually lacks self-control
29 as to the use of ~~alcoholic beverages chemical~~
30 substances, and (a) that ~~he~~ the person has threatened,
31 attempted or inflicted physical harm on another and
32 that ~~he~~ the person is likely to inflict physical harm
33 on himself or herself or another unless committed;
34 or (b) that ~~he~~ the person is incapacitated by ~~alcohol~~
35 a chemical substance. A refusal to undergo treatment
36 does not constitute evidence of lack of judgment as

37 to the need for treatment. The petition shall be
38 accompanied by a certificate of a licensed physician
39 who has examined the person within two days before
40 submission of the petition, unless the person whose
41 commitment is sought has refused to submit to a medical
42 examination or was unavailable for examination, in
43 which case the fact of refusal or unavailability shall
44 be alleged in the petition. The certificate shall
45 set forth the physician's findings in support of the
46 allegations of the petition. A physician employed
47 by the admitting facility or the division department
48 is not eligible to be the certifying physician.
49 2. Upon the filing of the petition, the court
50 shall fix a date for a hearing no later than ten days

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1 after the date the petition was filed. If a judicial
2 hospitalization referee has been appointed under
3 section two hundred twenty-nine point twenty-one
4 (229.21) of the Code for the county in which the
5 petition is filed, the clerk of the district court
6 shall immediately notify the referee of the filing
7 of the petition and the referee shall thereupon
8 discharge all of the duties imposed upon judges of
9 the district court by this section. A copy of the
10 petition and the notice of hearing shall be served
11 in the manner of an original notice on the person
12 whose commitment is sought and upon a parent or legal
13 guardian if the person is a minor. A copy of the
14 petition and the notice of hearing shall be mailed
15 or delivered in the manner provided for motions in
16 civil cases to the petitioner, the next of kin of
17 the person other than the petitioner, the administrator
18 of the facility to which the person has been committed
19 for emergency care, and any other person the court
20 believes should receive copies. A petition shall
21 have attached a copy of the certificate specified
22 in this section.
23 5. A person committed under this section shall
24 remain in the custody of ~~the division~~ a facility for
25 treatment for a period of thirty days unless sooner
26 discharged. This section shall not be construed to
27 require the division department to pay the cost of
28 any medication or procedure provided the person during
29 that period which is not necessary or appropriate
30 to the specific objectives of detoxification and
31 treatment of ~~alcoholism~~ substance abuse. At the end
32 of the thirty-day period, ~~he~~ the person shall be

33 discharged automatically unless the director before
34 expiration of the period petitions the court for an
35 order for ~~his~~ the person's recommitment upon the
36 grounds set forth in subsection 1 for a further period
37 not to exceed ninety days.

38 a. In case of ~~an alcoholic~~ a substance abuser
39 committed under subsection 1, paragraph "a", that
40 he the person is no longer ~~an alcoholic~~ a substance
41 abuser or the likelihood no longer exists.

42 b. In case of ~~an alcoholic~~ a substance abuser
43 committed under subsection 1, paragraph "b", that
44 the incapacity no longer exists, that further treatment
45 will not be likely to bring about significant
46 improvement in the person's condition, or that
47 treatment is no longer adequate or appropriate.

48 Sec. 30. Section one hundred twenty-five point
49 twenty (125.20), subsection two (2), Code 1977, is
50 amended to read as follows:

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1 2. Notwithstanding subsection 1, the director
2 may make available information from patients' records
3 for purposes of research into the causes and treatment
4 of alcoholism substance abuse. Information under
5 this subsection shall not be published in a way that
6 discloses patients' names or other identifying
7 information.

8 Sec. 31. Section one hundred twenty-five point
9 twenty-one (125.21), subsection two (2), Code 1977,
10 is amended to read as follows:

11 2. Neither mail nor other communication to or
12 from a patient in a facility may be intercepted, read
13 or censored, except that the commission may adopt
14 reasonable rules regarding the use of telephones by
15 patients in facilities and the delivery of controlled-
16 chemical substances and other intoxicants.

17 Sec. 32. Section one hundred twenty-five point
18 twenty-two (125.22), Code 1977, is amended to read
19 as follows:

20 125.22 COMPOSITION OF FACILITIES BOARDS—TREATMENT
21 PLANS FURNISHED.

22 1. In addition to other requirements established
23 by this chapter, ~~no~~ a facility shall not be approved
24 licensed pursuant to section ~~125.13~~ fourteen (14)
25 of this Act unless it is either a political
26 subdivision, a licensed hospital or a community mental
27 health center operating under chapter 230A, or it
28 is organized under the Iowa nonprofit corporation

29 Act appearing as chapter 504A. In the latter case,
30 one-third of the membership of the board of directors
31 shall be representatives of such government units
32 providing funds to the facility for treatment of
33 alcoholism substance abuse.

34 2. A local governmental unit which is providing
35 funds to a facility for treatment of alcoholism
36 substance abuse may request from the facility a
37 treatment program plan prior to authorizing payment
38 of any claims filed by the facility. The govern-
39 ing body of the local governmental unit may review
40 the plan, but shall not impose on the facility any
41 requirement conflicting with the comprehensive
42 treatment program requirements of section 125.28.

43 Sec. 33. Section one hundred twenty-five point
44 twenty-three (125.23), subsection three (3), Code
45 1977, is amended to read as follows:

46 3. Nothing in this chapter affects any law,
47 ordinance, resolution or rule against drunken driving,
48 driving under the influence of alcohol or other
49 chemical substance, or other similar offense involving
50 the operation of a vehicle, aircraft, boat, machinery

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1 or other equipment, or regarding the sale, purchase,
2 dispensing, possessing or use of alcoholic beverages
3 or beer at stated times and places or by a particular
4 class of persons or regarding the sale, purchase,
5 possession or use of another chemical substance.

6 Sec. 34. Section one hundred twenty-five point
7 twenty-six (125.26), Code 1977, is amended to read
8 as follows:

9 125.26 FUNDING AT MENTAL HEALTH INSTITUTES.

10 Chapter 230 shall govern the determination of the
11 costs and payment for treatment provided to ~~alcoholics-~~
12 substance abusers in a mental health institute under
13 the department of social services, except that the
14 charges shall not constitute a lien on any real estate
15 owned by persons legally liable for support of the
16 ~~alcoholic substance abuser~~ and the daily per diem
17 shall be billed at twenty-five percent. Beginning
18 July 1, ~~1976~~ 1977, the superintendent of a state
19 hospital shall total only those expenditures which
20 can be attributed to the cost of providing inpatient
21 treatment to ~~alcoholics and intoxicated persons-~~
22 substance abusers for purposes of determining the
23 daily per diem. The provisions of section 125.31

24 shall govern the determination of who is legally
25 liable for the cost of care, maintenance, and treatment
26 of ~~an alcoholic a substance abuser~~ and of the amount
27 for which the person is liable.

28 Sec. 35. Section one hundred twenty-five point
29 twenty-seven (125.27), Code 1977, is amended to read
30 as follows:

31 125.27 CONTRACT FOR CARE—RULES ADOPTED. The
32 director may, consistent with the comprehensive
33 ~~alcoholism substance abuse~~ program, enter into written
34 agreements with a facility as defined in section 125.2
35 to pay for seventy-five percent of the cost of the
36 care, maintenance and treatment of ~~an alcoholic a~~
37 substance abuser. Such contracts shall be for a
38 period of no more than one year. The commission shall
39 review and evaluate at least once each year all such
40 agreements and determine whether or not they shall
41 be continued.

42 The contract may be in such form and contain
43 provisions as agreed upon by the parties. Such
44 contract shall provide that the facility shall admit
45 and treat ~~alcoholics substance abusers~~ regardless
46 of where they have residence. If one payment for
47 care, maintenance, and treatment is not made by the
48 patient or those legally liable therefor within thirty
49 days after discharge the payment shall be made by
50 the ~~division department~~ directly to the facility.

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1 Payments shall be made each month and shall be based
2 upon the facility's average daily per patient charge.

3 Provisions of this section shall not pertain to
4 patients treated at the mental health institutes.

5 If the appropriation to the ~~commission department~~
6 is insufficient to meet the requirements of this
7 section, the ~~commission department~~ shall request a
8 transfer of funds and section 8.39 shall apply.

9 Contracting facilities shall deliver to each patient
10 upon discharge a statement of the costs of the care,
11 maintenance and treatment for which that patient is
12 liable, and shall retain a carbon copy or other similar
13 copy of that statement for a period of not less than
14 one year after the date of discharge of the patient
15 to whom the statement refers. Every payment received
16 by a contracting facility from or on behalf of a
17 patient, whether received before or after costs have
18 been billed to the ~~division department~~ or to a county,

19 shall be identified by the facility as to patient
20 and invoice or statement, and shall be reported to
21 the division department. A contracting facility shall
22 allow as a credit against a future billing to the
23 division department or to a county, payments received
24 during each month from or on behalf of a patient whose
25 care, maintenance and treatment theretofore has been
26 billed to and paid by the division department or a
27 county. Failure by a contracting facility to comply
28 with this paragraph, or with rules promulgated pursuant
29 to section ~~125.13, subsection 4,~~ twenty-three (23)
30 of this Act shall constitute grounds for nonrenewal
31 of the contract.

32 Sec. 36. Section one hundred twenty-five point
33 twenty-eight (125.28), subsection one (1), Code 1977,
34 is amended to read as follows:

35 1. Except as provided in section 125.26, each
36 county shall pay for the remaining twenty-five percent
37 of the cost of the care, maintenance, and treatment
38 under this chapter of residents of that county from
39 the county mental health and institutions fund as
40 provided in section 444.12. The commission shall
41 establish guidelines for use by the counties in
42 estimating the amount of expense which the county
43 will incur each year. The facility shall certify
44 to the county of residence once each month twenty-
45 five percent of the unpaid cost of the care,
46 maintenance, and treatment of an alcoholic a substance
47 abuser. Such county shall pay the cost so certified
48 to the facility from its county mental health and
49 institutions fund. However, the approval of the board
50 of supervisors shall be required before payment is

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1 made by a county for costs incurred which exceed a
2 total of five hundred dollars for one year for
3 treatment provided to any one ~~alcoholic or intoxicated~~
4 ~~person~~ substance abuser, except that such approval
5 is not required for the cost of treatment provided
6 to ~~an alcoholic or intoxicated person~~ a substance
7 abuser who is committed pursuant to section 125.18
8 and 125.19. A facility may, upon approval of the
9 board of supervisors, submit to a county a billing
10 for the aggregate amount of all care, maintenance,
11 and treatment of ~~alcoholics~~ substance abusers who
12 are residents of that county for each month. The
13 board of supervisors may demand an itemization of
14 such billings at any time or may audit the same.

15 Sec. 37. Section one hundred twenty-five point
16 twenty-nine (125.29), Code 1977, is amended to read
17 as follows:

18 125.29 COUNTY OF RESIDENCE DETERMINED. The
19 facility shall, when ~~an alcoholic a substance abuser~~
20 is admitted, or as soon thereafter as it receives
21 the proper information, determine and enter upon its
22 records the Iowa county of residence of such ~~alcoholic~~
23 the substance abuser, or that the person resides in
24 some other state or country, or that the person is
25 unclassified with respect to residence.

26 Sec. 38. Section one hundred twenty-five point
27 thirty (125.30), Code 1977, is amended to read as
28 follows:

29 125.30 DISPUTES OVER PAYMENT. In the event any
30 county to which certification of the cost of care,
31 maintenance, and treatment of ~~an alcoholic a substance~~
32 abuser is made, disputes that such ~~alcoholic sub-~~
33 stance abuser has his residence in that country, it
34 shall immediately notify the facility that such dispute
35 exists. The director shall immediately investigate
36 the facts and determine in which county the patient
37 has residence. The director shall certify ~~his the~~
38 determination to the county, if any, wherein it is
39 found the patient has residence and to the facility.
40 A county certified by the director to be the county
41 of residence shall reimburse the facility as provided
42 in this chapter. If the director finds that the
43 residence of ~~an alcoholic a substance abuser~~ at the
44 time of admission was in another state or country
45 or that the person is unclassified with respect to
46 residence, then the ~~division department~~ shall pay
47 for that portion of ~~his the patient's~~ care,
48 maintenance, and treatment that ~~his the patient's~~
49 county of residence would have been liable to pay.
50 For purposes of this section, a "facility" does not

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1 include a mental health institute under the control
2 of the department of social services.

3 Sec. 39. Section one hundred twenty-five point
4 thirty-one (125.31), unnumbered paragraph one (1),
5 Code 1977, is amended to read as follows:

6 ~~The alcoholic substance abuser~~ and any person,
7 firm, corporation, or insurance company bound by
8 contract to provide support, hospitalization, or
9 medical services for the ~~alcoholic substance abuser~~

10 shall be legally liable to the county of the
 11 alcoholic's substance abuser's residence for twenty—
 12 five percent of the total amount and to the division
 13 department for seventy—five percent of the total
 14 amount of the cost of providing care, maintenance,
 15 and treatment for the alcoholic substance abuser while
 16 a voluntary or committed patient in a facility, except
 17 when the state pays the total cost of care in which
 18 case liability of one hundred percent shall be to
 19 the state. Nothing in this section shall prohibit
 20 any individual from paying any portion of the cost
 21 of treatment.

22 Sec. 40. Section one hundred twenty—five point
 23 thirty—three (125.33), Code 1977, is amended to read
 24 as follows:

25 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The
 26 auditor of each county shall keep an accurate account
 27 of the total cost to the county of the care,
 28 maintenance, and treatment of any alcoholic substance
 29 abuser and shall keep an index of the names of the
 30 alcoholic-substance abusers for whose benefit county
 31 funds are expended pursuant to section 125.28 for
 32 those services. The index shall be used only for
 33 audit purposes by the state or county and shall not
 34 be considered a public record.

35 Sec. 41. Section one hundred twenty—five point
 36 thirty—four (125.34), Code 1977, is amended to read
 37 as follows:

38 125.34 COLLECTION OF CLAIMS BY BOARD OF
 39 SUPERVISORS. The board of supervisors shall collect
 40 the total amount of all such liabilities as they
 41 become due, from those persons whom the board has
 42 found, under section 125.28, subsection 2, are able
 43 to pay. The board shall direct the county attorney
 44 to proceed with the collection of such liabilities
 45 as a part of the duties of that office. The county
 46 shall be entitled to keep the total amount of all
 47 such liabilities collected. The county attorney,
 48 with the consent of the board of supervisors, may
 49 execute an agreement providing for the acceptance
 50 of a lesser amount owed by an alcoholic substance

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- 1 abuser, his or her spouse, or estate to the county.
- 2 The execution of such agreement may provide that the
- 3 same is in satisfaction of all moneys owed the county.
- 4 Sec. 42. Section two hundred twenty—nine point

5 twenty-one (229.21), subsection one (1), Code 1977,
6 is amended to read as follows:

7 1. As soon as practicable after the adoption of
8 this Act the judges in each judicial district shall
9 meet and shall determine, individually for each county
10 in the district, whether it appears that one or more
11 district judges will be sufficiently accessible in
12 that county to make it feasible for them to perform
13 at all times the duties prescribed by sections 229.7
14 to 229.20 and by ~~chapter 224~~ section twenty-nine (29)
15 of this Act. If the judges find that accessibility
16 of district court judges in any county is not
17 sufficient for this purpose, the chief judge of the
18 district shall appoint in that county a judicial
19 hospitalization referee. The judges in any district
20 may at any time review their determination, previously
21 made under this subsection with respect to any county
22 in the district, and pursuant to that review may
23 authorize appointment of a judicial hospitalization
24 referee, or abolish the office, in that county.

25 Sec. 43. Chapters two hundred twenty-four (224)
26 and two hundred twenty-four A (224A) and sections
27 one hundred twenty-five point one (125.1) and one
28 hundred twenty-five point fourteen (125.14), Code
29 1977, are repealed.

30 Sec. 44. Sections one hundred twenty-five point
31 thirty-seven (125.37) through one hundred twenty-five
32 point forty-two (125.42), Code 1977, are repealed.
33 Notwithstanding subsection one (1) of section four
34 point one (4.1) of the Code, the repeal of section
35 one hundred twenty-five point forty-two (125.42) of
36 the Code shall not operate to repeal the provisions
37 of chapter one hundred twenty-five (125) of the Code
38 as they existed before the effective date of this
39 section and as they are amended by this Act.

40 Sec. 45.

41 1. Sections one (1) through forty-three (43) and
42 sections forty-six (46) and forty-seven (47) of this
43 Act are effective January 1, 1978.

44 2. Section forty-four (44) of this Act is effective
45 July 1, 1977.

46 Sec. 46. The Code editor shall place sections
47 sixteen (16) through twenty-three (23) of this Act
48 following section one hundred twenty-five point
49 thirteen (125.13) of the Code and shall renumber all
50 sections in chapter one hundred twenty-five (125)

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1 of the Code and correct internal references in chapter
2 one hundred twenty-five (125) of the Code in ac-
3 cordance with this Act.

4 Sec. 47. The Code editor shall change all
5 references to the word "division" in chapter one
6 hundred twenty-five (125) of the Code to the word
7 "department".

8 2. Amend the title, by striking lines one (1)
9 through six (6) and inserting in lieu thereof the
10 words "An Act relating to substance abuse by creating
11 an Iowa department of substance abuse, prescribing
12 the structure, powers and duties of the department,
13 applying the funding formula for alcoholism programs
14 in".

15 3. Amend the title, line 9, by striking the word
16 "division" and inserting in lieu thereof the word
17 "department".

18 4. Amend the title, lines 13 and 14, by striking
19 the words and numerals "; and repealing chapter two
20 hundred twenty-four B (224B) of the Code" and inserting
21 in lieu thereof the words and numerals ", repealing
22 chapters two hundred twenty-four (224) and two hundred
23 twenty-four A (224A) of the Code and providing a
24 penalty."

Lipsky of Linn offered the following amendment H-4149, to
amendment H-4147, filed by her and moved its adoption:

H-4149

1 Amend amendment H-4147 to House File 594 as follows:

2 1. Page 2, line 24, by inserting after the word
3 "MEETINGS." the words "The governor shall annually
4 designate the chairperson of the commission."

5 2. Page 2, line 26, by striking the words "chair-
6 person and a" and inserting in lieu thereof the words
7 "and-a".

Amendment H-4149 lost.

Welden of Hardin asked and received unanimous consent to
withdraw amendment H-4148, to amendment H-4147, filed by
him on May 12, 1977.

Welden of Hardin offered amendment H-4155, to amendment H-4147, filed by him and requested division as follows:

H-4155

- 1 Amend amendment H-4147, to House File 594,
- 2 as follows:

H-4155A

- 3 1. Page 8, by striking lines 21 through 50.
- 4 2. By striking page 9.
- 5 3. Page 10, by striking lines 1 through 43.
- 6 4. Page 10, line 49, by striking the word
- 7 "licensed" and inserting in lieu thereof the word
- 8 "approved".

H-4155B

- 9 5. Page 11, lines 3 and 4, by striking the
- 10 words "financial records,".

H-4155A

- 11 6. Page 11, line 14, by striking the words
- 12 "and license".

Welden of Hardin moved the adoption of amendment H-4155A, to amendment H-4147.

A non-record roll call was requested.

The ayes were 19, nays 52.

Amendment H-4155A lost.

Welden of Hardin asked and received unanimous consent to withdraw amendment H-4155B.

Lipsky of Linn offered the following amendment H-4159, to amendment H-4147, filed by her and moved its adoption:

H-4159

- 1 Amend amendment H-4147 to House File 594 as follows:

2 1. Page 9, line 9, by striking the words and
3 numeral "twenty-four (24)" and inserting in lieu
4 thereof the words and numeral "twenty-nine (29)".

5 2. Page 11, by inserting after line 30, the
6 following:

7 "Sec. 25. NEW SECTION. PROGRAM ORGANIZATION.

8 A substance abuse program may apply to a county for
9 financial assistance to provide services to residents
10 of the county. The service area of the program may
11 include one or more counties provided that the service
12 area shall not conflict with the regions established
13 by the commission in section one hundred twenty-five
14 point twelve (125.12) of the Code. Upon the granting
15 of financial aid by the county board of supervisors,
16 the program may be eligible to receive state funds
17 under subsection three (3) of section twenty-seven
18 (27) of this Act.

19 Sec. 26. NEW SECTION. APPLICATION FOR FUNDING.

20 A substance abuse program may apply to the commission
21 for state funding. The application shall be submitted
22 to the commission on such forms and in such manner
23 as the commission may prescribe and the state
24 comptroller shall approve. The application shall
25 include a program budget which shall contain a
26 certification by the fiscal officer of each county
27 in the program service area attesting the following:

28 1. That the program will provide services in the
29 county.

30 2. That the amount of local financial participa-
31 tion specified by the commission for programs
32 requesting assistance under subsection three (3) of
33 section twenty-seven (27) of this Act has been obtained
34 and is being held in reserve.

35 3. That the county will provide to the commission
36 such reports and information as the commission may
37 require.

38 Sec. 27. NEW SECTION. BUDGET PROCESS.

39 1. On or before July first of each year, or as
40 soon thereafter as practical, the commission shall
41 determine the total amount of state and federal funds
42 available to the department for the purpose of
43 assisting counties in financing substance abuse
44 programs. The commission shall determine a per capita
45 rate of state participation which shall be computed
46 by dividing fifty percent of the total amount of state
47 and federal funds available to the department for
48 assisting counties in financing substance abuse
49 programs by the total population of those counties
50 seeking to support or maintain a substance abuse

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1 program. The per capita rate of state participation
2 shall be approved by the state comptroller.

3 2. Fifty percent of the total amount of state
4 and federal funds available to the department for
5 assisting counties in financing substance abuse
6 programs as determined under subsection one (1) of
7 this section shall be used to provide minimum level
8 of service funding for substance abuse programs and
9 shall be distributed to counties for substance abuse
10 programs whose application for minimum level of service
11 funding is approved by the commission. The amount
12 allocated to each substance abuse program shall be
13 determined by multiplying the per capita rate of state
14 participation by the total population of the counties
15 to be served by the program.

16 3. Forty percent of the total amount of state
17 and federal funds available to the department for
18 assisting counties in financing substance abuse
19 programs as determined under subsection one (1) of
20 this section shall be used to provide additional
21 services assistance to substance abuse programs and
22 shall be distributed to counties for programs whose
23 application for additional services assistance is
24 approved by the commission and which demonstrate
25 pursuant to subsection two (2) of section twenty-six
26 (26) of this Act that local financial participation
27 will be provided for the program in an amount equal
28 to the amount of state additional services assistance.

29 4. The remaining ten percent of the amount of
30 state and federal funds available to the department
31 for assisting counties in financing substance abuse
32 programs may be used by the director for contingencies
33 or special projects.

34 5. A county may within ten days of notification
35 by the director of a funding decision, appeal the
36 decision to the state appeal board. The state appeal
37 board pursuant to established procedure may hear an
38 appeal under this section and may affirm or modify
39 the local financial participation level specified
40 by the department. Pending the decision of the board,
41 the county shall budget the amount prescribed by the
42 director.

43 Sec. 28. NEW SECTION. USE OF FUNDS. The
44 commission shall not be required to distribute or
45 guarantee funds:

46 1. To any program for which the application does
47 not satisfy the requirements prescribed by this Act

48 or which has not been approved by the commission,
 49 2. To any program providing unnecessary, duplica-
 50 tive or overlapping services within the same

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1 geographical area, or
 2 3. To any program which has adequate resources
 3 at its disposal.
 4 This Act shall not require a county to participate
 5 in a program to an extent greater than one hundred
 6 percent of the amount of funds allocated to the program
 7 under subsection three (3) of section twenty-seven
 8 (27) of this Act.
 9 Sec. 29. NEW SECTION. AUDITS. All substance
 10 abuse programs receiving funds from the commission
 11 under this Act shall be subject to regular audit by
 12 the auditor of state or to special audits requested
 13 by the commission."
 14 2. Page 18, by striking lines 6 through 50.
 15 3. By striking pages 19, 20, and 21.
 16 4. Page 22, by striking lines 1 through 3.
 17 5. Page 22, line 27, by striking the words "and
 18 one".
 19 6. Page 22, by striking line 28 and inserting
 20 in lieu thereof the words and numerals "one hun-
 21 dred twenty-five point fourteen (125.14), and sections
 22 one hundred twenty-five point twenty-six (125.26)
 23 through one hundred twenty-five point thirty-six
 24 (125.36), Code".
 25 7. Page 23, by striking lines 13 and 14 and insert-
 26 ing in lieu thereof the words "prescribing a formula
 27 for the funding".
 28 8. Page 23, by inserting after line 14 the fol-
 29 lowing:
 30 " . Amend the title by striking line 7."
 31 9. By renumbering and correcting internal
 32 references in accordance with this amendment.

Roll call was requested by Lipsky of Linn and Welden of Hardin.

On the question "Shall amendment H-4159 be adopted?"

The ayes were, 23:

Byerly

Clark, J.H.

Conlon

Crawford

Danker	Egenes	Evans	Garrison
Gentleman	Hoffmann	Krewson	Lageschulte
Lipsky	Millen	Miller, O.L.	Pellett
Stromer	Thompson	Tofte	Varley
Welden	Wells	Wulff	

The nays were, 59:

Avenson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Clark, B.J.	Cusack	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Lindeen	Menke
Miller, K.D.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spear	Spencer	Stephens	Walter
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 17:

Anderson	Brockett	Chiodo	Connors
Crabb	Daggett	Fitzgerald	Hullinger
Jesse	Lonergan	Middleswart	Norland
Rinas	Small	Svoboda	Tauke
West			

Amendment H-4159 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Menke of O'Brien for the remainder of the day on request of Danker of Pottawattamie.

Welden of Hardin offered the following amendment H-4165, to amendment H-4147, filed by him from the floor and moved its adoption:

H-4165

- 1 Amend amendment H-4147 to House File 594 as
- 2 follows:
- 3 1. Page 11, line 18, by adding after the word
- 4 "chapter" the following: "and the commission shall
- 5 be obliged to grant such approval and license if
- 6 the requirements of the rules are met and no state
- 7 funding is requested".

Amendment H-4165 was adopted.

Lipsky of Linn offered the following amendment H-4166, to amendment H-4147, filed by her from the floor and moved its adoption:

H-4166

- 1 Amend amendment H-4147 to House File 594 as follows:
- 2 1. Page 2, by striking lines 45 through 50.
- 3 2. Page 3, by striking line 1.
- 4 3. Page 9, by inserting after line 6 the following:
- 5 "Sec. 15. Chapter one hundred twenty-five (125),
- 6 Code 1977, is amended by adding the following new
- 7 section:
- 8 **NEW SECTION. BOARD CREATED—MEMBERSHIP.** There
- 9 is created within the department a substance abuse
- 10 licensing board which shall be composed of nine mem-
- 11 bers appointed by the governor for three-year terms
- 12 commencing on July first as follows:
- 13 1. One member shall be chosen from among the
- 14 membership of the commission.
- 15 2. Three members shall be chosen from among com-
- 16 munity workers in treatment, rehabilitation, educa-
- 17 tion or intervention programs, two of whom shall be
- 18 counselors in the area of substance abuse.
- 19 3. Three members shall be from professional groups,
- 20 one shall be a physician licensed pursuant to chapters
- 21 one hundred forty-eight (148), one hundred fifty (150)
- 22 and one hundred fifty A (150A) of the Code, one shall
- 23 be a pharmacist licensed under chapter one hundred
- 24 fifty-five (155) of the Code and one shall be a psy-
- 25 chologist licensed under chapter one hundred fifty-
- 26 four B (154B) of the Code, all of whom shall have
- 27 demonstrated an interest in substance abuse programs.
- 28 4. Two members shall be lay persons who have
- 29 demonstrated an interest in substance abuse programs.

- 30 The director shall serve as executive secretary
31 to the board. The governor shall annually appoint
32 the chairperson of the board. Members of the board
33 shall receive forty dollars per diem and actual and
34 necessary expenses incurred during the performance
35 of their official duties.
- 36 8. Page 9, line 50, by striking the word
37 "commission" and inserting in lieu thereof the words
38 "licensing board".
- 39 9. Page 10, line 6, by striking the word
40 "commission" and inserting in lieu thereof the words
41 "licensing board".
- 42 10. Page 10, line 8, by striking the word
43 "COMMISSION" and inserting in lieu thereof the words
44 "LICENSING BOARD".
- 45 11. Page 10, line 12, by striking the word
46 "commission" and inserting in lieu thereof the words
47 "licensing board".
- 48 12. Page 10, line 13, by striking the word
49 "commission" and inserting in lieu thereof the words
50 "licensing board".

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- 1 13. Page 10, line 15, by striking the word
2 "commission" and inserting in lieu thereof the words
3 "licensing board".
- 4 14. Page 10, line 17, by striking the word
5 "commission" and inserting in lieu thereof the words
6 "licensing board".
- 7 15. Page 10, line 19, by striking the word
8 "commission" and inserting in lieu thereof the words
9 "licensing board".
- 10 16. Page 10, line 24, by striking the word
11 "commission" and inserting in lieu thereof the words
12 "licensing board".
- 13 17. Page 10, line 29, by striking the word
14 "commission" and inserting in lieu thereof the words
15 "licensing board".
- 16 18. Page 10, line 38, by striking the word
17 "commission" and inserting in lieu thereof the words
18 "licensing board".
- 19 19. Page 10, line 42, by striking the word
20 "commission" and inserting in lieu thereof the words
21 "licensing board".
- 22 20. Page 10, line 44, by striking the word
23 "commission" and inserting in lieu thereof the words
24 "licensing board".
- 25 21. Page 11, line 6, by striking the word

26 "commission" and inserting in lieu thereof the words
27 "licensing board".

28 22. Page 11, line 13, by striking the word
29 "commission" and inserting in lieu thereof the words
30 "licensing board".

31 23. Page 22, by inserting after line 24 the
32 following section:

33 "Sec. . Four of the initial appointments to
34 the board shall be for terms ending July 1, 1979.
35 Five of the initial appointments to the board shall
36 be for terms ending July 1, 1980. The provisions
37 of section fifteen (15) of this Act shall apply to
38 the initial appointments and payment of per diem and
39 expenses to board members as if the provisions of
40 section fifteen (15) of this Act were in effect on
41 July 1, 1977. The provisions of this section are
42 effective July 1, 1977.

43 24. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 12, nays 57.

Amendment H-4166 lost.

Hargrave of Johnson offered the following amendment H-4168, to amendment H-4147, filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H-4168

1 Amend amendment H-4147 to House File 594 as
2 follows:

3 1. Page 9, by striking all of line 23 and
4 inserting in lieu thereof the following:
5 "shall not charge a fee for licensing and renewal."

Amendment H-4168 was adopted.

Hansen of O'Brien offered the following amendment H-4167, to amendment H-4147, filed by him and Monroe of Des Moines from the floor and moved its adoption:

H-4167

- 1 Amend amendment H-4147 to House File 594 as follows:
 2 1. Page 22, by inserting after line 24 the
 3 following section:
 4 "Sec. . The governor shall make the initial
 5 appointments to the commission and the advisory council
 6 for terms for commencing July 1, 1977. The provisions
 7 of sections five (5) and twelve (12) of this Act shall
 8 apply to the payment of per diem and expenses to
 9 commission and advisory council members as if the
 10 provisions of sections five (5) and twelve (12) of
 11 this Act were in effect on July 1, 1977. The
 12 provisions of this section shall be effective July
 13 1, 1977."

Amendment H-4167 was adopted.

Hansen of O'Brien moved the adoption of amendment H-4147, as amended.

Amendment H-4147, as amended, was adopted, placing out of order amendments H-4088 and H-4104 filed by Welden of Hardin on May 10, 1977.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 594)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Middleswart	Millen	Miller, K.D.

Miller, O.L.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Svoboda	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 6:

Egenes	Howell	Lipsky	Pellett
Stromer	Welden		

Absent or not voting, 10:

Brockett	Chiodo	Daggett	Horn
Hullinger	Lonergan	Menke	Norland
Patchett	Tauke		

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

IMMEDIATE MESSAGE

Monroe of Des Moines asked and received unanimous consent that House File 594 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall on request of Evans of Grundy.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Den Herder of Sioux for the afternoon session on request of Millen of Van

INTRODUCTION OF BILLS

HOUSE FILE 615, by committee on budget, a bill for an act appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE FILE 616, by committee on judiciary and law enforcement, a bill for an act amending the criminal code revision to define "incendiary device."

Read first time and referred to SIFTING COMMITTEE.

HOUSE FILE 617, by Connors, Dunton, Millen, Avenson and Brandt, a bill for an act providing that rules and regulations of the fire marshal shall apply to child care facilities, motels and apartment houses.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 618, by Connors, a bill for an act relating to registration fees for motor vehicles of certain handicapped persons.

Read first time and referred to committee on TRANSPORTATION.

HOUSE FILE 619, by Wulff, Dyrlund, Brandt, Thompson, Crabb, Lipsky, Poncy, Varley, Hansen, Doyle, Clark of Cerro Gordo, O'Halloran, Wells, Griffiee and Hoffmann, a bill for an act to provide a weighting of one point two for certain children requiring special education.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 620, by committee on judiciary and law enforcement, a bill for an act decriminalizing the possession on one ounce or less of marijuana and providing penalties.

Read first time and referred to SIFTING COMMITTEE.

HOUSE FILE 621, by Connors, Lageschulte, Jochum, Pavich, Poncy, Egenes and Thompson, a bill for an act to transfer authority regarding migratory labor camps from the health department to the bureau of labor.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

HOUSE FILE 622, by committee on budget, a bill for an act appropriating funds for capital projects at institutions under the control of the state board of regents.

Read first time and PLACED ON THE BUDGET CALENDAR.

HOUSE JOINT RESOLUTION 13, by Howell and Hullinger, a joint resolution proposing an amendment to the constitution of the State of Iowa relating to the terms of office of elected state officials.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE MESSAGES CONSIDERED

SENATE FILE 390, a bill for an act relating to the authority of public members of examining boards.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 391, a bill for an act relating to the operation of watercraft.

Read first time and referred to committee on NATURAL RESOURCES.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 12, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 60, a bill for an act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV.

Also: That the Senate has on May 12, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 280, a bill for an act relating to establishing a prosecutor internship program.

Also: That the Senate has on May 12, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 287, a bill for an act relating to child custody in dissolution of marriage cases.

Also: That the Senate has on May 12, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 305, a bill for an act relating to legalizing the sale of real estate by school districts.

Also: That the Senate has on May 13, 1977, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 490, a bill for an act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality.

Also: That the Senate has on May 12, 1977, refused to concur in the following bill in which the concurrence of the Senate was asked:

Senate File 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

Also: That the Senate has on May 12, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 35, a bill for an act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code.

Also: That the Senate has on May 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 164, a bill for an act authorizing the deduction from a state officer's or employee's wages or salary an amount for contribution to a qualifying charitable organization of the officer's or employee's choice.

Also: That the Senate has on May 12, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 224, a bill for an act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation.

Also: That the Senate has on May 12, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 364, a bill for an act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system.

Also: That the Senate has on May 6, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 376, a bill for an act relating to the protection of the rights of owners of enterprises, and providing penalties.

Also: That the Senate has on May 13, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 385, a bill for an act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs.

Also: That the Senate has on May 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 395, a bill for an act relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public.

Also: That the Senate has on May 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 397, a bill for an act to increase the fee for recording instruments.

Also: That the Senate has on May 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 402, a bill for an act legalizing the organization and operation of the Missouri basin municipal electric cooperative association.

STEVEN C. CROSS, Secretary

REMOVED FROM 15-MINUTE
NON-CONTROVERSIAL CALENDAR.

(House File 524)

We respectfully request that House File 524 be removed from the 15-minute non-controversial sifting calendar.

LIPSKY of Linn
CLARK of Cerro Gordo
SHIMANEK of Jones

(House File 591)

We respectfully request that House File 591 be removed from the 15-minute non-controversial sifting calendar.

SCHROEDER of Pottawattamie
CLARK of Lee
WOODS of Polk

QUORUM CALL

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

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to take up for immediate consideration the following: Senate File 370, Senate File 388, House File 615, House Concurrent Resolution 40 and House File 622.

MOTION TO RECONSIDER

(Senate File 137)

Chiodo of Polk called up for consideration the motion to reconsider Senate File 137, filed on May 12, 1977, and moved to reconsider the vote by which Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, passed the House on May 12, 1977.

Roll call was requested by Koogler of Mahaska and Bina of Scott.

On the question "Shall the vote by which Senate File 137 passed the House be reconsidered?"

The ayes were, 23:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Crabb	Danker	Evans	Garrison
Gentleman	Harbor	Harvey	Junker
Lageschulte	Lindeen	Lipsky	Millen
Miller, O.L.	Newhard	Schnekloth	Schroeder
Stromer	Welden	West	

The nays were, 70:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Conlon	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Loneragan
Middleswart	Miller, K.D.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Tofte	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 6:

Brockett
Varley

Daggett
Wulff

Den Herder

Menke

The motion lost.

WEEKLY DEBATE CALENDAR

The House resumed consideration of Senate File 279, a bill for an act relating to the appointment and the duties of a county weed commissioner.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H-4123 filed by him on May 11, 1977.

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

On the question "Shall the bill pass?" (S.F. 279)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Talwer	Welden
Wells	West	Woods	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 10:

Brockett	Daggett	Den Herder	Evans
Gilloon	Jesse	Menke	Spencer
Svoboda	Wulff		

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

BUDGET CALENDAR

Senate File 370, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 370)

The ayes were, 92:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monore	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none:

Absent or not voting, 7:

Brockett	Daggett	Den Herder	Evans
Jesse	Menke	Wulff	

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

Senate File 388, a bill for an act repealing certain standing appropriations and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 388)

The ayes were, 75:

Avenson	Baker	Bina	Binneboese
Branstad	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Gentleman
Gilson	Griffie	Halvorson	Hansen
Harbor	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Middleswart	Millen	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 10:

Anderson	Brandt	Byerly	Chiodo
Fitzgerald	Garrison	Hargrave	Miller, K.D.
Small	Stromer		

Absent or not voting, 14:

Bennett	Brockett	Connors	Daggett
Den Herder	Evans	Gilloon	Harvey
Jesse	Junker	Lindeen	Menke
Varley	Wulff		

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

House File 615, a bill for an act appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 615)

The ayes were, 90:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clerk, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley

Walter
Wyckoff

Welden
Mr. Speaker

Wells

West

The nays were, none.

Absent or not voting, 9:

Brockett
Jesse
Wulff

Daggett
Menke

Den Herder
Nielsen

Evans
Woods

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass on request of Danker of Pottawattamie; Wulff of Black Hawk on request of Branstad of Winnebago; Evans of Grundy on request of West of Marshall; all for the remainder of the day.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 40

Horn of Linn offered for consideration House Concurrent Resolution 40 as follows:

HOUSE CONCURRENT RESOLUTION 40

By Committee on Budget

1 *Whereas*, section two hundred sixty-two A point
2 three (262A.3) of the Code provides that the state
3 board of regents shall prepare and submit to the
4 general assembly for approval no later than seven
5 days after the convening of each regular annual session
6 of the general assembly a proposed ten-year building
7 program for each institution of higher learning under
8 the jurisdiction of said board, said program to contain
9 a list of the buildings and facilities which the board
10 deems necessary to further the educational objectives
11 of the institutions, with an estimate of the cost
12 of each of the buildings and facilities referred to
13 therein and an estimate of the maximum amount of bonds
14 which the board expects to issue under chapter two
15 hundred sixty-two A (262A) of the Code during each
16 year of the ensuing biennium; and

17 *Whereas*, the state board of regents prepared and
18 within seven days after the convening of the Sixty—
19 seventh General Assembly of the State of Iowa, First
20 Session, submitted to the Sixty—seventh General
21 Assembly, First Session, for approval such a proposed
22 ten—year building program for each institution
23 containing a list of the buildings and facilities
24 which the board deems necessary to further the
25 educational objectives of the institutions, together
26 with an estimate of the cost of each of the buildings
27 and facilities referred to therein and an estimate
28 of the maximum amount of bonds which the board expects
29 to issue under the provisions of chapter two hundred
30 sixty—two A (262A) of the Code for each year of the

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1 biennium beginning July 1, 1977 and ending June 30,
2 1979; and
3 *Whereas*, the projects contained in said building
4 program are deemed necessary for the proper performance
5 of the instructional, research and service functions
6 of the institutions; and
7 *Whereas*, section two hundred sixty—two A point
8 four (262A.4) of the Code provides that the state
9 board of regents after authorization by a
10 constitutional majority of each house of the general
11 assembly and approval by the governor may undertake
12 and carry out at the institutions of higher learning
13 under the jurisdiction of said board any project as
14 defined in chapter two hundred sixty—two A (262A)
15 of the Code; and
16 *Whereas*, chapter two hundred sixty—two A (262A)
17 of the Code authorizes the state board of regents
18 to borrow money and to issue and sell negotiable
19 revenue bonds to pay all or any part of the cost of
20 carrying out such projects at any institution payable
21 solely from and secured by an irrevocable pledge of
22 a sufficient portion of the student fees and charges
23 and institutional income received by the particular
24 institution; and
25 *Whereas*, to further the educational objectives
26 of the institutions the state board of regents request
27 authorization to undertake and carry out certain of
28 **said projects at this time and to finance the cost**
29 **thereof by borrowing money and issuing negotiable**
30 **bonds under the provisions of chapter two hundred**

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1 sixty—two A (262A) of the Code, in a total amount
 2 not to exceed twenty—five million three hundred
 3 thousand (25,300,000) dollars, the remaining cost
 4 of said projects to be financed by capital
 5 appropriations or by federal or other funds lawfully
 6 available therefor; *Now Therefore,*
 7 *Be It Resolved by the House of Representatives,*
 8 *the Senate Concurring,* That the proposed ten—year
 9 building program submitted by the state board of
 10 regents for each institution of higher learning under
 11 its jurisdiction, including the estimate of the maximum
 12 amount of bonds which the board expects to issue under
 13 the provisions of chapter two hundred sixty—two A
 14 (262A) of the Code, be and is hereby approved as
 15 follows:

16 STATE BOARD OF REGENTS PROPOSED TEN YEAR
 17 BUILDING PROGRAM 1977—1987
 18 State University of Iowa

19		Estimated
20	Project	Total Cost
21	Lindquist center for measurement—	
22	phase II	\$ 5,640,000
23	Old armory replacement	11,680,000
24	Movable equipment	1,735,000
25	Macbride hall remodeling	825,000
26	Chemistry botany building remodeling	560,000
27	Fire escapes—two buildings	230,000
28	Eastlawn remodeling	485,000
29	Medical research center remodeling	310,000
30	Life—of—building formula remodeling	16,360,000

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1	Boiler plant renovation	1,670,000
2	Steam distribution improvements	1,690,000
3	Electrical substations for university	
4	hospitals	1,500,000
5	Storm sewer renovations	2,890,000
6	Water plan improvements	710,000
7	Chiller improvements	2,690,000
8	Eastside water system improvements	1,050,000
9	Miscellaneous and recurring	
10	utility needs	600,000
11	Lease/purchase of main frame computer	1,200,000
12	Undefined special projects	5,000,000
13	TOTAL	\$56,825,000
14	Iowa State University of Science and Technology	

15	Music building	3,385,000
16	Library addition—phase I	6,335,000
17	Horticulture addition	2,460,000
18	Library addition—phase II	6,100,000
19	Mechanical engineering and engineering	
20	science and mechanics	5,375,000
21	Agronomy addition	4,900,000
22	Movable equipment	2,840,000
23	Quadrangle remodeling—phase I	2,035,000
24	Beardshear hall remodeling	605,000
25	Curtiss hall remodeling	700,000
26	Quadrangle remodeling—phase II	3,300,000
27	Life-of-building formula remodeling	10,780,000
28	Centrifugal chiller and cooling tower	2,500,000
29	Water pollution control plan	
30	improvements	1,300,000

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1	System expansion for new and	
2	renovated buildings	1,200,000
3	General system repairs and	
4	alterations—utilities	3,400,000
5	Cooling tower addition and replacement	1,200,000
6	Power plant repairs	2,000,000
7	Miscellaneous utility projects	1,065,000
8	Electrical repairs	900,000
9	Undefined special projects	5,000,000
10	TOTAL	\$67,380,000
11	University of Northern Iowa	
12	Speech/art complex—phase II	4,105,000
13	Physical education center completion	7,680,000
14	Movable equipment	1,180,000
15	Gymnasium I remodeling	250,000
16	Life-of-building formula remodeling	5,965,000
17	Coal-fired boiler	6,905,000
18	Storm and sanitary sewer repairs	630,000
19	Electrical system improvements	920,000
20	Steam distribution improvements	1,850,000
21	Water line improvements	200,000
22	Miscellaneous utility needs	300,000
23	Pollution control devices	1,200,000
24	Hudson road improvements	300,000
25	Classroom building for business	3,678,000
26	Movable equipment for business	347,000
27	TOTAL	\$35,510,000
28	Total state board of regents' ten-year	
29	program 1977-1987	\$159,715,000
30	<i>Be It Further Resolved</i> , that during the biennium	

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1 which commences July 1, 1977, and which ends June
2 30, 1979, the maximum amount of bonds which the state
3 board of regents expects to issue under the provisions
4 of chapter two hundred sixty-two A (262A) of the Code
5 if twenty-five million three hundred thousand
6 (25,300,000) dollars, all or any part of which may
7 be issued during the fiscal year ending June 30, 1978,
8 and if all of that amount should not be issued during
9 the fiscal year ending June 30, 1978, any remaining
10 balance may be issued during the fiscal year ending
11 June 30, 1979, and this plan of financing is hereby
12 approved; and

13 *Be It Further Resolved*, That the state board of
14 regents be and is hereby authorized to undertake and
15 carry out the following projects and to pay all or
16 any part of the cost of carrying out such projects
17 by borrowing money and issuing negotiable revenue
18 bonds under the provisions of chapter two hundred
19 sixty-two A (262A) of the Code in a total amount not
20 to exceed twenty-five million three hundred thousand
21 (25,300,000) dollars:
22 State University of Iowa
23 Reconstruction of boiler No. 8
24 Replace electrical substation serving university
25 hospitals
26 Boilers No. 5 and No. 6—controls and instrumentation
27 Medical research center—electrical renovations
28 Steam distribution—complete westside loop system
29 MacBride hall—remodeling and renovation
30 Chemistry/botany building—chemistry laboratory modern—

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1 ization and fire escapes
2 Miscellaneous utilities and remodeling projects
3 Iowa State University
4 Centrifugal chiller and cooling tower
5 Miscellaneous general utility and remodeling projects
6 Quadrangle remodeling—phase I
7 Music building construction
8 Horticulture building addition and remodeling
9 University of Northern Iowa
10 Coal-fired boiler replacement and auxiliaries—
11 phases I and II
12 Gymnasium I—perimeter renovation
13 Miscellaneous general utility and remodeling projects

Pelton of Clinton offered the following amendment H-4169 filed by him from the floor and moved its adoption:

H-4169

1. Amend House Concurrent Resolution 40 as follows:
2. 1. Page 6, by striking lines 5 and 6 and inserting
3. in lieu thereof the words "is fifteen million five
4. hundred fifteen thousand (15,515,000) dollars, all or
5. any part of which may".
6. 2. Page 6, by striking lines 20 and 21 and inserting
7. in lieu thereof the words "to exceed fifteen million
8. five hundred fifteen thousand (15,515,000) dollars:".
9. 3. Page 6, by striking lines 29 and 30.
10. 4. Page 7, by striking line 1.
11. 5. Page 7, by striking lines 6, 7, and 8.
12. 6. Page 7, by striking lines 12 and 13.

Roll call was requested by Avenson of Fayette and Hines of Story.

Rule 70 was invoked.

On the question "Shall amendment H-4169 be adopted?"

The ayes, were 37:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Danker	Egenes
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Millen	Pelton	Schnekloth
Schroeder	Shimaneck	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Woods
Wyckoff			

The nays were, 54:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilloon
Gilson	Griffee	Hargrave	Higgins
Hines	Horn	Howell	Hullinger

Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Mr. Speaker		

Absent or not voting, 8:

Brockett	Daggett	Den Herder	Evans
Menke	Pellett	Wells	Wulff

Amendment H-4169 lost.

Miller of Buchanan offered the following amendment H-4179 filed by him from the floor and moved its adoption:

H-4179

- 1 Amend House Concurrent Resolution 40 as follows:
- 2 1. Page 5, by inserting after line 29 the
- 3 following:
- 4 "*Be it Further Resolved*, That the state board of
- 5 regents, prior to the adoption of the ten-year build-
- 6 ing program, shall consider and develop plans for
- 7 capital construction or expansion of buildings and
- 8 facilities at sites or communities other than where
- 9 institutions under the control of the board of regents
- 10 are presently located, and"

A non-record roll call was requested.

The ayes were 31, nays 43.

Amendment H-4179 lost.

Horn of Linn moved the adoption of House Concurrent Resolution 40.

Roll call was requested by Harbor of Mills and Cusack of Scott.

Rule 70 was invoked.

On the question "Shall the resolution be adopted?" (HCR-40)

The ayes were, 48:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, B.J.	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Griffee	Hargrave	Hines
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Loneragan
Middleswart	Miller, O.L.	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Poncy	Rinas	Scheelhaase	Small
Spear	Svoboda	Tauke	Mr. Speaker

The nays were, 42:

Bennett	Branstad	Clark, J.H.	Conlon
Crabb	Danker	Egenes	Gentleman
Gilson	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Millen	Miller, K.D.	Monroe
Nielsen	Pelton	Perkins	Schnekloth
Schroeder	Shimanek	Smalley	Spencer
Stephens	Stromer	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wyckoff		

Absent or not voting, 9:

Brockett	Daggett	Den Herder	Evans
Higgins	Menke	Pellett	Wells
Wulff			

The resolution, having failed to received a constitutional majority, failed to be adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury on request of Wyckoff of Benton; Binneboese of Plymouth on request of Husak of Tama, both for the remainder of the day.

BUDGET CALENDAR

House File 622, a bill for an act appropriating funds for capital projects at institutions under the control of the state board of regents, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 622)

The ayes were, 78:

Anderson	Avenson	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Danker	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lipsky	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pelton
Perkins	Rinas	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 7:

Baker	Davitt	Egenes	Hullinger
Jesse	Poncy	Scheelhaase	

Absent or not voting, 14:

Binneboese	Brockett	Daggett	Den Herder
Evans	Harbor	Higgins	Junker
Lindeen	Menke	Oxley	Pellett
Wells	Wulff		

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

SIFTING COMMITTEE NONCONTROVERSIAL 15-MINUTE CALENDAR

House File 299, a bill for an act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 299)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	West	Woods	Wyckoff
			Mr. Speaker

The nays were, none:

Absent or not voting, 14:

Binneboese	Brockett	Crabb	Daggett
Den Herder	Evans	Harbor	Higgins
Junker	Koogler	Menke	Pellett
Wells	Wulff		

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

House File 237, a bill for an act relating to fraudulent practices, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 237)

The ayes were, 82:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Shimaneck	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Thompson	Tofte	Varley
Walter	Welden	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 2:

Schroeder

Tauke

Absent or not voting, 15:

Binneboese	Brockett	Daggett	Den Herder
Evans	Harbor	Higgins	Junker
Menke	Millen	Nielsen	Pellett
Spencer	Wells	Wulff	

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

SIFTING COMMITTEE REGULAR CALENDAR

Senate File 319, a bill for an act amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole, with report of committee recommending amendment and passage was taken up for consideration.

Doyle of Woodbury offered amendment H-4129 filed by the committee on judiciary and law enforcement on May 12, 1977 and found on page 2163 of the House Journal and moved its adoption.

Amendment H-4129 was adopted.

Doyle of Woodbury offered amendment H-4128 filed by the committee on judiciary and law enforcement on May 12, 1977 and found on page 2163 of the House Journal and moved its adoption:

Amendment H-4128 was adopted.

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

On the question "Shall the bill pass?" (S.F. 319)

The ayes were, 83:

Avenson	Baker	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack

Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Krause	Krewson	Lageschulte	Lipsky
Loneragan	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Woods	Wyckoff	Mr. Speaker	

The nays were, none:

Absent or not voting: 16

Anderson	Binneboese	Brockett	Daggett
Den Herder	Evans	Junker	Koogler
Lindeen	Menke	Norland	Pellett
Schroeder	Wells	West	Wulff

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

House File 349, a bill for an act amending the accommodation provision of the criminal code, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 349)

The ayes were, 85:

Anderson	Avenson	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Danker	Davitt	Dieleman	Doyle

Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Pavich	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Tofte	Varley	Walter
Welden	West	Woods	Wyckoff
			Mr. Speaker

The nays were, 1:

Baker

Absent or not voting, 13:

Binneboese	Brockett	Daggett	Den Herder
Evans	Junker	Menke	Norland
Patchett	Pellett	Thompson	Wells
Wulff			

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

IMMEDIATE MESSAGES

(House File 349)

Tauke of Dubuque asked and received unanimous consent that House File 349 be immediately messaged to the Senate.

(House Files 299 and 237)

Fitzgerald of Webster asked and received unanimous consent that House Files 299 and 237 be immediately messaged to the Senate.

INTRODUCTION OF BILLS

HOUSE FILE 623, by committee on human resources, a bill for an act to amend and revise chapter two hundred fifty-two (252) of the Code, relating to support by counties of persons in need of assistance.

Read first time and referred to SIFTING COMMITTEE.

SENATE MESSAGES CONSIDERED

SENATE FILE 376, a bill for an act relating to the protection of the rights of owners of enterprises, and providing penalties.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

MOTIONS TO RECONSIDER

(House File 622)

I move to reconsider the vote by which House File 622 passed the House on May 13, 1977.

CRAWFORD of Story

(House File 622)

I move to reconsider the vote by which House File 622 passed the House on May 13, 1977.

HORN of Linn

(House File 622)

I move to reconsider the vote by which House File 622 passed the House on May 13, 1977.

HINES of Story

(House Concurrent Resolution 40)

I move to reconsider the vote by which House Concurrent Resolution 40 failed to be adopted by the House on May 13, 1977.

NIELSEN of Polk

(House Concurrent Resolution 40)

I move to reconsider the vote by which House Concurrent Resolution 40 failed to be adopted by the House on May 13, 1977.

PERKINS of Greene

(House Concurrent Resolution 40)

I move to reconsider the vote by which House Concurrent Resolution 40 failed to be adopted by the House on May 13, 1977.

PELTON of Clinton

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 12, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 332, a bill for an act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 332

H-4176

- 1 Amend House File 332, 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 "Sec. . Chapter twenty-four (24), Code 1977,
6 is amended by adding the following new section:

7 NEW SECTION. If the property tax valuations
8 effective January 1, 1978, or any succeeding year,
9 are reduced or there is an unusually low growth rate
10 in the property tax base of a political subdivision,
11 the political subdivision may appeal to the state,
12 appeal board to request suspension of the statutory
13 property tax levy limitations to continue to fund
14 the present services provided. A political subdivision
15 may also appeal to the state appeal board where the
16 property tax base of the political subdivision has
17 been reduced or there is an unusually low growth rate
18 for any of the following reasons:

19 1. Any unusual increase in population as determined
20 by the preceding certified federal census.

21 2. Natural disasters or other emergencies.

22 3. Unusual problems relating to major new functions
23 required by state law.

24 4. Unusual staffing problems.

25 5. Unusual need for additional funds to permit
26 continuance of a program which provides substantial
27 benefit to its residents.

28 6. Unusual need for a new program which will
29 provide substantial benefit to residents, if the
30 political subdivision establishes the need and the
31 amount of the necessary increased cost.

32 The state appeal board may approve or modify the
33 request of the political subdivision for suspension
34 of the statutory property tax levy limitations.

35 Upon decision of the state appeal board, the state
36 comptroller shall make the necessary changes in the
37 total budget of the political subdivision and certify
38 the total budget to the governing body of the political
39 subdivision and the appropriate county auditors.

40 Sec. . Chapter three hundred thirty-three
41 (333), Code 1977, is amended by adding the following
42 new section:

43 NEW SECTION. Each year on or before December
44 first, the county auditor shall report to the state
45 comptroller the valuation by class of property for
46 each taxing district in the county on forms prescribed
47 by the state comptroller. The valuations reported
48 shall be those valuations used for determining the
49 levy rates necessary to fund the budgets of the taxing
50 districts for the following fiscal year.

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1 Each county auditor shall certify to the governing
2 body of each taxing district in the county not later
3 than January first of each year the assessed valuations
4 of taxable property for each taxing authority within
5 the county as reported to the state comptroller."

6 2. Page 5, by inserting after line 21 the follow-
7 ing new section:

8 "Sec. . Section four hundred twenty-six point
9 seven (426.7), Code 1977, is amended to read as
10 follows:

11 426.7 WARRANTS DRAWN BY COMPTROLLER. After
12 receiving from the several county auditors of the
13 state the certifications provided for in section
14 426.6, and ~~on or before September 15 of~~ during the
15 following fiscal year, the state comptroller shall
16 draw warrants on the agricultural land credits fund
17 created by this chapter, payable to the county
18 treasurers of the several counties of the state in
19 the total amount certified by the county auditors
20 of the respective counties and mail said warrants
21 to the county auditors of said counties in two equal
22 payments on or before September fifteenth and March
23 fifteenth of each fiscal year, provided that in the
24 event the agricultural land credits fund is
25 insufficient to pay in full the total of the amounts
26 certified to the state comptroller on the first of
27 June, ~~he the state comptroller~~ shall prorate the fund
28 to the several county treasurers and notify the several
29 county auditors of the pro rata percentage on or
30 before August ~~1~~ first."

31 3. Page 5, by inserting after line 26 the following
32 new sections:

33 "Sec. . Section four hundred twenty-seven A
34 point one (427A.1), subsections three (3) and four
35 (4), Code 1977, are amended to read as follows:

36 3. Notwithstanding the definition of "attached"
37 in subsection 2 ~~property of a household is neither~~
38 ~~not "attached" nor "placed for use upon the land"~~
39 if it is a kind of property which would ordinarily
40 be removed when the owner of the property moves to
41 another location. In making this determination the
42 assessing authority shall not take into account the
43 intent of the particular owner.

44 4. Notwithstanding the other provisions of this
45 section, property described in this section, if held
46 solely for sale, lease or rent as part of a business

47 regularly engaged in selling, leasing or renting such
48 property, and if the property is not yet sold, leased,
49 rented or used by any person, shall not be assessed
50 and taxed as real property. This subsection does

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1 not apply to any land or building.

2 Sec. . Section four hundred twenty-seven A
3 point nine (427A.9), unnumbered paragraph two (2),
4 Code 1977, is amended to read as follows:

5 The amount of the additional personal property
6 tax credit shall be a fixed amount for each tax year.

7 The amount of the additional personal property tax
8 credit shall be increased for the extended tax year
9 beginning January 1, 1974, and ending June 30, 1975,
10 and shall be increased for each tax year immediately

11 following a tax year in which the growth of state
12 general fund revenues, adjusted for changes in rate
13 or basis, exceeds five and one-half percent, except
14 that the amount of the additional personal property
15 tax credit for taxes payable in each year of the
16 fiscal period beginning July 1, 1977 and ending June
17 30, 1978 shall not exceed the amount of the additional
18 personal property tax credit allowed for taxes payable
19 in the fiscal year beginning July 1, 1976 and ending
20 June 30, 1977. An increase in the additional personal

21 property tax credit, once granted, shall continue
22 for each succeeding tax year. For the purposes of
23 this chapter the state comptroller may estimate the
24 state percent of growth if necessary to avoid delay
25 in the collection of taxes. After nine such increases
26 have been made, all taxes on personal property shall
27 be repealed as provided in the following section.

28 The director of revenue and the state comptroller,
29 jointly, shall determine the amount of the credit
30 for each such tax year. Such amount shall be the
31 maximum amount, rounded to the nearest ten dollars,
32 which will permit complete funding of the replacement
33 obligation under this division, including the
34 replacement obligation for the tax credit granted
35 pursuant to sections 427A.1 to 427A.5, out of the
36 appropriation provided in this chapter.

37 Sec. . Section four hundred forty-one point
38 twenty-one (441.21), subsection one (1), unnumbered
39 paragraph one (1), Code 1977, is amended to read as
40 follows:

41 All real and tangible personal property subject

42 to taxation shall be valued at its actual value which
43 shall be entered opposite each item, and except as
44 otherwise provided herein for agricultural and
45 residential property shall be assessed at one hundred
46 percent of such actual value, and such value so
47 assessed shall be taken and considered as the assessed
48 value and taxable value of such property upon which
49 the levy shall be made.

50 Sec. . Section four hundred forty-one point

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1 twenty-one (441.21), subsection one (1), Code 1977,
2 is amended by inserting after unnumbered paragraph
3 five (5) the following new unnumbered paragraph:
4 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the
5 provisions of this section, in assessing and
6 determining the actual value of agricultural property
7 as of January 1, 1978, and January 1, 1979, the actual
8 value of agricultural property shall be determined
9 on the basis of productivity and net earning capacity
10 of the property determined on the basis of its use
11 for agricultural purposes capitalized at a rate of
12 seven percent and applied uniformly among counties
13 and among classes of property.

14 Sec. . Section four hundred forty-one point
15 twenty-one (441.21), subsection one (1), Code 1977,
16 is amended by adding the following new unnumbered
17 paragraphs:

18 **NEW UNNUMBERED PARAGRAPH.** For valuations
19 established as of January 1, 1978, agricultural and
20 residential property shall be assessed at a percentage
21 of the actual value of such property. The percentage
22 shall be determined by the director of revenue for
23 each assessing jurisdiction in the state in accordance
24 with the provisions of this section. For valuations
25 established as of January 1, 1978, the percentage
26 shall be the quotient of the dividend and divisor
27 as defined in this section. The dividend shall be
28 the total equalized value of such property in the
29 assessing jurisdiction in 1975, adjusted for additions
30 or deletions to said value, excluding those resulting
31 from the revaluation of existing properties, as
32 reported by the assessor on the abstracts of assessment
33 submitted in 1976 and 1977, plus seven and one-half
34 percent of the 1975 equalized value of such property
35 or the amount of value added by the revaluation of
36 existing properties in 1976, 1977 and 1978 whichever

37 is less. The divisor shall be the total value of
38 such property in the assessing jurisdiction as reported
39 by the assessor on the abstract of assessment submitted
40 in 1977, plus the amount of value added in 1978 by
41 the revaluation of existing properties.

42 **NEW UNNUMBERED PARAGRAPH.** For valuations
43 established as of January 1, 1979, the percentage
44 of actual value at which agricultural and residential
45 property shall be assessed shall be the quotient of
46 the dividend and divisor as defined in this section.
47 The dividend shall be the dividend as determined for
48 valuations established as of January 1, 1978, adjusted
49 by the product obtained by multiplying the percentage
50 determined for that year by the amount of any additions

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1 or deletions to actual value, excluding those resulting
2 from the revaluation of existing properties, as
3 reported by the assessor on the abstract of assessment
4 for 1978, plus seven and one-half percent of the
5 amount so determined. The divisor shall be the total
6 actual value of all such property in the assessing
7 jurisdiction in the preceding year, as reported by
8 the assessor on the abstract of assessment submitted
9 for 1978, plus the amount of value added to said total
10 actual value by the revaluation of existing properties
11 in 1979. The director shall utilize information
12 reported on abstracts of assessment submitted pursuant
13 to section four hundred forty-one point forty-five
14 (441.45) of the Code in determining such percentage.

15 **NEW UNNUMBERED PARAGRAPH.** For valuations estab-
16 lished as of January 1, 1980 and succeeding years,
17 the percentage of actual value at which agricultural
18 structures shall be assessed shall be the same
19 percentage applied to compute the assessed value of
20 residential property.

21 **NEW UNNUMBERED PARAGRAPH.** Not later than November
22 1, 1978, and November 1, 1979, the director shall
23 certify to the county auditor of each county the
24 percentages of actual value at which residential and
25 agricultural property in each assessing jurisdiction
26 in the county shall be assessed for taxation. The
27 county auditor shall proceed to determine the assessed
28 values of agricultural and residential property by
29 applying such percentages to the current actual value
30 of such property, as reported to the county auditor
31 by the assessor, and the assessed values so determined

32 shall be the taxable values of such properties upon
33 which the levy shall be made.

34 Sec. . Section four hundred forty-one point
35 twenty-six (441.26), Code 1977, is amended by adding
36 the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. Beginning with valuations
38 for January 1, 1977 and each succeeding year, for
39 each parcel of property entered in the assessment
40 book, the assessor shall list the classification of
41 the property.

42 Sec. . Section four hundred forty-two point
43 two (442.2), unnumbered paragraph one (1), Code 1977,
44 is amended to read as follows:

45 Each school district shall cause to be levied each
46 year, for the school general fund, a foundation prop-
47 erty tax of five dollars and forty cents per thousand
48 dollars of assessed valuation on all taxable property
49 in the district. For the purpose of this chapter,
50 a school district is defined as a school corporation

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1 organized under chapter 274. Each county auditor
2 ~~shall certify to each school district within the~~
3 ~~county and to the state comptroller, not later than~~
4 ~~January 1 each year, the assessed valuation of taxable~~
5 ~~property for the current year in each school district~~
6 ~~within the county.~~

7 Sec. . TASK FORCE CREATED. There is established
8 a task force on taxation composed of six members.
9 Of the six members, three shall be appointed by the
10 governor and three shall be appointed by the
11 legislative council. All members shall be appointed
12 not later than June 30, 1977. Any vacancy in the
13 membership of the task force shall be filled by
14 appointment in the same manner as the original
15 appointments.

16 Members of the task force shall receive a per diem
17 of forty dollars and their actual and necessary
18 expenses.

19 Sec. . DUTIES. The task force on taxation
20 shall conduct a study of the present taxing system
21 in this state. The study shall include, but not be
22 limited to, the following:

23 1. The present system of state and local taxes
24 to determine the relative burden of the present tax
25 structure on the various segments of the state's
26 populace.

27 2. How different types and classes of property
28 should be valued and equalized for property tax
29 assessment purposes.

30 3. Whether budget limitations should be imposed
31 permanently on the political subdivisions of this
32 state.

33 4. Which taxes may presently bear too great a
34 burden of the taxes and which taxes may bear too small
35 a burden.

36 Sec. . STAFF. The task force on taxation shall
37 employ a consultant to assist it in carrying out its
38 duties and may request the assistance of any state
39 agency to obtain such data and other information which
40 the task force deems necessary to carry out its duties.

41 Sec. . REPORT. The task force shall transmit
42 copies of its final report to the governor and the
43 members of the Sixty-seventh General Assembly not
44 later than June 30, 1978. The final report shall
45 include findings of fact and its recommendations.

46 Sec. . APPROPRIATIONS. There is appropriated
47 from the general fund of the state to the office of
48 the state comptroller the sum of two hundred thousand
49 (200,000) dollars, or so much thereof as may be
50 necessary, for the fiscal year beginning July 1, 1977

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1 and ending June 30, 1978, for the purpose of the
2 employment of such professional, technical and
3 administrative staff and assistance on such basis
4 as shall be determined by the task force and for such
5 other expenses as shall be necessary to accomplish
6 the purpose of this Act, including per diem and actual
7 expenses incurred by task force members."

8 4. Amend the title, line 1, by striking everything
9 after the word "Act" and inserting in lieu thereof
10 the words "relating to property taxation by providing
11 additional property tax credits for property owners
12 by increasing the homestead tax credit and the
13 agricultural land tax credit, providing a temporary
14 delay in the phaseout of personal property taxes,
15 making changes in the procedures for assessment and
16 valuation of certain taxable property, creating a
17 task force on taxation, making appropriations, and
18 making certain provisions of this Act retroactive."

SPONSORS ADDED

(House Concurrent Resolution 12)

The following requested to be added as sponsors on House Concurrent Resolution 12:

Davitt of Warren, Hinkhouse of Cedar, Menke of O'Brien, Middleswart of Warren, Stromer of Hancock, Thompson of Polk, Baker of Buena Vista, Anderson of Jasper, Patchett of Johnson, Bina of Scott, Pelton of Clinton, Shimanek of Jones, Tauke of Dubuque, Hullinger of Decatur, Brunow of Appanoose, Gilson of Guthrie, Millen of Van Buren, Schroeder of Pottawattamie, Branstad of Winnebago, Dieleman of Marion, Koogler of Mahaska, Nielsen of Polk, Brockett of Marshall, Varley of Adair and Avenson of Fayette.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 267 Education

Relating to tuition grants for certain students not establishing financial need.

S.B. 268 Education

To increase the amount of the maximum tuition grant.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 13, 1977. Had I been present I would have voted "aye" on Senate File 333.

HINES of Story

PROOF OF PUBLICATION

Published copy of House File 591 and verified proof of publication of said bill in the following newspapers was filed with the Chief Clerk of the House

prior to the time said bill was placed on passage in the House:

The Sioux County Capital, Orange City, Iowa, on March 29, 1977.

The Sioux Center News, Sioux Center, Iowa, on March 30, 1977.

The Bell—Enterprise, Remsen, Iowa, on March 31, 1977.

The Hartley Sentinel, Hartley, Iowa, on March 31, 1977.

The Hawarden Independent, Hawarden, Iowa, on March 31, 1977.

The Manilla Times, Manilla, Iowa, on March 31, 1977.

The O'Brien County Bell, Primghar, Iowa, on March 31, 1977.

The Paullina Times, Paullina, Iowa, on March 31, 1977.

Sanborn Pioneer, Sanborn, Iowa, on March 31, 1977.

The Woodbine Twiner, Woodbine, Iowa, on March 31, 1977.

The Harlan News—Advertiser, Harlan, Iowa, on April 4, 1977.

Elk Horn—Kimballton Review, Elk Horn, Iowa, on April 7, 1977.

Published copy of Senate File 362 and verified proof of publication of said bill in The Seymour Herald, a newspaper published in Seymour, Iowa, on April 7, 1977, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

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

Nineteen fifth grade students from Central Dallas School, Minburn, Iowa, accompanied by Mrs. Whisner. By Varley of Adair.

Forty—seven fourth grade students from Grant Elementary School, Oskaloosa, Iowa, accompanied by Mrs. Jones and Mrs. Hasselman. By Koogler of Mahaska.

Forty eighth grade students from St. Johns School, Waterloo, Iowa, accompanied by Miss Harn, Mrs. Roghain and Miss Rupleger. By Garrison of Black Hawk.

Twenty—seven eighth grade students from Breda, Iowa, accompanied by Chuck Malm. By Bennett of Ida and Miller of Calhoun.

Fifty—eight students from Wallace Elementary School, Des Moines, Iowa, accompanied by their teachers. By Connors of Polk.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., May 12, 1977

Convened: 7:50 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Gentleman, Gilson, Hargrave, Lindeen, Miller of Calhoun and Newhard.

Absent: Doyle (arrived 8:30 a.m.) and Hines (arrived 8:10 a.m.).

Excused: Daggett.

Discussed Senate File 297 and interim study list.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 3:15 p.m., May 12, 1977

Convened: 3:15 p.m.

Adjourned: 5:30 p.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Nielsen, Oxley, Pelton and Poncy.

Discussed and approved: LSB 1644H, LSB 1645H, and LSB 1643H.

COMMITTEE ON BUDGET

Scheduled: 8:30 a.m., May 13, 1977

Convened: 8:40 a.m.

Recessed: 9:03 a.m.

Reconvened: 12:15 p.m.

Adjourned: 1:15 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Koogler, O'Halloran, Stromer, Varley, Welden and Wells.

Absent: Avenson (arrived 8:45 a.m.), Jesse (arrived 8:48 a.m.) and Norland (arrived 8:49 a.m.).

Excused: Wulff (at afternoon meeting).

Senate File 370, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: None.

Senate File 388, a bill for an act repealing certain standing appropriations and providing an effective date.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Koogler, O'Halloran, Varley, Welden, Wells, and Wulff.

Nay: Stromer.

Absent or Not Voting: Jesse and Norland.

LSB 1643H, House Concurrent Resolution, by committee on budget, to provide for certain capital improvements by bonding.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer and Wells.

Nay: Den Herder, Varley and Welden.

Absent or Not Voting: Wulff.

LSB 1644H, a bill for an act appropriating funds for capital projects at institutions under the control of the state board of regents.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Varley, Welden and Wells.

Nay: None.

Absent or Not Voting: Stromer and Wulff.

LSB 1645H, a bill for an act appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or Not Voting: None

SUBCOMMITTEE ASSIGNMENT

House File 601
Human Resources
Gentleman, chair
Hansen
Newhard

AMENDMENTS FILED

H-4163	H.F. 593	Monroe of Des Moines Tauke of Dubuque Walter of Pottawattamie Thompson of Polk Patchett of Johnson
H-4164	S.F. 383	Jesse of Polk
H-4170	S.F. 337	Danker of Pottawattamie
H-4171	S.F. 118	Spear of Lee
H-4172	S.F. 337	Thompson of Polk

H-4173	H.C.R. 12	Welden of Hardin Wyckoff of Benton Davitt of Warren Cusack of Scott Hinkhouse of Cedar Menke of O'Brien Middleswart of Warren Stromer of Hancock Small of Johnson Thompson of Polk Baker of Buena Vista Horn of Linn Anderson of Jasper Patchett of Johnson Bina of Scott Pelton of Clinton Shimanek of Jones Tauke of Dubuque Hullinger of Decatur Brunow of Appanoose Gilson of Guthrie Millen of Van Buren Schroeder of Pottawattamie Branstad of Winnebago Clark of Cerro Gordo Dieleman of Marion Koogler of Mahaska Neilsen of Polk Brockett of Marshall Varley of Adair Avenson of Fayette Anderson of Jasper Hargrave of Johnson Sifting Committee Sifting Committee Harbor of Mills Smalley of Polk Spear of Lee
H-4174	H.F. 590	
H-4177	H.F. 585	
H-4178	H.F. 485	
H-4180	H.F. 433	
H-4181	H.F. 485	
H-4182	H.F. 485	
H-4183	S.F. 213	

H-4184	H.F. 485	Welden of Hardin
H-4185	H.F. 372	Monroe of Des Moines
H-4186	H.F. 485	Middleswart of Warren
		Welden of Hardin
H-4187	H.F. 463	Perkins of Greene
		Stromer of Hancock
		Miller of Calhoun

On motion by Fitzgerald of Webster the House adjourned at 5:39 p.m. until 10:00 a.m., Monday, May 16, 1977.

JOURNAL OF THE HOUSE

One hundred twenty—seventh Calendar Day -- Eighty—seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 16, 1977

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

Prayer was offered by the Honorable Arthur A. Small, State Representative from Johnson County.

The Journal of Friday, May 13, 1977 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Wyckoff of Benton, Husak of Tama, and Svoboda of Iowa from sixty—three constituents of Benton County petitioning the Legislature to adopt legislation establishing a moratorium on the issuance of irrigation permits until such time as more information is available as to the possible effects on underground water levels.

By Millen of Van Buren from twenty—eight Lee County residents favoring House File 383 which provides for the recall of members of a county board of supervisors.

By Hullinger of Decatur, twenty—six signatures of Iowans; by Svoboda of Iowa from nineteen constituents opposing House File 535 and Senate File 336, relating to hotel—motel room tax.

CONSIDERATION OF BILLS

Sifting Committee Noncontroversial
15—Minute Calendar

House File 32, a bill for an act relating to the membership, terms of office, and organization of the capitol planning commission, with report of committee recommending passage was taken up for consideration.

By unanimous consent the following amendment H-4188, filed by Brockett of Marshall from the floor was adopted:

H-4188

- 1 Amend House File 32 as follows:
- 2 1. Page 2, by striking line 35.
- 3 2. Page 3, by striking lines 1 through 4.

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

On the question "Shall the bill pass?" (H.F. 32)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Giloon	Gilson	Halvorson	Hansen
Harbor	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 12:

Binneboese	Clark, J.H.	Egenes	Garrison
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Griffie
Junker

Hargrave
Lageschulte

Hines
Loneragan

Jesse
Norland

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

SIFTING COMMITTEE CALENDAR

House File 406, a bill for an act relating to the investment of police and fire retirement system funds, with report of committee recommending passage was taken up for consideration.

Connors of Polk offered the following amendment H-3739 filed by him and moved its adoption:

H-3739

- 1 Amend House File 406 as follows:
- 2 1. Page 1, line 3, by striking the word
- 3 "SUPRLUS" and inserting in lieu thereof the
- 4 word "SURPLUS".

Amendment H-3739 was adopted.

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

On the question "Shall the bill pass?" (H.F. 406)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Giloon	Gilson	Halvorson	Hansen
Harbor	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lindeen	Lipsky	Menke

Middleswart	Millen	Miller, O.L.	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 14:

Binneboese	Clark, J.H.	Egenes	Garrison
Griffee	Hargrave	Hines	Jesse
Junker	Lageschulte	Loneran	Miller, K.D.
Norland	West		

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

IMMEDIATE MESSAGE (House File 406)

Connors of Polk asked and received unanimous consent that House File 406 be immediately messaged to the Senate.

BUDGET CALENDAR

The House resumed consideration of House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation, and amendment H-3953 filed May 3, 1977 and found on pages 1856 through 1859 of the House Journal.

Horn of Linn rose on a point of order and invoked Rule 32, to refer House File 463 to the committee on ways and means.

Avenson of Fayette moved that Rule 32 be suspended.

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

The House resumed session, Speaker Cochran in the chair.

On the motion to suspend Rule 32, roll call was requested by Horn of Linn and Koogler of Mahaska.

On the question "Shall Rule 32 be suspended?"

The ayes were, 68:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Conlon
Connors	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Harbor	Harvey	Higgins
Hines	Hinkhouse	Howell	Hullinger
Krause	Krewson	Lindeen	Lonergan
Middleswart	Miller, O.L.	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Small
Smalley	Spear	Spencer	Stromer
Thompson	Varley	Welden	Wells
West	Woods	Wulff	Mr. Speaker

The nays were, 23:

Bennett	Byerly	Crabb	Dieleman
Evans	Halvorson	Hansen	Hoffmann
Horn	Husak	Junker	Koogler
Lipsky	Menke	Millen	Miller, K.D.
Pellett	Shimanek	Stephens	Tauke
Tofte	Walter	Wyckoff	

Absent or not voting, 8:

Clark, J.H.	Hargrave	Jesse	Jochum
Lageschulte	Nielsen	Norland	Svoboda

The motion prevailed and Rule 32 was suspended.

(House File 463 and amendment H-3953 pending at recess.)

On motion by Fitzgerald of Webster the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

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

BUSINESS PENDING

The House resumed consideration of House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation, and amendment H-3953 filed May 3, 1977 and found on pages 1856 through 1859 of the House Journal.

On motion by Patchett of Johnson, amendment H-3953A was adopted.

Norland of Worth offered the following amendment H-3955, to amendment H-3953B, filed by him and moved its adoption:

H-3955

- 1 Amend H-3953, filed by Patchett et al, to House
- 2 File 463 as follows:
- 3 1. Page 1, by striking lines 26 through 28 and
- 4 inserting in lieu thereof the following: "the school
- 5 year beginning July 1, 1978, the total amount for
- 6 the state for special education support services shall
- 7 be equal to the total amount approved for special
- 8 education support services for the base year, minus
- 9 the statewide costs approved in the special education
- 10 support services budgets of the area education agencies
- 11 for transportation of special education pupils for
- 12 the school year beginning July 1, 1977, times one
- 13 hundred percent plus the state percent of growth.
- 14 For each school year thereafter, the total amount

15 for the state for special education support services
 16 shall be equal to the total amount approved for special
 17 education support services for the base year times
 18 one hundred percent plus the state percent of growth.
 19 The total amount for each area shall be based upon
 20 ~~the amount needed in the area to serve children newly~~
 21 ~~identified as requiring the services determined by~~
 22 the department of public instruction pursuant to plans
 23 submitted by the special education director of the
 24 area education agency as required by section 273.5,
 25 which shall be modified as necessary and approved
 26 by the department of public instruction according
 27 to the criteria and limitations of section 273.5 and
 28 chapter 281 and the total amount for the state provided
 29 in this paragraph. The amount of additional”.

Roll call was requested by Koogler of Mahaska and Horn of Linn.

Rules 69 and 70 were invoked.

On the question “Shall amendment H- 3955 be adopted?”

The ayes were, 35:

Avenson	Baker	Bina	Brunow
Byerly	Connors	Cusack	Davitt
Dieleman	Dyrland	Fitzgerald	Gilloon
Higgins	Hines	Horn	Hullinger
Jesse	Jochum	Koogler	Krause
Lipsky	Lonergan	Menke	Miller, K.D.
Monroe	Nielsen	Norland	Pavich
Perkins	Poncy	Rinas	Small
Spear	Svoboda	Walter	

The nays were, 58:

Anderson	Bennett	Binneboese	Brandt
Branstad	Brockett	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Den Herder	Doyle	Dunton	Egenes
Evans	Garrison	Gentleman	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Husak
Junker	Krewson	Lageschulte	Lindeen
Middleswart	Millen	Miller, O.L.	O'Halloran
Oxley	Patchett	Pellett	Pelton
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Smalley	Spencer	Stephens	Stromer

Tauke
Welden
Wyckoff

Thompson
Wells
Mr. Speaker

Tofte
West

Varley
Wulff

Absent or not voting, 6:

Chiodo
Newhard

Clark, J.H.
Woods

Griffee

Hargrave

Amendment H-3955 lost.

Brunow of Appanoose in the chair at 2:33 p.m.

Speaker Cochran in the chair at 2:37 p.m.

Patchett of Johnson moved the adoption of amendment H-3953B.

A non-record roll call was requested.

The ayes were 67, nays 15.

Amendment H-3953B was adopted.

The Speaker ruled amendment H-3953C out of order.

Brunow of Appanoose in the chair at 2:43 p.m.

Patchett of Johnson moved the adoption of amendment H-3953D.

A non-record roll call was requested.

The ayes were 59, nays 10.

Amendment H-3953D was adopted.

Patchett of Johnson offered the following amendment H-3967, to amendment H-3953E, filed by him and moved its adoption:

H-3967

- 1 Amend H-3953, filed by Patchett et al, to House
2 File 463 as follows:
3 1. Page 3, lines 5 and 6, by striking the words
4 "from the general fund of the state".
5 2. Page 3, line 7, by inserting after the figure
6 "1978" the words "from funds in the general fund of
7 the state resulting from reduced state foundation
8 aid to school districts for the school year beginning
9 July 1, 1977 because of funds generated for special
10 education instruction which were not encumbered during
11 the school year beginning July 1, 1975 pursuant to
12 section ten (10) of this Act,".
13 3. Page 3, line 10, by striking the word ", to"
14 and inserting in lieu thereof the words ". The funds
15 shall".

Amendment H-3967 was adopted.

Stromer of Hancock offered the following amendment H-4043, to amendment H-3953E, filed by him and moved its adoption:

H-4043

- 1 Amend H-3953 filed by Patchett et al to House File
2 463 as follows:
3 1. Page 3, line 21, by inserting after the word
4 "Code" the words "and modified by the school budget
5 review committee for the school year beginning July
6 1, 1977".

Amendment H-4043 was adopted.

On motion by Patchett of Johnson, amendment H-3953E, as amended, was adopted.

Horn of Linn offered amendment H-3981 filed by him and Koozler of Mahaska and requested division as follows:

H-3981

- 1 Amend House File 463 as follows:

H-3981R

- 2 1. Page 1, by striking lines 1 through 5.

H-3981B

- 3 2. Page 1, by striking lines 6 through 21.

H-3981C

- 4 3. Page 1, line 23, by striking the word and
5 figure "ten (10),".

H-3981A

- 6 4. Page 1, line 23, by striking the word and
7 figure ", twelve (12),".

H-3981D

- 8 5. Page 1, lines 23 and 24, by striking the words
9 and figures ", twelve (12), and thirteen (13),"
10 inserting in lieu thereof the words and figure "and
11 twelve (12),".

H-3981C

- 12 6. Page 1, by striking lines 25 through 34.

H-3981A

- 13 7. Page 1, by striking line 35.
14 8. Page 2, by striking lines 1 through 24.

H-3981D

- 15 9. Page 2, by striking lines 25 through 35.
16 10. Page 3, by striking line 1.

H-3981E

- 17 11. Page 3, by striking lines 2 through 12.

H-3981F

- 18 12. Page 3, by striking lines 13 and 14.

H-3981C

- 19 13. Page 3, by striking lines 15 through 31.

H-3981G

- 20 14. Page 3, by striking lines 32 through 35.
21 15. Page 4, by striking lines 1 through 7.

H-3981H

- 22 16. Page 4, by striking lines 8 through 28.

H-3981E

- 23 17. Page 4, by striking lines 29 through 35.
24 18. Page 5, by striking lines 1 through 7.

H-3981I

- 25 19. Page 5, by striking lines 8 through 34.

H-3981J

- 26 20. Page 5, by striking line 35.
27 21. Page 6, by striking lines 1 through 23.

H-3981K

- 28 22. Page 6, by striking lines 24 through 35.
29 23. Page 7, by striking lines 1 through 35.
30 24. Page 8, by striking lines 1 and 2.

H-3981L

- 31 25. Page 8, by striking lines 3 through 19.

H-3981M

- 32 26. Page 8, by striking lines 20 through 35.
33 27. Page 9, by striking lines 1 through 8.

H-3981L

- 34 28. Page 9, by striking lines 9 through 24.

H-3981N

- 35 29. Page 9, by striking lines 25 through 35.
36 30. Page 10, by striking lines 1 through 26.

H-3981O

- 37 31. Page 10, by striking lines 27 through 35.
38 32. Page 11, by striking lines 1 through 35.
39 33. Page 12, by striking lines 1 through 34.

H-3981P

- 40 34. Page 12, by striking line 35.
41 35. Page 13, by striking lines 1 through 10.

H-3981Q .

- 42 36. Page 13, by striking lines 11 through 22.

Koogler of Mahaska asked and received unanimous consent to withdraw amendments H-3981H, H-3981N, H-3981Q and H-3981R.

Varley of Adair rose on a point of order that amendment H-3981 was dilatory and, therefore, not in order.

Fitzgerald of Webster asked and received unanimous consent that action on House File 463 be deferred.

(House File 463 and the point of order regarding amendment H-3981 pending.)

Speaker Cochran in the chair at 3:50 p.m.

MOTION TO RECONSIDER PREVAILED

(House Concurrent Resolution 40)

Nielsen of Polk called up for consideration the motion to reconsider House Concurrent Resolution 40, filed on May 13, 1977, and moved to reconsider the vote by which House Concurrent Resolution 40, a resolution to provide bonding for the state board of regents ten year building program, failed to be adopted by the House on May 13, 1977.

Roll call was requested by Millen of Van Buren and Bennett of Ida.

On the question "Shall the vote by which House Concurrent Resolution 40 failed to be adopted be reconsidered?" (HCR-40)

The ayes were, 58:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Connors	Crabb	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gilloon	Gilson
Griffiee	Higgins	Hines	Horn
Howell	Hullinger	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, O.L.	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	West
Wulff	Mr. Speaker		

The nays were, 38:

Bennett	Branstad	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Daggett	Danker
Den Herder	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Woods	Wyckoff		

Absent or not voting, 3:

Hargrave	Monroe	Welden
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The motion prevailed and the House reconsidered House Concurrent Resolution 40.

Miller of Buchanan moved to reconsider the vote by which amendment H-4179 failed to be adopted by the House on May 13, 1977.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 63, nays 30.

The motion prevailed and the House reconsidered amendment H-4179, found on page 2229 of the House Journal.

Hines of Story asked for unanimous consent that H-4179 be amended by inserting the word "may" after the word "and" on line 6.

Objection was raised.

Hines of Story moved that the rules be suspended to consider an amendment to amendment H-4179.

A non-record roll call was requested.

The ayes were 51, nays 35.

The motion prevailed and the rules were suspended to consider the following amendment H-4202, to amendment H-4179 filed by Hines of Story from the floor:

H-4202

- 1 Amend amendment H-4179, to House Concurrent
- 2 Resolution 40, as follows:
- 3 1. Page 1, line 6, by inserting after the
- 4 word "and" the word "may".

Hines of Story moved the adoption of amendment H-4202, to amendment H-4179.

Roll call was requested by Schroeder of Pottawattamie and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-4202 be adopted?"

The ayes were, 50:

Anderson	Avenson	Bina	Binneboese
Brandt	Brockett	Brunow	Chiodo
Crawford	Cusack	Davitt	Dieleman
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gilloon	Griffee
Harbor	Higgins	Hines	Horn
Howell	Hullinger	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Perkins
Poncy	Rinas	Scheelhaase	Small
Smalley	Spear	Svoboda	Varley
Wells	Mr. Speaker		

The nays were, 46:

Baker	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Daggett	Danker	Den Herder	Dunton
Gentleman	Gilson	Halvorson	Hansen
Harvey	Hinkhouse	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Oxley	Pavich	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Walter	Welden	Woods
Wulff	Wyckoff		

Absent or not voting, 3:

Connors	Hargrave	West
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Amendment H-4202 was adopted.

Miller of Buchanan moved the adoption of amendment H-4179, as amended.

A non-record roll call was requested.

The ayes were 49, nays 28.

Amendment H-4179, as amended, was adopted.

Horn of Linn moved the adoption of House Concurrent Resolution 40, as amended.

Roll call was requested by Harvey of Scott and Conlon of Muscatine.

Rule 70 was invoked.

On the question "Shall the resolution be adopted?" (HCR-40)

The ayes were, 55:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilloon	Griffee	Higgins
Hines	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Svoboda	Tauke	Welden
Wells	West	Mr. Speaker	

The nays were, 43:

Bennett	Branstad	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Den Herder	Gentleman	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Monroe	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Spencer	Stephens	Stromer
Thompson	Tofte	Varley	Walter
Woods	Wulff	Wyckoff	

Absent or not voting, 1:

Hargrave

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

(House Concurrent Resolution 40)

Horn of Linn asked and received unanimous consent that House Concurrent Resolution 40 be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 18

Pursuant to House Resolution 18, the Speaker announced that House Resolution 18 filed on April 13, 1977 and found on page 1338 of the House Journal, was adopted by unanimous consent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hargrave of Johnson on request of Cusack of Scott.

The House resumed consideration of House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation, and the Varley point of order that amendment H-3981 was dilatory and, therefore, not in order.

The Speaker ruled the point not well taken and amendment H-3981 in order.

Horn of Linn asked and received unanimous consent to withdraw the following amendments: H-3981C, H-3981D, H-3981E, H-3981F, H-3981G, H-3981I, H-3981J, H-3981K, H-3981L and H-3981M.

Horn of Linn moved the adoption of amendment H-3981B.

A non-record roll call was requested.

The ayes were 23, nays 54.

Amendment H-3981B lost.

Horn of Linn moved the adoption of amendment H-3981A.

A non-record roll call was requested.

The ayes were 43, nays 32.

Amendment H-3981A was adopted.

Horn of Linn moved the adoption of amendment H-3981O.

A non-record roll call was requested.

The ayes were 8, nays 73.

Amendment H-3981O lost.

Horn of Linn moved the adoption of amendment H-3981P.

Amendment H-3981P lost.

The Speaker announced that amendment H-4097, to amendment H-3981D, filed by Horn of Linn and Koogler of Mahaska on May 10, 1977, was out of order.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-3959, filed by him on May 4, 1977.

Branstad of Winnebago offered the following amendment H-4190 filed by Branstad, Krause, Spear, Spencer and Miller of Calhoun from the floor and moved its adoption:

H-4190

- 1 Amend House File 463 as follows:
- 2 1. Page 4, by inserting after line 28 the follow-
- 3 ing section:
- 4 "Sec. . Section two hundred eighty point fifteen
- 5 (280.15), Code 1977, is amended to read as follows:
- 6 280.15 JOINT EMPLOYMENT AND SHARING. Any two
- 7 or more public school districts may jointly employ

- 8 and share the services of any school personnel, or
 9 acquire and share the use of classrooms, laboratories,
 10 equipment and facilities. Classes and any of grades
 11 kindergarten through eight made available to students
 12 in the manner provided in this section shall be
 13 considered as complying with the requirements of
 14 section two hundred seventy-five point one (275.1)
 15 of the Code relating to the maintenance of twelve
 16 grades by a school district."

Amendment H-4190 was adopted.

Brunow of Appanoose in the chair at 6:12 p.m.

Dyrland of Clayton offered the following amendment H-4101 filed by him and moved its adoption:

H-4101

- 1 Amend House File 463 as follows:
 2 1. Page 5, line 32, by striking the word
 3 "shall not" and inserting in lieu thereof the
 4 word "may".

Roll call was requested by Smalley of Polk and Woods of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-4101 be adopted?"

The ayes were, 42:

Anderson	Binneboese	Brandt	Branstad
Byerly	Clark, J.H.	Conlon	Danker
Davitt	Doyle	Dyrland	Egenes
Garrison	Gilloon	Griffee	Harvey
Higgins	Hinkhouse	Horn	Husak
Jesse	Koogler	Lageschulte	Lindeen
Lipsky	Lonergan	Miller, O.L.	Monroe
Nielsen	O'Halloran	Oxley	Pelton
Perkins	Poncy	Scheelhaase	Shimanek
Smalley	Stephens	Thompson	Wells
Woods	Mr. Speaker		
	(Brunow)		

The nays were, 46:

Avenson	Baker	Bennett	Bina
Brockett	Clark, B.J.	Cochran	Crabb
Crawford	Cusack	Daggett	Den Herder
Dieleman	Dunton	Evans	Fitzgerald
Gentleman	Gilson	Halvorson	Hansen
Harbor	Howell	Hullinger	Junker
Krause	Krewson	Menke	Middleswart
Millen	Norland	Patchett	Pavich
Pellett	Rinas	Schneklath	Schroeder
Spear	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Welden
Wulff	Wyckoff		

Absent or not voting, 11:

Chiodo	Connors	Hargrave	Hines
Hoffmann	Jochum	Miller, K.D.	Newhard
Small	Spencer	West	

Amendment H-4101 lost.

Stromer of Hancock offered the following amendment H-3947 filed by him and moved its adoption:

H-3947

- 1 Amend House File 463 as follows:
- 2 1. Page 6, line 5, by striking the words
- 3 "subsequent to certification to the state".
- 4 2. Page 6, line 6, by striking the word
- 5 "comptroller".

A non-record roll call was requested.

The ayes were 51, nays 20.

Amendment H-3947 was adopted

Stromer of Hancock offered the following amendment H-3946 filed by him and moved its adoption:

H-3946

- 1 Amend House File 463 as follows:

2 1. Page 7, lines 32 and 33, by striking the words
3 "make application for reimbursement from the school
4 budget review committee" and inserting in lieu thereof
5 the words "~~make application for reimbursement from~~
6 ~~the school budget review committee~~ certify the special
7 education instructional costs to the superintendent
8 of public instruction not later than September first
9 of each year for the preceding fiscal year. The
10 superintendent of public instruction shall review
11 the costs and submit a requisition to the state
12 comptroller. The amount due shall be paid by the
13 treasurer of state to the district in which the
14 institution or licensed boarding home is located from
15 any funds in the general fund of the state not
16 otherwise appropriated upon warrants drawn and signed
17 by the state comptroller".

Amendment H-3946 was adopted.

Smalley of Polk asked and received unanimous consent that action on amendment H-3510 be deferred.

Action on amendments H-3713, H-3982 and H-4187 was deferred.

Bennett of Ida offered the following amendment H-3943 filed by him and moved its adoption:

H-3943

1 Amend House File 463 as follows:
2 1. Page 13, line 8, by striking the word
3 "nonrecurring" and inserting in lieu thereof the
4 word "~~nonrecurring~~".

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 34, nays 41.

Amendment H-3943 lost.

(House File 463 pending at adjournment.)

MOTION TO RECONSIDER
(Amendment H-3981A to House File 463)

I move to reconsider the vote by which amendment H-3981A to House File 463 was adopted by the House on May 16, 1977.

HORN of Linn

HOUSE CONCURRENT RESOLUTION 41

By Higgins

- 1 *Whereas*, the State of Iowa currently holds to the
2 practice of indeterminate sentencing; and
3 *Whereas*, one of the major stated purposes of
4 indeterminate sentencing is that of prisoner rehabili-
5 tation; and
6 *Whereas*, there is little evidence to support the
7 contention that indeterminate sentencing has the effect
8 of prisoner rehabilitation; and
9 *Whereas*, the current discretionary power of judges
10 and the parole board is such that the result is often
11 widely disparate sentences for individuals committing
12 the same crime under the same circumstances with
13 roughly the same background; *Now Therefore*,
14 *Be It Resolved by the House of Representatives, the*
15 *Senate Concurring*, That the legislative council is
16 authorized to create a study committee as provided by law
17 composed of members of the Senate and the House of
18 Representatives, representing both political parties, to
19 conduct a study during the 1977 interim relating to
20 determinate sentencing; and
21 *Be It Further Resolved*, That the study committee
22 shall present a report of its findings and recommenda-
23 tions and submit it to the legislative council and to the
24 members of the Sixty-seventh General Assembly, 1978
25 session, accompanied by legislative bill drafts designed
26 to carry out the recommendations of the study committee.

Laid over under Rule 25.

HOUSE RESOLUTION 22

By Garrison and Brandt

- 1 *Whereas*, the members of the Antioch Baptist Church
2 and its pastor, Reverend Eugene Williams of the city
3 of Waterloo, Iowa have performed superior and unusual
4 community services for over fifteen years, and

5 *Whereas*, this service included the acts of ministering
6 to, singing for, writing to, buying books and materials
7 for and counseling persons of all races incarcerated
8 in the penal institutions of Iowa, paying particular
9 attention to prisoners who have no family or friends
10 to visit or communicate with them, and

11 *Whereas*, this service is provided in the true spirit
12 of Christianity at no cost to the people of the State
13 of Iowa and significantly contributes to the moral
14 character and rehabilitation of prisoners incarcerated,
15 *Now Therefore*,

16 *Be It Resolved by the House of Representatives of the*
17 *State of Iowa* that the Antioch Baptist Church and its
18 pastor, Reverend Eugene Williams be highly commended
19 for their sustained and continued dedication to
20 rehabilitation of prisoners in the true Christian spirit
21 of brotherhood, and

22 *Be It Further Resolved* that a copy of this resolution,
23 certified by the Speaker of the House of Representatives
24 be forwarded to Pastor Eugene Williams of the Antioch
25 Baptist Church of Waterloo, Iowa.

Laid over under Rule 25.

SENATE MESSAGES CONSIDERED

SENATE FILE 164, a bill for an act authorizing the deduction from a state officer's or employee's wages or salary an amount for contribution to a qualifying charitable organization of the officer's or employee's choice.

Read first time and referred to committee on STATE GOVERNMENT.

SENATE FILE 395, a bill for an act relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public.

Read first time and referred to committee on NATURAL RESOURCES.

SENATE FILE 397, a bill for an act to increase ~~the~~ fee for recording instruments.

Read first time and referred to committee on COUNTY GOVERNMENT.

SENATE FILE 402, a bill for an act to legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 162

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 Senate and the House of Representatives on Senate File 162, a bill for an Act making an appropriation to the judicial department, respectfully make the following report:

1. That the Senate recede from the Senate amendment S-3185 to the House amendment S-3180.

2. That the House recede from its amendment H-3231

3. That Senate File 162 be amended as follows:

1. Page 1, line 23, by striking the figure "6,874,899" and inserting in lieu thereof the figure "6,981,639".

2. Page 2, by inserting after line 20 the following:

"Sec. 3. Notwithstanding section six hundred two point eighteen (602.18) of the Code, the number of district judges shall not be increased by more than three in order that the number of district judges shall not exceed ninety-two during the period commencing with the effective date of this

section and ending at such time as the general assembly shall otherwise specify.

Sec. 4. Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by subsection nine (9) of section one (1) of the Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two (1002) for use of the appellate court judges remaining on June 30, 1977 shall not revert to the general fund of the state but shall carry forward for use during fiscal year 1977-1978 and shall revert in the same manner as if appropriated for such fiscal year.

Furniture purchased with funds appropriated by this section shall be purchased from Iowa State Industries if furniture is available or can be supplied within a reasonable time.

Sec. 5. The legislative council shall cause an interim study on section six hundred two point eighteen (602.18) of the Code to be carried out by a subcommittee of the standing house and senate judiciary committees."

ON THE PART OF THE SENATE:

EARL M. WILLITS, chair
RAY TAYLOR
MINNETTE F. DODERER
LUCAS J. DeKOSTER
FRED NOLTING

ON THE PART OF THE HOUSE:

RUSSELL WYCKOFF, chair
RICHARD WELDEN
FRED KOGLER
HENRY WULFF

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 16, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 246, a bill for an act creating a performance audit bureau under the direction of a performance auditor.

Also: That the Senate has on May 16, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 573, a bill for an act appropriating funds to Iowa state university of science and technology for coal research.

Also: That the Senate has on May 16, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 140, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions.

Also: That the Senate has on May 16, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 312, a bill for an act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal.

Also: That the Senate has on May 16, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 361, a bill for an act relating to the rules of appellate procedure in the courts.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 312

H-4210

- 1 Amend the House amendment, S-3462, to Senate File 312
- 2 as follows:
- 3 1. Page 1, by striking lines 20 through 27 and
- 4 inserting in lieu thereof the following:
- 5 " . Adopt and enforce administrative rules which
- 6 provide for the partial reexamination of the
- 7 professional licensing examinations given by each
- 8 licensing board."
- 9 2. Striking page 1, line 34 through page 11, line
- 10 18.
- 11 3. Page 12, line 4, by striking the word "license"
- 12 and inserting in lieu thereof the word "certificate".
- 13 4. Page 12, line 14, by striking the word "license"
- 14 and inserting in lieu thereof the word "certificate".
- 15 5. Page 12, line 42, by inserting after the word
- 16 "certificate" the words "as a psychologist".
- 17 6. Page 12, line 44, by striking the figure "1975"
- 18 and inserting in lieu thereof the figure "1977".
- 19 7. Page 13, by inserting after line 5 the follow-
- 20 ing:
- 21 " . Page 21, by striking lines 19 through 27
- 22 and inserting in lieu thereof the following:
- 23 Sec. 18. Chapter one hundred sixty-nine (169),
- 24 Code 1977, is amended by adding the following new
- 25 section:
- 26 NEW SECTION. DISCIPLINE OF LICENSEES. A license

27 or temporary permit issued under this chapter may
28 be revoked or suspended or the licensee or permittee
29 may be otherwise disciplined by the board upon a two-
30 thirds vote of the entire board, with the secretary
31 of agriculture sitting as a voting board member for
32 this purpose only. Such an action may be taken when
33 the licensee is found guilty of any of the following
34 acts or offenses:"

35 8. Page 13, by striking lines 6 through 34.

SENATE AMENDMENT TO
HOUSE FILE 246

H-4211

1 Amend House File 246 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. Chapter two (2), Code 1977, is amended
6 by adding sections two (2) through seven (7) of this
7 Act.

8 Sec. 2. NEW SECTION. INTENT. It is the intent
9 of the general assembly to establish in the legislative
10 branch of government the capability to independently
11 and intensively review the performance of state
12 agencies in operating the programs established by
13 the general assembly, to evaluate their efficiency
14 and effectiveness and to consider alternatives which
15 may improve the benefits of a program or may reduce
16 its costs to the citizens. The bureau established
17 by this Act is intended to provide the technical and
18 professional support for the general assembly's
19 oversight responsibility.

20 Sec. 3. NEW SECTION. LEGISLATIVE OVERSIGHT BUREAU.

21 There is established a legislative oversight bureau.
22 The director of the legislative oversight bureau shall
23 be a person of extensive experience and recognized
24 qualification in the field of governmental procedures
25 and accounting. The director shall be appointed upon
26 the nomination of the legislative council and the
27 confirmation of that nomination by two-thirds of the
28 members of each house of the general assembly.

29 When a vacancy in the office of the director occurs
30 during the legislative interim, the nomination shall
31 be submitted to the general assembly within thirty
32 days of its convening and must be acted upon by each
33 house within sixty days of its submission. When a
34 vacancy occurs during the legislative session, the

35 nomination shall be submitted within sixty days of
36 the occurrence of the vacancy and must be acted upon
37 by each house within sixty days of its submission
38 unless the general assembly adjourns prior to the
39 expiration of this schedule. If the general assembly
40 adjourns prior to the expiration of this schedule,
41 the nomination may be resubmitted as though the vacancy
42 occurred during the legislative interim. The director
43 may be removed from office for cause by a vote of
44 two-thirds of the members of each house of the general
45 assembly.

46 Each director shall be appointed to a term of ten
47 years and shall be eligible for only one reappointment.
48 A person nominated as director may serve as an acting
49 director until the nomination is confirmed or rejected
50 by the general assembly. The compensation of the

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1 director shall not be reduced during the director's
2 term in office.

3 A person shall not become a candidate for any elec-
4 tive office nor participate in any partisan political
5 activity while serving as director or acting director.
6 Any director who becomes a candidate contrary to this
7 provision shall thereby be deemed to have resigned.

8 **Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE**
9 **DIRECTOR.** The director of the legislative oversight
10 bureau shall:

11 1. Employ and supervise all employees of the
12 legislative oversight bureau at such salaries and
13 in such positions and professional disciplines as
14 are within the limits of its appropriation.

15 2. Supervise and assist the staff of the
16 administrative rules review committee.

17 3. Establish policies and procedures for the
18 conduct of performance audits and program evaluations.

19 4. Conduct performance audits and program
20 evaluations of agencies and programs of the state
21 government, area education agencies established in
22 chapter two hundred seventy-three (273) of the Code,
23 and area vocational schools and community colleges
24 defined in chapter two hundred eighty A (280A) of
25 the Code upon the request of a standing committee
26 or budget subcommittee of the general assembly.

27 5. Determine the priority of performance audit
28 and program evaluation requests and allocate the
29 workload of the legislative oversight bureau.

30 6. Make an annual report to the general assembly
31 of the performance audits and program evaluations
32 conducted and in progress and of the condition of
33 the legislative oversight bureau. The director shall
34 submit and obtain consent for the policies established
35 under subsections one (1), three (3) and five (5)
36 of this paragraph from the administrative rules review
37 committee.

38 The director of the legislative oversight bureau
39 may:

40 1. Employ such technical consultants as may be
41 necessary to conduct a performance audit or program
42 evaluation.

43 2. Conduct performance audits and program
44 evaluations upon the request of a member of the general
45 assembly if the request is cosigned by two other
46 members.

47 3. Conduct performance audit evaluations upon
48 request of the governor.

49 4. Conduct performance audits and program
50 evaluations upon the director's initiative.

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1 The director shall not conduct an examination of
2 the programming of a broadcasting facility under the
3 control of the state board of regents, the board of
4 directors of a merged area, or the state educational
5 radio and television facility board.

6 The director shall not conduct an examination of
7 the programs or departments of institutions under
8 the state board of regents which would be contrary
9 to academic freedom. The director shall not conduct
10 an examination of an activity under the state board
11 of regents which is substantially academic in nature.
12 For the purposes of this paragraph, "academic" includes
13 teaching, research, educational or scholarly
14 activities.

15 **Sec. 5. NEW SECTION. ACCESS TO RECORDS.** The
16 director and the agents and employees of the
17 legislative oversight bureau shall at all times have
18 access to all offices, departments, agencies, boards,
19 bureaus, and commissions of the state, its political
20 subdivisions and private organizations providing
21 services to individuals under a contract with a state
22 agency, and to the books, records, and other
23 instrumentalities and properties used in the
24 performance of their statutory duties or contractual

25 arrangements. All offices, departments, agencies,
 26 boards, bureaus, and commissions of the state, its
 27 political subdivisions and such private organizations
 28 shall cooperate with the director in the performance
 29 of the foregoing duty, and shall make available such
 30 books, records, instrumentalities, and property.

31 The director shall have the power to issue subpoenas
 32 for production of any records, books, or papers to
 33 which the director is authorized to have access.

34 If any person subpoenaed refuses to produce the
 35 records, books, or papers, the director may apply
 36 to the district court having jurisdiction over that
 37 person for the enforcement of the subpoena.

38 If the information sought by the legislative
 39 oversight bureau is required by law to be kept
 40 confidential, the bureau shall have access to the
 41 information, but shall maintain the confidentiality
 42 of the information and shall be subject to the same
 43 penalties for dissemination of the information.
 44 However, the bureau shall not have access to personal
 45 information in academic records regarding a student,
 46 prospective student, or former student of the
 47 educational institution or agency maintaining the
 48 records, or to medical and hospital records of the
 49 condition, diagnosis, care or treatment of a patient
 50 or former patient, including outpatients. The director

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1 shall inform the administrative head of the agency
 2 or political subdivision as to the reason for the
 3 investigation of its confidential records.

4 The legislative oversight bureau shall only require
 5 information which an agency is presently collecting
 6 unless the director determines that additional
 7 information is necessary to the performance audit
 8 and is within the agency's authority to collect.

9 **Sec. 6. NEW SECTION, PERFORMANCE AUDITS AND PRO-**
 10 **GRAM EVALUATIONS.**

11 1. The director after consulting with the
 12 responsible official and the requesting party, if
 13 any, shall determine the goals of the agency or program
 14 for the purpose of the performance audit or program
 15 evaluation.

16 2. The legislative oversight bureau at the
 17 direction of the director shall independently examine
 18 state agencies and programs to determine the following:

19 a. The organizational framework of the agency,
 20 its adequacy and relationship to the overall structure
 21 of the state government.

- 22 b. Areas in which significant inconsistency,
23 duplication, or overlapping of activities or programs
24 occur either within the agency or with respect to
25 other agencies or programs.
- 26 c. Statewide or interagency coordinating or
27 administration practices and their impact upon specific
28 programs and agencies.
- 29 d. Whether the program under the agency's
30 jurisdiction could be more effective if consolidated
31 with another program, transferred to another agency,
32 modified or abolished.
- 33 e. The productivity of the agency's operations
34 measured in terms of cost-benefit relationships or
35 other accepted measures of effectiveness.
- 36 f. The agency's attainment of or progress toward
37 identifiable goals established by statute, specific
38 legislative intent, the budget, the governor, or a
39 long range plan.
- 40 g. Agency and statewide management systems and
41 housekeeping functions including accounting procedures,
42 personnel practices, planning activities, report
43 and recordkeeping applications, staff qualifications,
44 employment ratios, budget controls, purchasing
45 transactions, communications patterns, public
46 relations, and other related functions.
- 47 h. Agency or statewide administrative or program
48 delivery techniques which are innovative, novel,
49 experimental or unique in achieving greater efficiency,
50 reduced costs, improved use of resources or increased

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- 1 responsiveness to expressed or anticipated needs.
- 2 i. Agency or statewide state-federal relationships,
3 financial exchanges, program coordination, administra-
4 tion and other joint activities.
- 5 j. Agency and program relationships between the
6 state and its political subdivisions analyzing
7 significant areas of state and local government contact
8 and identifying mutual or opposing program directions
9 and areas of duplicatory or overlapping programs.
- 10 k. The agency's or program's adherence to statutory
11 requirements and diligence in executing functions
12 assigned by law or policies established by the
13 governor.
- 14 1. The agency's or program's responsiveness to
15 anticipated public attitudes, citizen needs, or state
16 problems.
- 17 m. The statewide, agency or program regulatory,

18 reporting or recordkeeping requirements and the burdens
19 imposed upon the general public, political
20 subdivisions, commercial enterprise or other entities
21 in the state.

22 n. Whether the financial operations of the agency
23 or program are properly conducted, its financial
24 reports are presented fairly, and whether the agency
25 or program has complied with the applicable laws.

26 o. Whether the agency or program is managing or
27 using its resources in an efficient and economical
28 manner and if not, to determine the causes.

29 p. Whether the objectives established by the
30 general assembly are being met, and whether
31 alternatives which might produce the desired results
32 at a lower cost have been considered.

33 q. Whether administrative or statutory changes
34 are needed to achieve the intent of the general
35 assembly.

36 r. Other criteria determined by the director.

37 3. The legislative service bureau, legislative
38 fiscal bureau, auditor of state, state comptroller,
39 and citizens' aide shall cooperate with the legislative
40 oversight bureau in providing information which they
41 may have concerning the agency or program to be
42 evaluated. Employees of the legislative fiscal bureau
43 may be interchanged with the legislative oversight
44 bureau pursuant to chapter twenty-eight D (28D) of
45 the Code.

46 Sec. 7. NEW SECTION. REPORTS. At the conclusion
47 of an audit or evaluation, the director of the
48 legislative oversight bureau shall provide copies
49 to the governor and to the official whose office is
50 the subject of the audit or evaluation. The official

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1 shall be given thirty days by the director to respond
2 to the findings and recommendations of the audit or
3 evaluation, and the response shall be included in
4 the report. A summary of the findings and
5 recommendations shall accompany each report. A report
6 of an audit or evaluation initiated by the director
7 shall be released upon its completion. A report of
8 a requested audit or evaluation shall be submitted
9 to the requesting party and released thirty days after
10 submission if the requesting party is a standing
11 committee or budget subcommittee or ten days if the
12 requesting party is a member of the general assembly

13 unless the requesting party directs an earlier re-
14 lease. The report shall be regarded as confidential
15 by all persons properly having custody of it until
16 the report is released as provided by this section.
17 Upon the release of a report, the director shall
18 provide copies to the presiding officer of each house
19 of the general assembly for referral to the appropriate
20 standing committee and budget subcommittee. At the
21 conclusion of an audit or evaluation, the director
22 shall report the total costs of conducting each audit
23 including the total costs to the agency or program
24 being audited as a part of the audit report.

25 Sec. 8. Section two point forty-two (2.42), Code
26 1977, is amended by adding the following new
27 subsection:

28 NEW SUBSECTION. To fix the compensation of the
29 director of the legislative oversight bureau.

30 Sec. 9. Section two point forty-six (2.46), Code
31 1977, is amended by striking subsection four (4).

32 Sec. 10. This Act is repealed January 1, 1987."

33 2. Amend the title, by striking lines 1 through
34 3 and inserting in lieu thereof the following: "An
35 Act creating a legislative oversight bureau and
36 specifying its powers and duties."

SENATE AMENDMENT TO
HOUSE FILE 573

H-4213

1 Amend House File 573 as passed by the House as
2 follows:

3 1. Page 1, line 23, by inserting after the
4 figure "1979," the words "However, any unspent
5 federal funds received by the energy policy council
6 as reimbursement for its general operating expenses
7 shall in no event revert to the general fund of the
8 state but shall instead revert to the research and
9 development fund of the energy policy council."

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 140

H-4214

1 Amend the House amendment S-3594 to Senate
2 File 140 as follows:

3. 1. Page 1, by striking lines 2 through 21.
4. 2. Page 2, by striking lines 27 through 44.
5. 3. Page 2, by striking line 48 through page 3,
6. line 8.

APPOINTMENT TO INTERSTATE CO-OPERATION COMMISSION

Pursuant to Section 28B.1, Code of Iowa, Speaker Cochran announced the following appointments to the Interstate Co-operation Commission: Representative Frank Crabb, Representative Gregory D. Cusack, Representative William B. Griffee, Representative Robert A. Krause and Representative Lyle Scheelhaase.

APPOINTMENT TO CAPITOL PLANNING COMMISSION

Pursuant to Section 18A.2, Code of Iowa, Speaker Cochran announced the appointment of Representative Glenn Brockett to the Capitol Planning Commission.

COMMUNICATION FROM THE SECRETARY OF STATE

May 16, 1977

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 331, was published in The Sioux City Journal, Sioux City, Iowa on April 23, 1977, and in the Telegraph Herald, Dubuque, Iowa on April 22, 1977.

I further certify that Senate File 52, was published in the Quad-City Times, Davenport, Iowa on April 27, 1977, and in the Fort Dodge Messenger, Fort Dodge, Iowa on April 26, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing

that on May 13, 1977, he approved and transmitted to the Secretary of State the following bills:

House File 101, an act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

House File 174, an act to provide public recognition for innovative methods of energy conservation.

House File 209, an act to make technical amendments to the statutes relating to school districts by permitting a single blanket bond for all employees including the secretary and treasurer of a school district.

House File 228, an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law.

House File 254, an act to require inclusion of achievements of women, minorities, and others in total school program and to require English—language arts.

House File 449, an act relating to the Legislative Council, the method of appointing members to the Legislative Council and Legislative Fiscal Committee, and grievances of employees subject to the policies of the Legislative Council.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

Mr. Speaker: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the date indicated:

Compositor	Carol S. Edwards	Step 2 to Step 3 effective 5/13/77
Compositor	Vivian M. Anders	Step 2 to Step 3 effective 5/27/77
Doorkeeper	A. Sam Vaughn	Step 1 to Step 2 effective 5/13/77
Research Analyst	Lynn M. Johnson	Step 2 to Step 3 effective 6/10/77
Research Analyst	Linda J. King	Step 3 to Step 4 effective 5/27/77
Caucus Staff Director	Joseph J. O'Hern	Step 4 to Step 5 effective 5/27/77

Assistant

Sergeant-at-Arms

John W. Russell

Step 3 to Step 4
effective 5/13/77

WELLS of Linn, chair

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, March 11, 1977. Had I been present I would have voted "nay" on the question "Shall the House recess for an hour?", on the question "Is the motion to recede dilatory?", on the question "Shall the House insist on its amendment to the Senate amendment?", and on the question "Shall the motion to insist be reconsidered and tabled?".

BINA of Scott

I was necessarily absent from the House chamber on Friday morning, May 13, 1977 and Monday morning, May 16, 1977. Had I been present, I would have voted "aye" on House Files 32, 406 and 594 and Senate File 333.

LONERGAN of Boone

Because of my work behind the House chamber with those members of the House and Senate interested in the merged agency on substance abuse, I missed an occasional vote on May 10, 1977. Had I been in the chamber when the votes were taken, I would have voted "nay" on the motion to suspend the rules to consider amendment H-4079 and on amendment H-4081.

CUSACK of Scott

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 269 Cities

Giving the city finance committee authority to decide what items can have taxes levied for the trust and agency fund.

PRESENTATION OF VISITORS

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

Forty ninth grade students from Oelwein High School, Oelwein, Iowa, accompanied by Bruce Willemsen and Les Aasheim. By Avenson of Fayette.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 12:00 noon, May 16, 1977

Convened: 12:01 p.m.

Adjourned: 12:10 p.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Newhard, Nielsen, Pavich, Perkins, Rinas, Schnekloth, Smalley, Spear, Stephens, Tofte and Wulff.

Absent: None.

Excused: Hargrave.

Study Bill 269, a bill for an act giving the city finance committee authority to decide what items can have taxes levied for the trust and agency fund.

Recommended DO PASS.

Aye: Bina, Hines, Clark of Lee, Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Newhard, Nielsen, Pavich, Perkins, Rinas, Schnekloth, Smalley, Spear, Tofte and Wulff.

Nay: None.

Absent or not voting: Hargrave and Stephens.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 8:00 a.m., May 13, 1977

Convened: 8:20 a.m.

Adjourned: 9:00 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Danker, Dieleman, Harbor, Lageschulte, Patchett, Walter and Woods.

Absent: Byerly and Smalley.

Discussion of LSB 1638.

AMENDMENTS FILED

H-4191	H.F. 485	Jochum of Dubuque
H-4192	H.F. 485	Smalley of Polk
H-4193	H.F. 593	Newhard of Jones
H-4194	H.F. 485	Bennett of Ida
H-4195	H.F. 593	Welden of Hardin
H-4196	S.F. 280	Nielsen of Polk
H-4197	H.F. 621	Connors of Polk
H-4198	H.F. 485	Bennett of Ida
H-4199	S.F. 259	Horn of Linn
		Baker of Buena Vista
H-4200	S.F. 337	Branstad of Winnebago
		Wyckoff of Benton
		Welden of Hardin
H-4201	S.F. 337	Wyckoff of Benton
		Brandstad of Winnebago
		Perkins of Greene
		Gilson of Guthrie
		Harbor of Mills
H-4203	H.F. 332	Connors of Polk
H-4204	H.F. 243	Higgins of Scott
H-4205	H.F. 485	Baker of Buena Vista

H-4206
H-4207
H-4208
H-4209
H-4212

H.F. 485
S.F. 238
S.F. 213
H.F. 410
H.F. 485

Koogler of Mahaska
Perkins of Greene
Millen of Van Buren
Hansen of O'Brien
Dieleman of Marion
Danker of Pottawattamie
Howell of Floyd
Welden of Hardin
Perkins of Greene
Conlon of Muscatine
Baker of Buena Vista
Harvey of Scott
Branstad of Winnebago

On the motion by Fitzgerald of Webster the House adjourned at 6:39 p.m. until 9:00 a.m., Tuesday, May 17, 1977.

JOURNAL OF THE HOUSE

One hundred twenty—eighth Calendar Day -- Eighty—eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 17, 1977

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

Prayer was offered by the Reverend Eugene Williams, pastor of the Antioch Baptist Church, Waterloo, Iowa.

The Journal of Monday, May 16, 1977 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee on request of Millen of Van Buren.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 16, 1977, adopted the conference committee report and passed Senate File 156, a bill for an Act providing for an appropriation to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

STEVEN C. CROSS, Secretary

ADOPTION OF HOUSE RESOLUTION 22

Garrison of Black Hawk asked and received unanimous consent for the immediate consideration of House Resolution 22 filed on May 16, 1977 and found on pages 2274 and 2275 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

(House Refuses to Concur)

Norland of Worth called up for consideration Senate File 140, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-4214 to the House amendment, as found on pages 2285 and 2286 of the House Journal.

The motion lost and the House refused to concur in the Senate amendment H-4214.

CONSIDERATION OF BILLS

Sifting Committee Noncontroversial
15-Minute Calendar

House File 433, a bill for an act relating to the termination of a life estate in agricultural land which has been leased, with report of committee recommending amendment and passage was taken up for consideration.

Nielsen of Polk offered the following amendment H-4180 filed by the sifting committee and moved its adoption:

H-4180

- 1 Amend House File 433 as follows:
- 2
- 3 1. Page 1, line 20, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".
- 5 2. Page 1, by striking lines 21 through 27 and
- 6 inserting in lieu thereof the following: "be entitled
- 7 to a rental amount equal to the prevailing fair market
- rental amount in the area. If the parties cannot

- 8 agree on a rental amount, either party may petition
 9 the district court for a declaratory judgment setting
 10 the rental amount. The costs of the action shall
 11 be divided equally between the parties."

Amendment H-4180 was adopted.

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

On the question "Shall the bill pass?" (H.F. 433)

The ayes were, 89:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 10:

Baker	Branstad	Chiodo	Clark, J.H.
Egenes	Hargrave	Newhard	Patchett
Pellett	Woods		

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

SENATE AMENDMENT CONSIDERED

Perkins of Greene called up for consideration House File 573, a bill for an act appropriating funds to Iowa state university of science and technology for coal research, amended by the Senate, and moved that the House concur in the Senate amendment H-4213, as found on page 2285 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-4213.

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

On the question "Shall the bill pass?" (H.F. 573)

The ayes were, 86:

Anderson	Avenson	Bennett	Binneboese
Brandt	Branstad	Brockett	Brunow
Byerly	Clark, B.J.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindee
Lipsky	Lonergan	Menke	Middleswart
Miller, O.L.	Monroe	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 4:

Bina	Higgins	Millen	Miller, K.D.
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Absent or not voting, 9:

Baker	Chiodo	Clark, J.H.	Connors
Egenes	Hargrave	Newhard	Nielsen
Svoboda			

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

HOUSE RECEDES

Gilloon of Dubuque called up for consideration Senate File 7, relating to contract and bidding procedures for the repair or construction of county buildings, in which the Senate refused to concur, and moved that the House recede from its amendment.

The motion prevailed and the House receded from its amendment.

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

On the question "Shall the bill pass?" (S.F. 7)

The ayes were, 85:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Byerly	Clark, B.J.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Higgins	Hines	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause

Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, I:

Davitt

Absent or not voting, 13:

Baker	Brunow	Chiodo	Clark, J.H.
Connors	Egenes	Harvey	Horn
Newhard	Nielsen	Norland	Schroeder
Svoboda			

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

HOUSE INSISTS

Jesse of Polk called up for consideration Senate File 361, a bill for an act relating to rules of appellate procedure in the courts, and moved that the House recede from its amendment.

A non-record roll call was requested.

The ayes were 19, nays 65.

The motion lost and the House insists on its amendment.

ADOPTION OF THE CONFERENCE COMMITTEE REPORT

(House File 74)

Brandt of Black Hawk called up for consideration the report of the conference committee on House File 74, a bill for an act to provide recreational program activities for residents of county care facilities, filed on May 12, 1977 and found on pages 2157 and 2158 of the House Journal.

Brandt of Black Hawk moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 74)

The ayes were, 91:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley

Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Stephens

Absent or not voting, 7:

Baker	Chiodo	Clark, J.H.	Nielsen
Norland	Schroeder	Welden	

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

ADOPTION OF CONFERENCE COMMITTEE REPORT

Perkins of Greene called up for consideration the report of the conference committee on Senate File 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 156

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 156 as amended, passed, and reprinted by the Senate, a bill for an Act appropriating funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, respectfully make the following report:

That the House amendment S-3266 to Senate File 156 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 5, 6, and 7.

ON THE PART OF THE SENATE:

LOWELL JUNKINS, chair
 JAMES REDMOND
 ROBERT CARR
 RICHARD RAMSEY
 FORREST SCHWENGELS

ON THE PART OF THE HOUSE:

CARROLL PERKINS, chair
 MARY O'HALLORAN
 THOMAS JOCHUM
 COOPER EVANS
 NANCY SHIMANEK

Perkins of Greene moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 55, nays 26.

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 156)

The ayes were, 72:

Anderson	Avenson	Bennett	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Fitzgerald	Gentleman	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	ShimaneK	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

The nays were, 14:

Bina	Binneboese	Cusack	Gilloon
Higgins	Hines	Jochum	Monroe
Pavich	Small	Smalley	Spear
Walter	Woods		

Absent or not voting, 13:

Baker	Brandt	Chiodo	Clark, J.H.
Davitt	Evans	Garrison	Miller, O.L.
Newhard	Nielsen	Norland	Schroeder
Spencer			

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

SENATE AMENDMENT CONSIDERED

(House Refuses to Concur)

Brandt of Black Hawk called up for consideration House File 246, a bill for an act creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties, and providing a penalty, amended by the Senate, and moved that the House concur in the Senate amendment H-4211, as found on pages 2279 through 2285 of the House Journal.

The motion lost and the House refused to concur in the Senate amendment H-4211.

BUSINESS PENDING

The House resumed consideration of House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation.

Dyrland of Clayton offered the following amendment H-3510 filed by him and moved its adoption:

H-3510

- 1 Amend House File 463 as follows;
- 2 1. Page 8, by striking lines 3 through 19.
- 3 2. Page 9, by striking lines 9 through 24.
- 4 3. By renumbering sections as necessary.

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H-3510 lost.

Horn of Linn offered amendment H-4161 filed by him and Koogler of Mahaska and requested division as follows:

H-4161

- 1 Amend House File 463 as follows:

H-4161A

- 2 1. Page 8, by striking lines 3 through 19.
- 3 2. Page 9, by striking lines 9 through 24.

H-4161B

- 4 3. Page 13, by inserting after line 10 the
- 5 following section:
- 6 "Sec. . Chapter four hundred forty-two (442),
- 7 Code 1977, is amended by adding the following new
- 8 section:
- 9 NEW SECTION. Except as limited in section seven
- 10 (7) of this Act, funds which are generated for special
- 11 education under the weighting plan established in
- 12 section two hundred eighty-one point nine (281.9)
- 13 of the Code which are not expended during the school
- 14 year for which they are generated, may be expended
- 15 for any special education purpose during any succeeding
- 16 school year."
- 17 4. By numbering and renumbering sections as
- 18 necessary.

Horn of Linn asked and received unanimous consent to withdraw amendment H-4161A.

Horn of Linn moved the adoption of amendment H-4161B.

A non-record roll call was requested.

The ayes were 18, nays 48.

Amendment H-4161B lost.

Patchett of Johnson offered the following amendment H-3713 filed by him and moved its adoption:

H-3713

- 1 Amend House File 463 as follows:
- 2 1. Page 8, line 8, by inserting after the word
- 3 "year" the words "beginning July 1, 1977 and each
- 4 budget year thereafter".
- 5 2. Page 8, line 9, by striking the word
- 6 "unencumbered".

Amendment H-3713 was adopted.

Horn of Linn offered the following amendment H-3982 filed by him and Koogler of Mahaska and moved its adoption:

H-3982

- 1 Amend House File 463 as follows:
- 2 1. Page 8, line 23, by striking the figure "1977"
- 3 and inserting in lieu thereof the figure "1978".
- 4 2. Page 8, line 33, by striking the figure "1975"
- 5 and inserting in lieu thereof the figure "1976".
- 6 3. Page 9, line 3, by striking the figure "1975"
- 7 and inserting in lieu thereof the figure "1976".
- 8 4. Page 10, line 30, by striking the figure "1977"
- 9 and inserting in lieu thereof the figure "1978".
- 10 5. Page 11, line 3, by striking the figure "1979"
- 11 and inserting in lieu thereof the figure "1980".
- 12 6. Page 11, line 11, by striking the figure "1977"
- 13 and inserting in lieu thereof the figure "1978".
- 14 7. Page 11, line 25, by striking the figure "1978"
- 15 and inserting in lieu thereof the figure "1979".
- 16 8. Page 12, line 3, by striking the figure "1979"
- 17 and inserting in lieu thereof the figure "1980".
- 18 9. Page 12, line 8, by striking the figure "1977"

- 19 and inserting in lieu thereof the figure "1978".
20 10. Page 12, line 11, by striking the figure
21 "1980" and inserting in lieu thereof the figure "1981".
22 11. Page 12, line 19, by striking the figure
23 "1977" and inserting in lieu thereof the figure "1978".
24 12. Page 12, line 26, by striking the figure
25 "1977" and inserting in lieu thereof the figure "1978".
26 13. Page 12, line 27, by striking the figure
27 "1980" and inserting in lieu thereof the figure "1981".
28 14. Page 13, line 9, by striking the figure "1977"
29 and inserting in lieu thereof the figure "1978".
30 15. Page 13, by inserting after line 22 the
31 following section:
32 "Sec. . Sections one (1), two (2), three (3),
33 four (4), five (5), six (6), eight (8), nine (9),
34 eleven (11), fourteen (14), and fifteen (15) of this
35 Act are effective July 1, 1978."

A non-record roll call was requested.

The ayes were 9, nays 53.

Amendment H-3982 lost.

Perkins of Green offered the following amendment H-4187
filed by Perkins, et al.:

H-4187

- 1 Amend House File 463 as follows:
2 1. Page 9, by inserting after line 24 the
3 following sections:
4 "Sec. . Section four hundred forty-two
5 point ten (442.10), Code 1977, is amended to read
6 as follows:
7 442.10 MAXIMUM LEVY. For the purpose of
8 determining the maximum tax levy for the general
9 fund in a school district, the state comptroller
10 shall determine the sum of the foundation property
11 tax levy and the additional property tax levy, in
12 dollars and cents per thousand dollars of assessed
13 value. When this total levy exceeds the district
14 general fund levy for the school year which began
15 July 1, 1970, he shall adjust the district general
16 fund levy to a rate equal to the levy for the school
17 year beginning July 1, 1970, except that an excess

18 tax levy authorized by the school budget review
19 committee, as provided in section 442.13, subsection
20 7, may be added to that rate. However, in making
21 this adjustment for the school years beginning
22 July 1, 1975, ~~and July 1, 1976, and the next three~~
23 succeeding school years the general fund levy for
24 each district for the school year which began July
25 1, 1970, shall be determined by including the levy
26 certified by the county school system or joint
27 county system in which the district was located,
28 for the school year which began July 1, 1970.

29 Sec. . . . Section four hundred forty-two
30 point eleven (442.11), Code 1977, is amended to
31 read as follows:

32 442.11 GUARANTEED STATE AID. For the school
33 year beginning July 1, 1972, and for the next ~~four~~
34 six succeeding school years, the state shall provide
35 specific funds, called guaranteed state aid, to any
36 school district in which the amount to be raised
37 by the maximum levy plus the state school founda-
38 tion aid, does not meet the district cost.

39 There is hereby appropriated from the general
40 fund of the state to the department of public
41 instruction moneys sufficient to pay the guaranteed
42 state aid provided in this section. The state
43 comptroller shall pay this aid in installments,
44 at the same time as the installments of state school
45 foundation aid are paid."

46 2. By numbering and renumbering sections as
47 necessary.

Husak of Tama rose on a point of order that amendment
H-4187 was not germane.

The Speaker ruled the point well taken and amendment
H-4187 not germane.

Perkins of Greene moved that the rules governing germaneness
be suspended for the consideration of amendment H-4187.

Roll call was requested by Perkins of Greene and Bennett of
Ida.

On the question "Shall the rules be suspended to consider
amendment H-4187?"

The ayes were, 38:

Bennett	Branstad	Byerly	Clark, B. J.
Conlon	Doyle	Evans	Fitzgerald
Gilson	Griffee	Hansen	Harvey
Hoffmann	Horn	Junker	Koogler
Krause	Lindeen	Menke	Middleswart
Millen	Miller, O. L.	Oxley	Patchett
Pellett	Pelton	Perkins	Rinas
Schnekloth	Smalley	Spencer	Stromer
Thompson	Tofte	Welden	Wells
West	Woods		

The nays were, 54:

Anderson	Avenson	Bina	Binneboese
Brandt	Brockett	Brunow	Chiodo
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Garrison
Gentleman	Gilloon	Halvorson	Harbor
Hargrave	Higgins	Hines	Hinkhouse
Howell	Hullinger	Husak	Jesse
Jochum	Krewson	Lageschulte	Lipsky
Loneragan	Miller, K. D.	Monroe	Newhard
O'Halloran	Pavich	Scheelhaase	Shimanek
Small	Spear	Stephens	Svoboda
Tauke	Varley	Walter	Wulff
Wyckoff	Mr. Speaker		

Absent or not voting, 7:

Baker	Clark, J. H.	Connors	Nielsen
Norland	Poncy	Schroeder	

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista on request of Byerly of Polk.

Dyrland of Clayton asked and received unanimous consent to withdraw amendment H-3511 filed by him on April 5, 1977.

Action on amendments H-3949 and H-3985 was deferred.

Dyrland of Clayton offered the following amendment H-3509 filed by him and moved its adoption:

H-3509

- 1 Amend House File 463 as follows:
- 2 1. Page 13, by inserting after line 22 the
- 3 following section:
- 4 "Sec. . Notwithstanding the provisions of
- 5 section two hundred eighty-one point nine (281.9),
- 6 subsection four (4), of the Code which grants the
- 7 school budget review committee the authority to alter
- 8 the special education weighting categories, for the
- 9 school year beginning July 1, 1977, the special
- 10 education weighting categories are the special
- 11 education weighting categories prescribed in section
- 12 two hundred eighty-one point nine (281.9), subsection
- 13 one (1), of the Code. "
- 14 2. By numbering and renumbering sections as
- 15 necessary.

Roll call was requested by Chiodo of Polk and Smalley of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-3509 be adopted?"

The ayes were, 39:

Anderson	Binneboese	Brandt	Brunow
Byerly	Chiodo	Clark, B. J.	Crawford
Daggett	Danker	Dunton	Dyrland
Garrison	Gentleman	Gilloon	Halvorson
Hines	Horn	Jochum	Junker
Koogler	Krewson	Lipsky	Lonergan
Miller, K. D.	Monroe	O'Halloran	Pellett
Pelton	Poncy	Shimanek	Smalley
Svoboda	Tauke	Thompson	Tofte
Woods	Wulff	Wyckoff	

The nays were, 52:

Avenson	Bennett	Bina	Branstad
Brockett	Conlon	Connors	Cusack
Davitt	Den Herder	Dieleman	Doyle

Egenes	Evans	Gilson	Griffee
Hansen	Harbor	Hargrave	Harvey
Higgins	Hinkhouse	Howell	Hullinger
Husak	Krause	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller, O. L.
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Scheelhaase	Schnekloth
Schroeder	Small	Spear	Spencer
Stephens	Stromer	Varley	Walter
Welden	Wells	West	Mr. Speaker

Absent or not voting, 8:

Baker	Clark, J. H.	Crabb	Fitzgerald
Hoffmann	Jesse	Perkins	Rinas

Amendment H-3509 lost.

Horn of Linn offered the following amendment H-3949 filed by him and moved its adoption:

H-3949

- 1 Amend House File 463 as follows:
- 2 1. Page 9, by inserting after line 8 the follow-
- 3 ing section:
- 4 "Sec. . Section four hundred forty-two point
- 5 eight (442.8), Code 1977, is amended by adding the
- 6 following new unlettered paragraph:
- 7 NEW UNLETTERED PARAGRAPH. For the school year
- 8 beginning July 1, 1977, the state cost per pupil shall
- 9 be increased by an amount equal to the sum of the
- 10 average cost per pupil for media and other services
- 11 provided through an area education agency under section
- 12 two hundred seventy-three point nine (273.9),
- 13 subsections four (4) and five (5), of the Code. The
- 14 state comptroller shall compute the average cost per
- 15 pupil of media and other services to be equal to the
- 16 quotient obtained by dividing the sum of the total
- 17 cost in the state for all media and other services
- 18 to be provided by all area education agencies for
- 19 the school year beginning July 1, 1977, by weighted
- 20 enrollment in the state."
- 21 2. By numbering and renumbering sections as
- 22 necessary.

Roll call was requested by Horn of Linn and Woods of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-3949 be adopted?"

The ayes were, 42:

Bennett	Branstad	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crawford
Daggett	Danker	Davitt	Dunton
Dyrland	Garrison	Hansen	Hinkhouse
Hoffmann	Horn	Husak	Junker
Koogler	Lageschulte	Lindeen	Lipsky
Menke	Miller, K.D.	Miller, O.L.	Nielsen
Oxley	Pellett	Pelton	Poncy
Schnekloth	Shimanek	Spencer	Stephens
Tauke	Thompson	Walter	Woods
Wulff	Wyckoff		

The nays were, 51:

Anderson	Avenson	Bina	Binneboese
Brandt	Brockett	Brunow	Crabb
Cusack	Den Herder	Dieleman	Doyle
Egenes	Evans	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Harbor
Hargrave	Harvey	Higgins	Hines
Howell	Jesse	Jochum	Krause
Krewson	Lonergan	Middleswart	Millen
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Scheelhaase	Schroeder
Small	Smalley	Spear	Stromer
Svoboda	Tofte	Varley	Welden
Wells	West	Mr. Speaker	

Absent or not voting, 6:

Baker	Clark, J.H.	Fitzgerald	Hullinger
Perkins	Rinas		

Amendment H-3949 lost.

Horn of Linn offered the following amendment H-3985 filed by him and moved its adoption:

H-3985

1 Amend House File 463 as follows:

2 1. Page 13, by inserting after line 10 the
3 following:

4 "Sec. Chapter four hundred forty-two (442),
5 Code 1977, is amended by adding the following new
6 section:

7 NEW SECTION. Notwithstanding the provisions of
8 chapters two hundred seventy-three (273), two hundred
9 eighty-one (281), and four hundred forty-two (442)
10 of the Code, each school district may elect to retain
11 all funds raised for special education support, media
12 and other services normally transferred to the area
13 education agency to fund media, support and other
14 services. A school district electing to retain such
15 funds shall submit to the department, prior to
16 certification of the school budget, upon forms provided
17 by the department, a notice of the election to retain
18 funds. The school district shall submit to the area
19 education agency for approval by the department of
20 public instruction, program plans of the type required
21 of the area education agencies for support, media
22 and other services. School districts electing to
23 retain funds shall maintain each service at a level
24 equivalent to that provided by the area education
25 agency otherwise responsible for the services. A
26 school district may terminate an election to retain
27 funds in subsequent years upon forms and in a manner
28 specified by the department of public instruction
29 pursuant to rules.

30 A school district retaining funds may contract
31 with the area education agency to provide support,
32 media or other services, and unless contracted with
33 the area education agency the area education agency
34 shall not provide services for such school district."

A non-record roll call was requested.

The ayes were 15, nays 58.

Amendment H-3985 lost.

Horn of Linn called up for consideration the motion to
reconsider amendment H-3981A filed by him and moved to

reconsider the vote by which amendment H-3981A was adopted by the House on May 16, 1977.

Roll call was requested by Koogler of Mahaska and Bina of Scott.

On the question "Shall amendment H-3981A be reconsidered?"

The ayes were, 52:

Anderson	Avenson	Bina	Brandt
Byerly	Chiodo	Clark, B.J.	Conlon
Cusack	Daggett	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hansen
Harbor	Hargrave	Higgins	Hines
Hoffmann	Horn	Howell	Hullinger
Jochum	Koogler	Krewson	Lageschulte
Menke	Millen	Patchett	Pelton
Poncy	Rinas	Scheelhaase	Shimanek
Small	Smalley	Spear	Stromer
Thompson	Tofte	Varley	Welden
Wells	Woods	Wulff	Mr. Speaker

The nays were, 34:

Bennett	Binneboese	Branstad	Crabb
Crawford	Danker	Davitt	Dieleman
Evans	Gentleman	Harvey	Hinkhouse
Husak	Jesse	Junker	Krause
Lindeen	Lipsky	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Oxley	Pavich
Pellett	Perkins	Schnekloth	Schroeder
Spencer	Stephens	Tauke	Walter
West	Wyckoff		

Absent or not voting, 13:

Baker	Brockett	Brunow	Clark, J.H.
Connors	Den Herder	Halvorson	Monroe
Newhard	Nielsen	Norland	O'Halloran
Svoboda			

The motion prevailed and the House reconsidered amendment H-3981A.

Horn of Linn moved the adoption of amendment H-3981A.

Roll call was requested by Gilson of Guthrie and Stromer of Hancock.

On the question "Shall amendment H-3981A be adopted?"

The ayes were, 43:

Bennett	Binneboese	Branstad	Conlon
Crabb	Crawford	Cusack	Davitt
Dieleman	Dunton	Evans	Gentleman
Halvorson	Harbor	Hargrave	Harvey
Higgins	Hoffmann	Hullinger	Husak
Jesse	Junker	Krause	Lageschulte
Lindeen	Millen	Miller, K.D.	Miller, O.L.
Monroe	Oxley	Pavich	Pelton
Perkins	Schnekloth	Schroeder	Smalley
Spencer	Stephens	Tauke	Walter
Wells	West	Wyckoff	

The nays were, 50:

Anderson	Avenson	Bina	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Connors	Daggett	Danker	Den Herder
Doyle	Dyrland	Egenes	Fitzgerald
Garrison	Gilloon	Gilson	Griffie
Hansen	Hines	Hinkhouse	Horn
Howell	Jochum	Koogler	Krewson
Lipsky	Lonergan	Menke	Middleswart
Newhard	O'Halloran	Patchett	Pellett
Poncy	Rinas	Scheelhaase	Shimanek
Small	Spear	Stromer	Svoboda
Thompson	Tofte	Varley	Welden
Woods	Mr. Speaker		

Absent or not voting, 6:

Baker	Brockett	Clark, J.H.	Nielsen
Norland	Wulff		

Amendment H-3981A lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffie of Chickasaw for the remainder of the day on request of Monroe of Des Moines.

(House File 463 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

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

INTRODUCTION OF BILLS

HOUSE FILE 624, by committee on cities, a bill for an act giving the city finance committee authority to decide what items can have taxes levied for the trust and agency fund.

Read first time and referred to SIFTING COMMITTEE.

HOUSE FILE 625, by Hullinger, a bill for an act relating to the creation and powers of the department of motor fuel tax administration and providing for a transfer of funds.

Read first time and referred to committee on STATE GOVERNMENT.

HOUSE FILE 626, by Avenson, a bill for an act relating to deer licensing.

Read first time and referred to committee on NATURAL RESOURCES.

HOUSE CONCURRENT RESOLUTION 42

By Committee on Cities

1 *Whereas*, 2.1 million Iowans live in 955 cities; and
 2 *Whereas*, cities are the only general purpose units of
 3 government in Iowa whose boundaries can be enlarged or
 4 reduced; and
 5 *Whereas*, nearly 900,000 of those Iowans live in the
 6 nine largest cities whose industrial and commercial
 7 establishments provide the employment base for surrounding
 8 areas but whose core areas are deteriorating because of
 9 the loss of residential property tax base; and
 10 *Whereas*, any statewide land use plan must take into
 11 account the need for recovery of that tax base and preser—
 12 vation of central business districts; *Now Therefore*,
 13 *Be It Resolved by the House of Representatives, the*
 14 *Senate Concurring*, That the legislative council is
 15 authorized to create a study committee as provided by law,
 16 composed of members of the Standing Cities Committees of
 17 both houses of the 67th General Assembly representing both
 18 political parties to conduct a study of the impact of
 19 alternative land use plans upon the development, renova—
 20 tion, and character of the state's cities and of the
 21 most desirable state role in determining land use prior—
 22 ities.

Referred to committee on natural resources.

HOUSE CONCURRENT RESOLUTION 43

By Committee on Cities

1 *Whereas*, there are 839 cities under 2,500 population
 2 in Iowa; and
 3 *Whereas*, the lifestyle unique to these cities has
 4 great appeal to many Iowa citizens; and
 5 *Whereas*, these cities face great challenges in main—
 6 taining their identify as communities because of new
 7 federal and state mandates regarding sewer and water
 8 systems, because of ever—more—complex problems in law
 9 enforcement, transportation, emergency medical services,
 10 and other local governmental functions, and because of
 11 the withdrawal of educational and even postal services
 12 from many of these cities; *Now Therefore*,

13 *Be It Resolved by the House of Representatives, the*
14 *Senate Concurring,* That the legislative council is
15 authorized to create a study committee as provided by
16 law, composed of members of the Standing Cities Committees
17 of both houses of the 67th General Assembly representing
18 both political parties to conduct a study of those communi-
19 ties and the actions necessary to maintain their viability
20 including their capacities to raise revenues locally,
21 the types of services which they should be expected to
22 provide, the role of current state assistance programs
23 such as the municipal assistance fund and the road use
24 tax fund, and the question of whether annual "subsistence"
25 grants may be necessary to enable them to survive.

Laid over under Rule 25.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 75

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 Senate and the House of Representatives on House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, respectfully make the following report:

1. That the Senate recede from its amendment H-3794 to House File 75 as amended, passed and reprinted by the House.
2. That House File 75, as amended, passed and reprinted by the House be amended as follows:
 1. Page 1, line 24, by inserting after the word "system." the words "Air exchange fans designed to provide ventilation shall not be considered a cooling system."
 2. Page 1, line 25, by striking the word "may" and inserting in lieu thereof the word "shall".
 3. Page 1, line 28, by inserting after the word "buildings" the words "including farm buildings for livestock use".
 4. Page 2, by striking lines 11 through 14 and inserting in lieu thereof the words "construction and to all other new construction in the state which will contain more than one hundred thousand cubic feet of enclosed space that is heated or cooled."
 5. Page 2, line 26, by striking the words and numerals "100,000 cubic feet" and inserting in lieu thereof the words "one hundred thousand cubic feet of enclosed space that is

heated or cooled”.

6. Page 2, by striking lines 34 and 35.

ON THE PART OF THE SENATE

JAMES V. GALLAGHER, chair
JOHN SCOTT
LOUIS P. CULVER
JAMES E. BRILES
RICHARD R. RAMSEY

ON THE PART OF THE HOUSE

ARLO HULLINGER, chair
ROLLIN K. HOWELL
HERBERT C. HINKHOUSE
ANDREW VARLEY
COOPER EVANS

BUSINESS PENDING

The House resumed consideration of House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation.

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

On the question “Shall the bill pass?” (H.F. 463)

The ayes were, 87:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Byerly	Clark, B.J.	Conlon	Connors
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklloth	Schroeder	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda

Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wulff	Wyckoff	Mr. Speaker	

The nays were, 4:

Brunow	Chiodo	Shimanek	Woods
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Absent or not voting, 8:

Baker	Clark, J.H.	Crabb	Griffiee
Higgins	Jesse	Rinas	Small

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

MOTION TO RECONSIDER TABLED

(House File 463)

Patchett of Johnson moved to reconsider the vote by which House File 463 passed the House.

Koogler of Mahaska moved that the motion to reconsider be tabled.

A non-record roll call was requested.

The ayes were 64, nays 11.

The motion to table prevailed.

MOTION TO RECONSIDER PREVAILED

(House File 100)

Doyle of Woodbury called up for consideration the motion to reconsider House File 100, filed on March 1, 1977, and moved to reconsider the vote by which House File 100, a bill for an act relating to the safeness and suitability of jails failed to pass the House on March 1, 1977.

A non-record roll call was requested.

The ayes were, 65, nays 9.

The motion prevailed and the House reconsidered House File 100.

On motion by Doyle of Woodbury, the House reconsidered the vote by which House File 100 was placed on its last reading.

Doyle of Woodbury asked and received unanimous consent to reconsider the vote by which amendment H-3048 (found on page 405 of the House Journal) was adopted by the House.

Doyle of Woodbury offered the following amendment H-3263, to the committee amendment H-3048, filed by him and moved its adoption:

H-3263

- 1 Amend the House amendment H-3048 to House File
- 2 100 as follows:
- 3 1. By adding after line 9 the following: "All
- 4 rules established pursuant to this Act shall be
- 5 promulgated only after consultation with the Iowa
- 6 state sheriffs' and deputies' association and the
- 7 Iowa county supervisors association. The advice of
- 8 the Iowa state sheriffs' and deputies' association
- 9 and the Iowa county supervisors association shall
- 10 be considered by the department of social services
- 11 before promulgation of rules pursuant to this Act."

Amendment H-3263 was adopted.

On motion by Doyle of Woodbury, amendment H-3048, as amended, was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H-3121 filed by him and West of Marshall on March 2, 1977.

Evans of Grundy offered the following amendment H-3315 filed by him and Doyle of Woodbury and moved its adoption:

H-3315

- 1 Amend House File 100 as follows:
- 2 1. Page 1, line 29, by striking the words "this
- 3 Act and of section 356.44" and inserting in lieu thereof
- 4 the words "section one (1) of this Act 356.44".
- 5 2. Page 1, line 35, by striking the words "this
- 6 Act and of section 356.44" and inserting in lieu thereof
- 7 the words "section one (1) of this Act 356.44".

Amendment H-3315 was adopted.

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

On the question "Shall the bill pass?" (H.F. 100)

The ayes were, 69:

Avenson	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Den Herder
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Harbor	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	O'Halloran	Patchett
Pavich	Pelton	Poncy	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Walter
Wells	West	Woods	Wulff
			Mr. Speaker

The nays were, 16:

Bennett	Daggett	Davitt	Halvorson
Hansen	Husak	Lindeen	Lonergan
Menke	Oxley	Pellett	Perkins
Schneklath	Tofte	Welden	Wyckoff

Absent or not voting, 14:

Anderson	Baker	Chiodo	Clark, J.H.
Dyrland	Griffee	Hargrave	Harvey
Jesse	Lipsky	Newhard	Norland
Rinas	Varley		

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

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 299, Senate File 112, Senate File 213 and House File 207.

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

The House resumed session, Speaker Cochran in the chair.

MOTION TO RECONSIDER PREVAILED (Senate Amendment Further Considered)

Perkins of Greene called up for consideration House File 573, a bill for an act appropriating funds to Iowa state university of science and technology for coal research, and moved to reconsider the vote by which House File 573 passed the House on May 17, 1977.

A non-record roll call was requested.

The ayes were 67, nays 4.

The motion prevailed.

On motion by Perkins of Greene, the House reconsidered the vote by which House File 573 was placed on its last reading.

Perkins of Greene moved to reconsider the vote by which the House concurred in the Senate amendment H-4213, which motion prevailed.

Perkins of Greene offered the following amendment H-4232, to the Senate amendment H-4213, filed by him from the floor and moved its adoption:

H-4232

- 1 Amend the Senate amendment H-4213 to House
- 2 File 573 as follows:
- 3 1. Page 1, by striking lines 3 through 9 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by striking line 24 and inserting
- 6 in lieu thereof the following:
- 7 Sec. 4. Federal funds received during fiscal
- 8 year 1976-1977 by the energy policy council as
- 9 reimbursement for general operating expenses
- 10 incurred during the fiscal year 1975-1976 are
- 11 appropriated to the energy policy council for the
- 12 purpose of funding energy research and development
- 13 projects. Such funds unencumbered on June 30, 1978
- 14 shall revert to the general fund on September 30,
- 15 1978.
- 16 Sec. 5. Funds appropriated by section one (1)
- 17 of this Act shall be used".
- 18 2. Title page, line 2, by adding after the
- 19 word "research" the words "and to the energy policy
- 20 council for energy research and development."

Amendment H-4232 was adopted.

Perkins of Greene moved that the House concur in the Senate amendment H-4213, as amended.

The motion prevailed and the House concurred in the Senate amendment H-4213, as amended.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 573)

The ayes were, 88:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B. J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were: 3

Higgins	Junker	Monroe
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Absent or not voting, 8:

Baker	Clark, J. H.	Griffee	Hansen
Lipsky	Small	Stromer	West

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

MOTION TO RECONSIDER PREVAILED (House File 595)

Connors of Polk called up for consideration the motion to reconsider House File 595, filed on May 10, 1977, and moved to reconsider the vote by which House File 595, a bill for an act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of

two point seven percent for required unemployment compensation contributions, and to assure federal funding of the administration of the Iowa unemployment compensation program, passed the House on May 10, 1977.

Roll call was requested by Conlon of Muscatine and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall the vote be reconsidered?" (H.F. 595)

The ayes were, 53:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Gilson	Hargrave	Higgins
Hines	Hinkhouse	Horn	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Lonergan	Middleswart	Miller, O. L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
			Mr. Speaker

The nays were, 38:

Bennett	Branstad	Brockett	Clark, B. J.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Egenes	Evans
Gentleman	Halvorson	Harbor	Harvey
Hoffmann	Husak	Krewson	Lageschulte
Lindeen	Menke	Millen	Miller, K.D.
Pellett	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff		

Absent or not voting, 8:

Baker	Chiodo	Clark, J. H.	Griffee
Hansen	Junker	Lipsky	Stromer

The motion prevailed and the House reconsidered House File 595.

On motion by Connors of Polk, the House reconsidered the vote by which House File 595 was placed on its last reading.

Gilson of Guthrie moved to reconsider the vote by which amendment H-4092, as amended, was adopted by the House.

Branstad of Winnebago asked for unanimous consent that action on amendment H-4092 be deferred.

Objection was raised.

Branstad of Winnebago moved that action on amendment H-4092 be deferred.

Roll call was requested by Halvorson of Clayton and Crabb of Crawford.

On the question "Shall action on amendment H-4092 be deferred?"

The ayes were, 38:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Egenes	Evans
Gentleman	Harbor	Harvey	Hoffmann
Husak	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wulff		

The nays were, 51:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Hargrave

Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, O.L.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Spear
Spencer	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 10:

Baker	Clark, J.H.	Griffee	Halvorson
Hansen	Junker	Miller, K.D.	Norland
Patchett	Small		

The motion lost.

Fitzgerald of Webster moved the previous question on House File 595 and all amendments and motions filed thereto.

A non-record roll call was requested.

The ayes were 55, nays 36.

The motion prevailed.

On the Gilson motion to reconsider amendment H-4092, a non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 52, nays 44.

The motion prevailed and the House reconsidered amendment H-4092.

Speaker pro tempore Nielsen of Polk in the chair at 6:00 p.m.

Daggett of Adams moved that the rules be suspended for the consideration of the following amendment H-4239, to amendment H-4092, filed by Smalley of Polk from the floor:

H-4239

- 1 Amend amendment H-4092 to House File 595 as
 2 follows:
 3 1. Page 1, by adding after line 32, the follow-
 4 ing:
 5 "The failure of a claimant to obtain three
 6 employer's signatures shall not raise an irrebuttable
 7 presumption of failure to seek employment."

Roll call was requested by Tauke of Dubuque and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-4239, to amendment H-4092?"

The ayes were, 39:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schnekloth
Schroeder	Shimaneck	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	Wulff	

The nays were, 52:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Koogler	Krause	Lonergan	Middleswart
Miller, O.L.	Monroe	Newhard	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker (Nielsen)

Absent or not voting, 8:

Baker	Clark, J.H.	Griffiee	Husak
Jochum	Miller, K.D.	Norland	West

The motion lost.

Halvorson of Clayton moved the adoption of amendment H-4092, as amended.

Roll call was requested by Conlon of Muscatine and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall amendment H-4092, as amended, be adopted?"

The ayes were, 43:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hines	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Miller	Miller, K.D.	Pellett
Pelton	Perkins	Schneklath	Schroeder
Shimanek	Smalley	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Wulff	Wyckoff	

The nays were, 49:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Hargrave	Higgins	Hinkhouse	Horn
Howell	Hullinger	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Pavich	Poney
Rinas	Scheelhaase	Small	Spear

Spencer	Walter	Wells	Woods Mr. Speaker (Nielsen)
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Absent or not voting, 7:

Baker Patchett	Clark, J.H. Stromer	Den Herder West	Griffiee
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Amendment H-4092, as amended, lost.

Brunow of Appanoose moved to reconsider the vote by which amendment H-4082, as amended, was adopted by the House on May 10, 1977.

Roll call was requested by Daggett of Adams and Hansen of O'Brien.

Rule 70 was invoked.

On the question "Shall amendment H-4082 be reconsidered?"

The ayes were, 50:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Jochum
Koogler	Krause	Middleswart	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Mr. Speaker (Nielsen)		

The nays were, 41:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Husak	Junker	Krewson

Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, K.D.	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Varley	Welden	Wulff
Wyckoff			

Absent or not voting, 8:

Baker	Clark, J.H.	Den Herder	Griffee
Jesse	Patchett	Tofte	West

The motion prevailed and amendment H-4082 was reconsidered.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Den Herder of Sioux on request of Crabb of Crawford; West of Marshall on request of Millen of Van Buren; both for the remainder of the day.

Miller of Buchanan offered the following amendment H-4236, to amendment H-4082, filed by him from the floor and moved its adoption:

H-4236

- 1 Amend amendment H-4082, to page 3 of House
- 2 File 595, as follows:
- 3 1. Page 1, by striking line 17 and inserting in
- 4 lieu thereof the following: "purposes of this sub-
- 5 section. However, after the twelfth week during
- 6 which the individual has received unemployment com-
- 7 pensation work shall be determined"

Roll call was requested by Egenes of Story and Evans of Grundy.

On the question "Shall amendment H-4236, to amendment H-4082, be adopted?"

The ayes were, 49:

Bennett	Brandt	Brandstad	Clark, B.J.
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Crabb	Crawford	Daggett	Danker
Davitt	Egenes	Evans	Gilson
Halvorson	Hansen	Harbor	Higgins
Hines	Hoffmann	Husak	Junker
Krause	Lageschulte	Lindeen	Lipsky
Menke	Miller, K.D.	Miller, O.L.	Oxley
Pellett	Pelton	Perkins	Rinas
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wulff
Wyckoff			

The nays were, 41:

Anderson	Avenson	Bina	Binneboese
Brunow	Byerly	Cochran	Conlon
Connors	Cusack	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gilloon	Hargrave	Harvey
Hinkhouse	Horn	Howell	Hullinger
Jochum	Koogler	Krewson	Lonergan
Middleswart	Millen	Monroe	Newhard
Norland	O'Halloran	Pavich	Poncy
Scheelhaase	Welden	Wells	Woods
			Mr. Speaker (Nielsen)

Absent or not voting, 9:

Baker	Brockett	Chiodo	Clark, J.H.
Den Herder	Griffee	Jesse	Patchett
West			

Amendment H-4236 was adopted.

Miller of Buchanan moved the adoption of amendment H-4082, as amended.

Roll call was requested by Harbor of Mills and Varley of Adair.

Rule 70 was invoked.

On the question "Shall amendment H-4082, as amended, be adopted?"

The ayes were, 43:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Davitt	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hines	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Miller, K.D.	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	Wulff	Wyckoff	

The nays were, 49:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Cusack	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Hargrave
Higgins	Hinkhouse	Horn	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Loneragan	Middleswart	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Svoboda	Walter	Wells	Woods
			Mr. Speaker (Nielsen)

Absent or not voting, 7:

Baker	Brockett	Clark, J.H.	Den Herder
Griffee	Patchett	West	

Amendment H-4082, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall for the remainder of the day on request of Evans of Grundy.

Harvey of Scott called up for consideration the motion to reconsider amendment H-4081 filed by him and moved to

reconsider the vote by which amendment H-4081 was adopted by the House on May 10, 1977.

A non-record roll call was requested.

The ayes were 53, nays 33.

The motion prevailed and the House reconsidered amendment H-4081.

Stromer of Hancock asked for unanimous consent to withdraw amendment H-4081.

Objection was raised.

Stromer of Hancock moved the adoption of amendment H-4081.

Roll call was requested by Stromer of Hancock and Harvey of Scott.

On the question "Shall amendment H-4081 be adopted?"

The ayes were, 38:

Bennett	Branstad	Chiodo	Clark, B.J.
Conlon	Crabb	Davitt	Gentleman
Gilson	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Krewson
Lageschulte	Lindeen	Menke	Millen
Miller, K.D.	Pellett	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Smalley	Stephens	Stromer	Tauke
Tofte	Varley	Welden	Woods
Wulff	Wyckoff		

The nays were, 52:

Avenson	Bina	Binneboese	Brandt
Brunow	Byerly	Cochran	Connors
Crawford	Cusack	Daggett	Danker
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gilloon	Hargrave	Higgins	Hines

Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Lipsky	Lonergan	Middleswart
Miller, O.L.	Monroe	Newhard	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Small	Spear	Spencer
Thompson	Walter	Wells	Mr. Speaker (Nielsen)

Absent or not voting, 9:

Anderson	Baker	Brockett	Clark, J.H.
Den Herder	Griffee	Norland	Svoboda
West			

Amendment H-4081 lost.

Perkins of Greene offered the following amendment H-4233 filed by him and Connors of Polk from the floor and moved its adoption:

H-4233

- 1 Amend House File 595 as follows:
- 2 1. Page 18, by inserting after line 27:
- 3 "Sec. . It is the declared intent of the
- 4 general assembly of the state of Iowa that the de-
- 5 partment of job service shall employ employees as
- 6 full-time claims specialists in the fraud and over-
- 7 payment unit of the job insurance division of the
- 8 department of job service to the extent that fed-
- 9 eral funds are available to the department of job
- 10 service for the employment of such full-time per-
- 11 sonnel."
- 12 2. Renumber the sections as necessary.

Amendment H-4233 was adopted.

By unanimous consent the following amendment H-4246, filed by Connors of Polk from the floor, was adopted:

H-4246

- 1 Amend House File 595 as follows:
- 2 1. Title page, line 5, by inserting after

- 3 the word "contributions" the words "to the
4 compilation of certain data".

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

On the question "Shall the bill pass?" (H.F. 595)

The ayes were, 61:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Clark, B.J.	Cochran	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Lipsky
Lonergan	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Tauke
Thompson	Walter	Wells	Woods
			Mr. Speaker (Nielsen)

The nays were, 32:

Bennett	Branstad	Conlon	Crabb
Daggett	Danker	Evans	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Menke	Millen	Pellett
Peltor	Schneklath	Schroeder	Shimaneck
Smalley	Stephens	Stromer	Tofte
Varley	Welden	Wulff	Wyckoff

Absent or not voting, 6:

Baker	Brockett	Clark, J.H.	Den Herder
Griffie	West		

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

IMMEDIATE MESSAGE
(House File 595)

Connors of Polk asked and received unanimous consent that House File 595 be immediately messaged to the Senate.

SIFTING COMMITTEE REGULAR CALENDAR

Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits, with report of committee recommending passage was taken up for consideration.

RULE 20 SUSPENDED

Horn of Linn asked and received unanimous consent that Rule 20 be suspended and Dave Beard, Department of Job Service, be permitted in the House chamber during consideration of Senate File 337.

Fitzgerald of Webster moved the previous question on Senate File 337, with respect to the filing of amendments only.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 52, nays 36.

The motion prevailed.

Thompson of Polk offered the following amendment H-4172 filed by Thompson, et al.:

H-4172

- 1 Amend Senate File 337 as amended, passed and re-
- 2 printed by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the follow-
- 4 ing:
- 5 "Section 1. Section ninety-six point four (96.4),
- 6 Code 1977, is amended by adding the following new

- 7 subsection:
8 NEW SUBSECTION. Prior to any week in any benefit
9 year for which the individual claims benefits, the
10 individual is unemployed for a waiting period of one
11 week. The one-week waiting period shall be waived
12 and become compensable after unemployment during which
13 benefits are payable for five consecutive weeks.
14 A week shall not be counted as a week of unemployment
15 for the purposes of this subsection:
16 a. If benefits have been paid with respect there-
17 to;
18 b. Unless the individual was eligible for bene-
19 fits with respect thereto in all respects except for
20 the requirements of subsection two (2) of this sec-
21 tion;
22 c. Unless it occurs after benefits first could
23 become payable to any individual under this chapter."
24 2. Amend the title, line 2, by inserting after
25 the word "benefits" the words "which includes changes
26 for unemployment compensation eligibility".
27 3. Renumber the sections and correct internal
28 references as necessary in conformance with this
29 amendment.

Horn of Linn rose on a point of order that amendment H-4172 was not germane.

The Speaker ruled the point well taken and amendment H-4172 not germane.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H-4172.

A non-record roll call was requested.

The ayes were 29, nays 36.

The motion lost.

Wyckoff of Benton offered the following amendment H-4201 filed by Wyckoff, et al.:

H-4201

1 Amend Senate File 337, 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 ninety-six point four (96.4),
6 Code 1977, is amended by adding the following new
7 subsection:

8 **NEW SUBSECTION.** For the purposes of this section
9 when determining whether an individual has been paid
10 wages for insured work in amounts sufficient to qualify
11 or requalify for unemployment compensation benefits
12 with a minimum amount of wages in the base period
13 to be considered attached to the work force, there
14 shall not be considered amounts paid as vacation pay,
15 vacation pay allowance or pay in lieu of vacation
16 paid during the base period."

17 2. Amend the title, line 2, by inserting after
18 the word "benefits" the words "which includes changes
19 to the definition of insured work".

20 3. Renumber the section and correct internal
21 references as necessary in conformance with this
22 amendment.

Horn of Linn rose on a point of order that amendment H-4201 was not germane.

The Speaker ruled the point well taken and amendment H-4201 not germane.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H-4201.

Roll call was requested by Branstad of Winnebago and Halvorson of Clayton.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4201?"

The ayes were, 41:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Dunton
Egenes	Evans	Gentleman	Gilson
Halvorson	Hansen	Harbor	Harvey

Hinkhouse	Hoffmann	Husak	Junker
Krewson	Lageschulte	Menke	Millen
Miller, O.L.	Pellett	Pelton	Perkins
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	Wulff
Wyckoff			

The nays were, 44:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Chiodo	Connors
Danker	Davitt	Dieleman	Doyle
Dyrland	Fitzgerald	Garrison	Gilloon
Hargrave	Higgins	Hines	Horn
Howell	Hullinger	Jochum	Koogler
Krause	Lipsky	Lonergan	Middleswart
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Spear	Spencer
Svoboda	Walter	Wells	Mr. Speaker (Nielsen)

Absent or not voting, 14:

Baker	Brockett	Byerly	Clark, J.H.
Cochran	Cusack	Den Herder	Griffie
Jesse	Lindeen	Miller, K.D.	Small
West	Woods		

The motion lost.

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

The House resumed session, Speaker Cochran in the chair.

Smalley of Polk offered the following amendment H-4216 filed by him from the floor:

H-4216

- 1 Amend Senate File 337, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following section:
- 5 "Section 1. Section ninety-six point three (96.3),

6 subsection five (5), Code 1977, is amended to read as
7 follows:

8 5. Duration of benefits. The maximum total amount
9 of benefits payable to any eligible individual during
10 any benefit year shall not exceed the total of the wage
11 credits accrued to his or her account during his or her
12 base period, or twenty-six times his or her weekly bene-
13 fit amount, whichever is the lesser. The director shall
14 maintain a separate account for each individual who earns
15 wages in insured work. The director shall compute wage
16 credits for each individual by crediting his or her
17 account with ~~one-half~~ one-third of the wages for insured
18 work paid him or her during his or her base period.
19 Benefits paid to an eligible individual shall be charged
20 against the base period wage credits in his or her
21 account which have not been previously charged hereunder,
22 in the inverse chronological order as the wages on which
23 such wage credits are based were paid. However if the
24 state and national "off indicators" are in effect the
25 maximum benefits payable shall be extended to thirty-nine
26 times his or her weekly benefit amount, but not to exceed
27 the total of the wage credits accrued to his or her
28 account."

Horn of Linn rose on a point of order that amendment H-4216 was not germane.

The Speaker ruled the point well taken and amendment H-4216 not germane.

Smalley of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H-4216.

Roll call was requested by Hoffmann of Muscatine and Stromer of Hancock.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-4216?"

The ayes were, 36:

Bennett
Crabb

Branstad
Crawford

Clark, B.J.
Daggett

Conlon
Danker

Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Hoffmann	Junker
Krewson	Lageschulte	Lipsky	Menke
Millen	Pellett	Pelton	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	Wulff	Wyckoff

The nays were, 53:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
			Mr. Speaker

Absent or not voting, 10:

Baker	Brockett	Clark, J.H.	Den Herder
Griffee	Harvey	Higgins	Lindeen
Patchett	West		

The motion lost.

Stromer of Hancock offered the following amendment H-4220 filed by him and Welden of Hardin from the floor:

H-4220

- 1 Amend Senate File 337 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 ninety-six point three (96.3),
- 6 subsection four (4), unnumbered paragraph one (1),
- 7 Code 1977, is amended to read as follows:
- 8 With respect to benefit years beginning on or after
- 9 July 1, 1975, an eligible individual's weekly benefit
- 10 amount for a week of total unemployment shall be an

11 amount equal to one—twentieth of his or her total
12 wages in insured work paid during that quarter of
13 his or her base period in which such total wages were
14 highest, subject to the following limitation: The
15 director shall determine annually a maximum weekly
16 benefit amount ~~by computing sixty—six and two—thirds—~~
17 equal to the greater of one hundred sixteen dollars
18 per week or sixty percent of the statewide average
19 weekly wage paid to employees in insured work which
20 shall be effective the first day of the first full
21 week in July. Such maximum weekly benefit amount,
22 if not a multiple of one dollar shall be rounded to
23 the higher multiple of one dollar.

24 Sec. 2. Section ninety—six point three (96.3),
25 Code 1977, is amended by adding the following new
26 subsection:

27 NEW SUBSECTION. Notwithstanding any other provi—
28 sion of this chapter the maximum benefit amount payable
29 to any individual for any one week shall not exceed
30 the following:

31 a. The maximum weekly benefit amount if the
32 individual is not married or is married and has a
33 working spouse and no children.

34 b. One hundred three percent of the maximum weekly
35 benefit amount if the individual has a working spouse
36 and one child.

37 c. One hundred six percent of the maximum weekly
38 benefit amount if the individual has a working spouse
39 and two children.

40 d. One hundred nine percent of the maximum weekly
41 benefit amount if the individual has a working spouse
42 and three or more children.

43 e. One hundred three percent of the maximum weekly
44 benefit amount if the individual has a nonworking
45 spouse and no children.

46 f. One hundred six percent of the maximum weekly
47 benefit amount if the individual has a nonworking
48 spouse and one child.

49 g. One hundred nine percent of the maximum weekly
50 benefit amount if the individual has a nonworking

Page 2

1 spouse and two children.

2 h. One hundred twelve percent of the maximum
3 weekly benefit amount if the individual has a
4 nonworking spouse and three or more children.

5 For the purposes of this subsection the term "child"
6 means a natural child, stepchild or adopted child

7 under eighteen years of age, and over eighteen if
8 physically or mentally incapacitated, of the individual
9 who is providing, and for at least ninety consecutive
10 days or for the duration of the parental relationship
11 if it has existed for less than ninety days immediately
12 preceding the beginning date of such individual's
13 benefit year has provided more than one-half of the
14 cost of supporting such child; provided, that no
15 person who has been determined to be a child of one
16 individual at the beginning date of such individual's
17 benefit year shall be deemed to be a child of any
18 other individual whose benefit year starts within
19 one year thereafter.

20 For the purposes of this subsection, the term
21 "nonworking spouse" means the lawful husband or wife
22 of an individual claiming benefits under this chapter,
23 for whom more than one-half the cost of support has
24 been supplied by such individual for at least ninety
25 consecutive days or for the duration of the marital
26 relationship if it has existed for less than ninety
27 days, immediately preceding the beginning of such
28 individual's current benefit year, and who has no
29 earnings in excess of fifty dollars per week, but
30 only if such husband or wife is currently ineligible
31 to receive benefits under this chapter.

32 For the purposes of this subsection the term
33 "working spouse" means the lawful husband or wife
34 of an individual claiming benefits under this chapter
35 who earns in excess of fifty dollars per week.

36 An individual who is legally obligated to provide
37 for the support of a child or of a nonworking spouse
38 for said period of ninety consecutive days, but was
39 prevented from doing so by illness or injury when
40 such reason is certified to the employer and the
41 department by a licensed and practicing physician,
42 shall be deemed to have provided more than one-half
43 of the cost of supporting such child or nonworking
44 spouse for such period.

45 The family class to which an individual is assigned
46 shall be determined as of the day with respect to
47 which the individual first files a valid claim for
48 benefits in any benefit year, and shall be fixed for
49 the duration of such benefit year. The individual's
50 statements with respect to family status, made in

Page 3

1 connection with the filing of such claim for benefits,
2 shall be accepted as establishing a prima-facie showing

- 3 thereof, subject, however, to the penalties for fraud
 4 or false representation provided in this chapter."
 5 2. Amend the title, line 2, by inserting after
 6 the word "benefits" the words "which includes changes
 7 to the maximum benefit amount".
 8 3. Renumber sections and correct internal
 9 references as necessary in conformance with this
 10 amendment.

Horn of Linn rose on a point of order that amendment H-4220 was not germane.

The Speaker ruled the point well taken and amendment H-4220 not germane.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H-4220.

Roll call was requested by Stromer of Hancock and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-4220?"

The ayes were, 36:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Hoffmann	Junker
Krewson	Lageschulte	Lipsky	Menke
Millen	Pellett	Pelton	Perkins
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	Wulff

The nays were, 53:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald

Garrison	Gilloon	Gilson	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
			Mr. Speaker

Absent or not voting, 10:

Baker	Brockett	Clark, J.H.	Den Herder
Griffee	Harvey	Higgins	Lindeen
Patchett	West		

The motion lost.

Branstad of Winnebago offered the following amendment H-4221 filed by Branstad, Miller of Buchanan, Egenes, Welden, Wyckoff and Halvorson from the floor:

H-4221

- 1 Amend Senate File 337, 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 ninety-six point four (96.4),
- 6 subsection four (4), Code 1977, is amended by striking
- 7 the subsection and inserting in lieu thereof the
- 8 following:
- 9 4. The individual has been paid wages for insured
- 10 work of at least twenty-five dollars per week for
- 11 a period of twenty-four weeks in the base period.
- 12 If a person has drawn benefits in any benefit year,
- 13 to be eligible for benefits for the subsequent benefit
- 14 year the person must, during that year or the
- 15 subsequent year, be paid wages for insured work of
- 16 at least twenty-five dollars per week for a period
- 17 of eight weeks in the base period."
- 18 2. Amend the title, line 2, by inserting after
- 19 the word "benefits" the words "which includes changes
- 20 to unemployment compensation eligibility provisions".
- 21 3. Renumber the sections and correct internal
- 22 references in conformance with this amendment.

Horn of Linn rose on a point of order that amendment H-4221 was not germane.

The Speaker ruled the point well taken and amendment H-4221 not germane.

Branstad of Winnebago moved that the rules governing germaneness be suspended for the consideration of amendment H-4221.

Roll call was requested by Hines of Story and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H-4221?"

The ayes were, 44:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Garrison	Gentleman
Halvorson	Hansen	Harbor	Hoffmann
Husak	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Oxley
Pellett	Pelton	Perkins	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	Wulff	Wyckoff

The nays were, 46:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Gilloon	Gilson	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Lonergan	Monroe	Newhard	Nielsen
Norland	O'Halloran	Pavich	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Mr. Speaker		

Absent or not voting, 9:

Baker
Griffie
West

Brockett
Harvey

Clark, J.H.
Higgins

Den Herder
Patchett

The motion lost.

(Senate File 337 pending at adjournment.)

MOTION TO RESCIND
(House File 463)

I move to rescind the vote by which House File 463 passed the House on May 17, 1977.

KOOGLER of Mahaska

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 17, 1977, adopted the conference committee report and passed:

House File 74, a bill for an act to provide recreational program activities for residents of county care facilities.

Also: That the Senate has on May 16, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 64, a bill for an act relating to flexible full-time career employment for state employees.

Also: That the Senate has on May 16, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 158, a bill for an act relating to the storage and transportation of flammable and combustible liquids.

Also: That the Senate has on May 16, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 338, a bill for an act relating to corporations organized under one chapter of the Code which may elect to become cooperative association under another chapter.

Also: That the Senate has on May 16, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 536, a bill for an act to change the title of the low-rent housing law chapter of the Code to the municipal housing law.

Also: That the Senate has on May 16, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 546, a bill for an act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation.

Also: That the Senate has on May 17, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 558, a bill for an act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members.

Also: That the Senate has on May 17, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 584, a bill for an act providing appropriations to the department of general services and the executive council for capital improvements.

Also: That the Senate has on May 17, 1977, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 11, authorizing a study of the Iowa public employees' retirement system and making an appropriation.

Also: That the Senate has, on May 17, 1977, adopted the conference committee report and passed:

Senate File 162, a bill for an act making an appropriation to the judicial department.

Also: That the Senate has on May 17, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 333, a bill for an act making certain clarifying and corrective revisions to chapter two hundred twenty-nine relating to hospitalization of the mentally ill.

Also: That the Senate has on May 17, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act relating to the barrel tax rebate contained in chapter one hundred twenty-three of the Code.

Also: That the Senate has on May 17, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 14, providing for the authorization of a joint committee of the legislature to study mental health services and making an appropriation.

Also: That the Senate has on May 17, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 18, relating to a study of the funding of the commission on aging, the drug abuse authority, the division of alcoholism and all related programs.

STEVEN C. CROSS, Secretary

SENATE CONCURRENT RESOLUTION 14
By Committee on Human Resources

- 1 *Whereas*, a joint interim subcommittee of the senate
2 and house committees on human resources has during the
3 1976 legislative interim considered the administrative
4 structure of agencies delivering mental health services
5 in Iowa; and
6 *Whereas*, the subcommittee in November, 1976 received
7 a staff report indicating that greater coordination
8 among agencies providing mental health services in Iowa
9 is desirable; and
10 *Whereas*, the subcommittee subsequently received from
11 the department of social services, the Iowa mental
12 health authority and the community mental health centers
13 association of Iowa a proposal that planning for con-
14 tinued development of an integrated mental health
15 delivery system can be conducted by a consortium
16 including but not limited to these three agencies and
17 the health facilities division of the department of
18 health; and
19 *Whereas*, such planning is desirable but should be
20 based on concurrent research and planning efforts
21 by knowledgeable persons directly responsible to the
22 General Assembly and not affiliated with any of the
23 potentially affected agencies in the state of Iowa; and

24 *Whereas*, that study should include a description
25 of the characteristics of the service system which
26 shall include a profile of current recipients of
27 mental health services in Iowa's mental health centers
28 and four state mental health institutes, an assessment
29 of current and potential demand for mental health
30 services, and a fiscal and administrative analysis of

Page 2

1 the mental health system; and
2 *Whereas*, the governor has appointed a task force
3 on mental health; *Now Therefore*,
4 *Be It Resolved by the Senate, the House Concurring*,
5 That a bipartisan joint select commit-
6 tee composed of three members of the House committee on
7 human resources, three members of the senate committee
8 on human resources, three members of the house social services
8A budget subcommittee, and three members of the senate social
8B services budget subcommittee, be appointed by the respective chair-
9 persons of those committees. The joint select committee
10 is authorized to expend the sum of seventy-five thousand
11 (75,000) dollars, or so much thereof as is necessary, from
12 funds appropriated pursuant to section two point twelve
13 (2.12) of the Code for the purpose of employing qualified
14 persons or a qualified business firm to conduct a study of
15 mental health. While the first session of the sixty-
16 seventh general assembly is in session the joint select
17 committee shall act as the policy-making body in regard
18 to the manner in which the study shall be conducted and
19 coordinate the efforts of the persons or firm selected
20 to carry out the study; and
21 *Be It Further Resolved*, That following the adjournment
22 of the first session of the sixty-seventh general assembly
23 the house and senate committees on human resources shall
24 succeed to and assume the responsibility of the joint
25 select committee in regard to the study of mental health
26 and may appoint a joint subcommittee for such purposes;
27 and
28 *Be It Further Resolved*, That the report of the persons
29 or firm employed to carry out the study shall be delivered
30 to the chairpersons of the senate and house committees on
31 human resources, the chairpersons of the senate and house
32 budget committees, and the members of the Legislative
33 Council, at a time to be agreed upon but not later than
34 March 1, 1978. The report shall include the findings and
35 recommendations for the future of mental health in Iowa; and

Page 3

1 *Be It Further Resolved*, That the governor's task
2 force shall be informed of and be given an opportunity
3 for appropriate participation in research and planning
4 relative to administration and delivery of mental
5 health services in Iowa, and specifically, that the
6 task force shall be invited to review and recommend
7 changes to the research design and work plan, to review
8 the results of the study of mental health in Iowa
9 authorized by this resolution, to comment on the recom-
10 mendations arising from such a study, and to present
11 to the governor and the legislature, within sixty days
12 after receipt of such findings and conclusions, their
13 recommendations, if any, for changes in Iowa's mental
14 health care delivery systems.

Laid over under Rule 25.

SENATE CONCURRENT RESOLUTION 18

By Nolting, Calhoon, Readinger, Craft,
and Miller of Cerro Gordo

1 *Whereas*, it is the intent of the state of Iowa and
2 this general assembly to provide competent care and
3 services to the elderly as well as to abusers of alcohol
4 and drugs; and
5 *Whereas*, it is further the intent of the general
6 assembly to do away with wasteful duplicate spending; and
7 *Whereas*, there are several sources of funding for
8 programs concerned with alcohol and drug abuse, as well
9 as for programs for the elderly; and
10 *Whereas*, the lack of complete information regarding the
11 funding of these programs hampers the state budgetary
12 process; *Now Therefore*,
13 *Be It Resolved by the Senate, the House Concurring*,
14 That a study of the funding of the commission on aging,
15 the drug abuse authority, the division of alcoholism
16 and of all of their related programs be undertaken during
17 the 1977 legislative interim by the human resources budget
18 subcommittees of the senate and house or by a joint
19 subcommittee of those subcommittees, and that a report
20 on the funding of these programs be submitted to the
21 members of the Sixty-seventh General Assembly on or
22 before the date the 1978 Session convenes.

Laid over under Rule 25.

SENATE AMENDMENT TO
HOUSE FILE 584

H-4241

1 Amend House File 584 as passed by the House as
2 follows:

3 1. Page 1, by inserting after line 29 the
4 following:

5 "3. THE EXECUTIVE COUNCIL--
6 Terrace Hill

7 a. For preparing Terrace Hill to be
8 open to the public for at least ten hours
9 per week plus prearranged tours commencing
10 July 1, 1978 by providing for driveway
11 and parking, new sidewalks to replace broken
12 slabs and damage in sewer work, public
13 toilets in the basement, the basement floor
14 and underfloor plumbing, stairway to the
15 basement, and reconstruction of the east
16 porch, such funds to be available
17 only if funds equal to or exceeding the
18 amount appropriated by this subsection
19 are contributed from sources other
20 than the state of Iowa and are in
21 fact in possession of the state by
22 January 1, 1978. \$125,000.

23 b. If funds which are equal to or
24 exceed the amount appropriated by para-
25 graph a of this subsection are not con-
26 tributed and not in the possession of
27 the state by January 1, 1978 the funds
28 appropriated by paragraph a shall revert
29 to the general fund of the state on
30 January 1, 1978 notwithstanding any other
31 provision of this section providing for
32 the reversion of funds."

33 2. Page 1, by inserting after line 29 the
34 following:

35 "It is the intent of the general assembly that
36 when funds are appropriated or allocated for furniture,
37 furniture components, and office dividers to be
38 utilized in the Hoover building, such furniture,
39 furniture components, and office dividers be purchased
40 from Iowa state industries."

41 3. Page 2, by inserting after line 6 the following:

42 "Sec. . . . House File three hundred sixty-
43 seven (367), section one (1), subsection sixteen

44 (16), as enacted by the Sixty—seventh General Assembly,
 45 1977 Session, is amended to read as follows
 46 16. TERRACE HILL
 47 For salaries, support, and
 48 miscellaneous purposes required
 49 to maintain Terrace Hill. ~~It is~~
 50 ~~a condition of this appropriation~~

Page 2

1 ~~that Terrace Hill be open to the~~
 2 ~~public for not less than twenty~~
 3 ~~hours per week beginning July 1,~~
 4 ~~1977~~\$83,677.”
 5 4. Renumber sections and subsections as required by
 6 this amendment.

SENATE AMENDMENT TO
 HOUSE AMENDMENT TO
 SENATE FILE 333

H-4240

1 Amend the House amendment S-3619 to Senate
 2 File 333 as follows:
 3 1. Page 3, by striking lines 1 through 46.
 4 2. Page 4, by striking line 3 through page 5,
 5 line 10.

PRESENTATION OF VISITORS

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

Twenty—two eighth grade students from Oskaloosa Christian School, Oskaloosa, Iowa, accompanied by Judy Arends, Del Westra and Del VanDenBerg. By Dieleman of Marion and Koogler of Mahaska.

Sixty eighth grade students from Central Caltholic Elementary School, Mason City, Iowa, accompanied by Sister Corine, Helen Kellogg, Paul Brown and Donovan Riensmoin. By Clark of Cerro Gordo and Norland of Worth.

Eighty-eight students from Meeker Elementary School, Ames, Iowa, accompanied by Ben and Mary Klaus, Jackie Pritchard and Evelin Jackson. By Crawford of Story and Hines of Story.

Twenty-two seniors from Cedar Falls High School, Cedar Falls, Iowa, accompanied by Ima Jean Tjepkes. By O'Halloran of Black Hawk.

REPORTS OF COMMITTEE MEETINGS

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., May 17, 1977

Convened: 7:45 a.m.

Adjourned: 9:15 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Lindeen and Miller of Calhoun.

Absent: Hargrave, Hines and Newhard.

Senate File 112 discussed and passed out to full budget committee. Legislative Oversight Committee—Phil Riley. Susan Nicholson spoke to committee.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 8:00 a.m., May 17, 1977

Convened: 8:30 a.m.

Adjourned: 9:00 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Absent: Brandt (arrived 8:55 a.m.), Clark of Lee and Hinkhouse.

Presentation by Jim Lightsey, Aeronautics Division of Department of Transportation.

COMMITTEE ON BUDGET

Scheduled: 1:00 p.m., May 17, 1977

Convened: 1:20 p.m.

Adjourned: 2:21 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Jesse, Koogler, O'Halloran, Stromer, Varley, Wells and Wulff.

Absent: Avenson (arrived 1:30 p.m.), Norland (arrived 1:30 p.m.) and Welden.

House File 207, a bill for an act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation.

Recommended AMEND AND DO PASS.

H-4234

- 1 Amend House File 207 as follows:
- 2 1. Page 1, by striking line 35.
- 3 2. Page 2, by striking lines 1 and 2 and inserting
- 4 in lieu thereof the words "meetings. The commission
- 5 shall submit a preliminary report of its progress
- 6 and findings to the general assembly not later than
- 7 February 15, 1978 and shall submit a final report
- 8 of its findings, projections and recommendations
- 9 to the general assembly not later than June 30, 1978."
- 10 3. Page 2, line 6, by striking the words and
- 11 figure "forty-five thousand (45,000)" and inserting
- 12 in lieu thereof the words and figure "thirty thousand
- 13 (30,000)".
- 14 4. Page 2, by inserting after line 11 the following
- 15 section:
- 16 "Sec. . This Act is repealed June 30, 1978."

Aye: Cusack, Dunton, Den Herder, Jesse, Norland, O'Halloran, Varley, Wells and Wulff.

Nay: Stromer.

Absent or Not Voting: Avenson, Koogler and Welden.

Senate File 112, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

Recommended AMEND AND DO PASS.

H-4230

1 Amend Senate File 112 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 8, by inserting after line 17 the
4 following:

5 "Sec. 13. Section nineteen A point three (19A.3),
6 subsection eight (8), Code 1977, is amended to read
7 as follows:

8 8. Patients or inmates employed in state
9 institutions or persons on parole employed in work
10 experience positions in state government for a period
11 of time not to exceed one year.

12 Sec. 14. In addition to funds appropriated for
13 the Riverview release center at Newton by House File
14 four hundred sixty-four (464), as approved by the
15 Sixty-seventh General Assembly, 1977 Session, there
16 is appropriated to the department of social services
17 for the Riverview release center at Newton, for the
18 fiscal year beginning July 1, 1977 and ending June
19 30, 1978, the sum of one hundred fifty thousand
20 (150,000) dollars, or so much thereof as is necessary.
21 Funds appropriated by this section shall be available
22 to the division of adult corrections for the purpose
23 of establishing work adjustment and training positions
24 for inmates housed at the Riverview release center
25 at Newton in order to prepare the inmates vocationally
26 for similar positions for a period not exceeding one
27 year in the department of transportation and other
28 state agencies.

29 The division of adult corrections shall evaluate
30 the program established by this section and report
31 to the house and senate committees on budget prior
32 to February 28, 1978 as to progress of the program
33 and recommendations in regard to it."

34 2. Title page, line 1, by inserting after the
35 word "Act" the words "relating to correction programs
36 by providing work adjustments and training positions

37 at the Riverview release center and”.

38 3. Renumber sections as required by this amendment.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: None.

Absent or Not Voting: Welden.

Senate File 213, a bill for an act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland and Wells.

Nay: Stromer, Varley and Wulff.

Absent or Not Voting: Den Herder, O'Halloran and Welden.

Senate File 299, a bill for an act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Jesse, Koogler, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: None.

Absent or Not Voting: Avenson, Norland and Welden.

Senate File 301, a bill for an act making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents.

Recommended AMEND AND DO PASS.

H-4231

- 1 Amend Senate File 301 as follows:
 2 1. Page 1, by striking lines 1 through 14.

Aye: Cusack, Dunton, Den Herder, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: None.

Absent or Not Voting: Avenson and Welden.

AMENDMENTS FILED

H-4215	S.F. 383	Jesse of Polk
H-4217	S.F. 259	Horn of Linn
H-4218	H.F. 593	Tauke of Dubuque Monroe of Des Moines
H-4219	S.F. 337	Harvey of Scott
H-4222	S.F. 337	Egenes of Story Wyckoff of Benton Branstad of Winnebago
H-4223	S.F. 337	Thompson of Polk Harvey of Scott
H-4224	S.F. 337	Gilloon of Dubuque Horn of Linn Egenes of Story Smalley of Polk Halvorson of Clayton Lageschulte of Bremer Pellett of Cass Tofte of Winneshiek Lindeen of Henry Hansen of O'Brien Thompson of Polk Daggett of Adams Schneklloth of Scott Evans of Grundy Harbor of Mills Lipsky of Linn
H-4225	S.F. 118	Horn of Linn

H-4226
H-4227
H-4229

H.F. 332
S.F. 337
S.F. 337

Lipsky of Linn
Welden of Hardin
Koogler of Mahaska
Perkins of Greene
Gilson of Guthrie
Avenson of Fayette
Scheelhaase of Woodbury
Gilloon of Dubuque
Howell of Floyd
Hullinger of Decatur
Walter of Pottawattamie
Dieleman of Marion
Davitt of Warren
Svoboda of Iowa
Chiodo of Polk
Poncy of Wapello
Anderson of Jasper
Brunow of Appanoose
Middleswart of Warren
Krause of Kossuth
Miller of Calhoun
Monroe of Des Moines
Lonergan of Boone
Newhard of Jones
Spear of Lee
Woods of Polk
Spencer of Clay
Garrison of Black Hawk
Dunton of Keokuk
Smalley of Polk
Halvorson of Clayton
Lageschulte of Bremer
Tofte of Winneshiek
Lindeen of Henry
Hansen of O'Brien
Thompson of Polk
Daggett of Adams
Schnekloth of Scott
Evans of Grundy
Varley of Adair

H-4235	S.F. 337	Harbor of Mills Hullinger of Decatur Gilloon of Dubuque Dieleman of Marion Nielsen of Polk Garrison of Black Hawk Middleswart of Warren Gilson of Guthrie Davitt of Warren Spear of Lee Avenson of Fayette Howell of Floyd Binneboese of Woodbury Miller of Calhoun Norland of Worth Smalley of Polk Halvorson of Clayton Lageschulte of Bremer Tofte of Winneshiek Lindeen of Henry Hansen of O'Brien Bennett of Ida Thompson of Polk Daggett of Adams Schnekloth of Scott Evans of Grundy Varley of Adair Harbor of Mills Lipsky of Linn
H-4237	S.F. 302	Brandt of Black Hawk
H-4238	S.F. 213	Spear of Lee
H-4242	S.F. 402	Pelton of Clinton
H-4243	S.F. 337	Varley of Adair
H-4244	S.F. 337	Halvorson of Clayton Smalley of Polk
H-4245	S.F. 312	Krause of Kossuth Scheelhaase of Woodbury

On motion by Fitzgerald of Webster the House adjourned at 10:00 p.m. until 9:30 a.m., Wednesday, May 18, 1977.

JOURNAL OF THE HOUSE

One hundred twenty—ninth Calendar Day -- Eighty—ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 18, 1977

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

Prayer was offered by the Honorable William H. Harbor, State Representative from Mills County.

The Journal of Tuesday, May 17, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. C. Torbert, Akron, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista on request of Byerly of Polk.

PETITION FILED

The following petition was received and placed on file:

By Walter of Pottawattamie from thirty—one constituents opposing a hotel—motel room tax.

PROOF OF PUBLICATION

Published copy of Senate File 408 and verified proof of publication of said bill in The Bonaparte Record—Republican, a newspaper published in Bonaparte, Iowa, on May 12, 1977, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

ADOPTION OF CONFERENCE COMMITTEE REPORT (House File 75)

Hullinger of Decatur called up for consideration the report of

the conference committee on **House File 75**, a bill for an act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, filed on May 17, 1977 and found on pages 2315 and 2316 of the House Journal.

Hullinger of Decatur moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 79, nays 2.

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 75)

The ayes were, 87:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Monroe	Nielsen	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke

Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 4:

Daggett	Lipsky	Miller, O.L.	Stephens
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Absent or not voting, 8:

Baker	Clark, J.H.	Griffee	Jesse
Newhard	Norland	Patchett	Rinas

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

BUSINESS PENDING

The House resumed consideration of Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits.

Egenes of Story offered the following amendment H-4222 filed by Egenes, et al.:

H-4222

1 Amend Senate File 337 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 ninety—six point four (96.4),
 6 subsection four (4), Code 1977, is amended to read
 7 as follows:
 8 4. He or she has been paid wages for insured work
 9 of not less than four hundred dollars in that calendar
 10 quarter in his or her base period in which his or
 11 her wages were the highest, and also he or she has
 12 been paid wages for insured work of not less than
 13 two hundred dollars in ~~a each of two~~ calendar ~~quarter~~
 14 ~~quarters~~ in his or her base period other than the
 15 calendar quarter in which his or her wages were the
 16 highest; and provided further if he or she has drawn
 17 benefits in any benefit year, he or she must during
 18 or subsequent to that year, be paid wages in insured
 19 work totaling two hundred dollars as a condition to

- 20 receive benefits in the next benefit year.”
 21 2. Amend the title, line 2, by inserting after
 22 the word “benefits” the words “which includes changes
 23 to unemployment compensation eligibility provisions”.
 24 3. Renumber the sections and correct internal
 25 references as necessary in conformance with this
 26 amendment.

Horn of Linn rose on a point of order that amendment H-4222 was not germane.

The Speaker ruled the point well taken and amendment H-4222 not germane.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H-4222.

Roll call was requested by Stromer of Hancock and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question “Shall the rules be suspended to consider amendment H-4222?”

The ayes were, 42:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Dieleman	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Hoffmann	Junker	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff	Wyckoff		

The nays were, 48:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Connors	Cusack	Davitt	Doyle
Dunton	Dyrland	Fitzgerald	Garrison

Gilloon	Gilson	Hargrave	Harvey
Higgins	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Loneragan	Middleswart	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Poncy
Scheelhaase	Small	Spear	Spencer
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 9:

Baker	Clark, J.H.	Griffie	Hines
Jesse	Miller, K.D.	Patchett	Perkins
Rinas			

The motion lost.

Thompson of Polk asked and received unanimous consent to withdraw amendment H-4223 filed by her and Harvey of Scott on May 17, 1977.

Welden of Hardin offered the following amendment H-4227 filed by him and moved its adoption:

H-4227

1 Amend Senate File 337 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following new section:
 4 "Sec. Section ninety-six point seven
 5 (96.7), subsection three (3), paragraph a, subpara-
 6 graph six (6), Code 1977, is amended to read as
 7 follows:
 8 (6) As soon as practicable after the close of
 9 each calendar ~~quarter~~ month, and in any event within
 10 ~~forty fifteen~~ days after the close of such ~~quarter~~
 11 month, the department shall notify each employer of
 12 the amount that has been charged to the employer's
 13 account for benefits paid during such ~~quarter~~ month
 14 and the total benefit charges for the calendar year.
 15 This statement to the employer shall show the name
 16 of each claimant to whom such benefit payments were
 17 made, the claimant's social security number, and
 18 the amount of benefits paid to such claimant for
 19 the period covered in the statement. Any employer
 20 who has not been notified as provided in section
 21 96.6, subsection 2, of the allowance of benefits to

22 such claimants may within thirty days after the re—
23 ceipt of such statement appeal to the director for
24 a hearing to determine the eligibility of the claim—
25 ant to receive such benefits. The director shall re—
26 fer the same to a hearing officer for hearing and
27 both the employer and the claimant shall receive
28 notice of the time and place of such hearing.”

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 44, nays 46.

Amendment H-4227 lost.

Halvorson of Clayton offered the following amendment
H-4244 filed by him and Smalley of Polk:

H-4244

1 Amend Senate File 337, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section ninety-six point five (96.5),
6 subsection three (3), unnumbered paragraph one (1),
7 Code 1977, is amended to read as follows:
8 If the department finds that he or she has
9 failed, without good cause, either to apply for
10 available, suitable work when so directed by the
11 employment office or the ~~commission or department~~,
12 The department in cooperation with the employment
13 office shall, if possible, furnish each claimant
14 with the names of three employers. The claimant,
15 to be eligible to receive benefits, shall apply
16 and obtain the signatures of the employers desig-
17 nated by the department on forms provided by the
18 department or the names of at least three employers
19 if either the department cannot furnish three
20 employers' names or if the employers named by the
21 department cannot be contacted. The director of
22 the department may waive the requirement to obtain
23 the names of at least three employers in a county
24 or other designated geographical area where un-
25 usual circumstances justify the waiver. A claim-

26 ant shall obtain the signatures of three employers
 27 with whom applications are made, and the failure
 28 of the claimant to obtain the signatures on claim
 29 forms provided by the department of at least three
 30 employers shall disqualify the applicant from
 31 further benefits until the signatures of three
 32 employers are obtained. If the department finds
 33 that a claimant fails to accept suitable work when
 34 offered him or her, or to return to his or her
 35 customary self-employment, if any. The failure
 36 of a claimant to obtain three employers' signatures
 37 shall not raise an irrebuttable presumption of
 38 failure to seek employment."

Horn of Linn rose on a point of order that amendment H-4244 was not germane.

The Speaker ruled the point well taken and amendment H-4244 not germane.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H-4244.

Roll call was requested by Crabb of Crawford and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4244?"

The ayes were, 43:

Bennett	Bina	Branstad	Brockett
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Egenes
Evans	Gentleman	Gilson	Halvorson
Hansen	Harbor	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Perkins	Schnekloth	Shimanek
Smalley	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	West	Wyckoff	

The nays were, 47:

Anderson	Avenson	Binneboese	Brandt
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilloon
Hargrave	Harvey	Higgins	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Lonerган
Middleswart	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Walter
Wells	Woods	Mr. Speaker	

Absent or not voting, 9:

Baker	Brunow	Clark, J.H.	Griffie
Hines	Miller, K.D.	Patchett	Schroeder
Wulff			

The motion lost.

Varley of Adair asked and received unanimous consent to withdraw amendment H-4243 filed by him on May 17, 1977.

Harvey of Scott asked and received unanimous consent to withdraw amendment H-4219 filed by him on May 17, 1977.

Koogler of Mahaska offered the following amendment H-4229 filed by Koogler, et al., and moved its adoption:

H-4229

1	Amend Senate File 337 as amended, passed and									
2	reprinted by the Senate as follows:									
3	1. Strike page 4, line 18, through page 5, line									
4	3, and insert in lieu thereof the following:									
5	"1	4.8%	.8	.6	0	0	0	0	0	0
6	2	9.5%	1.0	.7	.5	.3	0	0	0	0
7	3	14.3%	1.2	.8	.6	.5	.4	0	0	0
8	4	19.0%	1.4	1.0	.7	.6	.5	.3	0	0
9	5	23.8%	1.6	1.2	.8	.8	.6	.4	.2	0
10	6	28.6%	1.8	1.4	1.0	.9	.7	.5	.2	0
11	7	33.3%	2.0	1.6	1.2	1.0	.8	.6	.3	.2
12	8	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2
13	9	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3

14	10	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
15	11	52.4%	3.2	2.6	2.1	1.5	1.2	1.0	.7	.5	.2
16	12	57.1%	3.5	2.9	2.5	1.7	1.3	1.1	.8	.6	.2
17	13	61.9%	3.8	3.3	2.8	2.0	1.5	1.3	.9	.7	.3
18	14	66.6%	4.2	3.7	3.1	2.4	1.7	1.5	1.1	.9	.5
19	15	71.4%	4.6	4.1	3.5	2.9	1.9	1.7	1.3	1.0	.5
20	16	76.2%	5.0	4.5	3.9	3.4	2.3	1.9	1.7	1.0	.7
21	17	80.9%	5.5	5.0	4.4	4.0	3.0	2.5	2.0	1.5	.8
22	18	85.7%	6.0	5.5	5.0	4.5	3.7	3.1	2.5	2.0	1.0
23	19	90.4%	6.0	6.0	5.5	5.0	4.4	3.8	3.2	2.5	1.8
24	20	95.2%	6.0	6.0	6.0	5.5	5.0	4.5	4.0	3.0	2.5
25	21	100.0%	6.0	6.0	6.0	6.0	5.5	5.0	4.5	4.0	4.0"

Roll call was requested by Koogler of Mahaska and Husak of Tama.

On the question "Shall amendment H-4229 be adopted?"

The ayes were, 79:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Conlon
Connors	Crawford	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gilloon	Gilson
Halvorson	Hansen	Harbor	Hargrave
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Shimanek	Smalley	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
Wulff	Wyckoff	Mr. Speaker	

The nays were, 8:

Byerly	Crabb	Gentleman	Harvey
Millen	Schroeder	Small	Welden

Absent or not voting, 12:

Baker	Clark, J.H.	Cusack	Griffie
Krause	Nielsen	Norland	Patchett
Rinas	Stromer	West	Woods

Amendment H-4229 was adopted.

Brunow of Appanoose in the chair at 10:54 a.m..

Hullinger of Decatur offered the following amendment H-4235 filed by Hullinger, et al., and moved its adoption:

H-4235

1 Amend Senate File 337 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 5, line 26, by inserting after the figure
 4 "0.75." the words "Provided further that effective
 5 January 1, 1979, any employer assigned a contribution
 6 rate under the provisions of the paragraph shall not
 7 be required to contribute to the unemployment
 8 compensation trust fund if the employer's percentage
 9 of excess is seven point five percent or greater for
 10 the rate year and the employer has not been charged
 11 with benefit payments for any time within the forty
 12 calendar quarters immediately preceding the rate
 13 computation date for the rate year."

Roll call was requested by Gilson of Guthrie and Avenson of Fayette.

On the question "Shall amendment H-4235 be adopted?"

The ayes were, 71:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Chiodo	Clark, B.J.	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Lageschulte	Lindeen	Lonergan	Menke

Middleswart	Miller, O.L.	Monroe	Nielsen
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Smalley
Spear	Spencer	Svoboda	Tauke
Thompson	Varley	Walter	Wells
Wulff	Wyckoff	Mr. Speaker (Brunow)	

The nays were, 18:

Byerly	Crabb	Danker	Den Herder
Egenes	Gentleman	Harvey	Hoffmann
Krewson	Lipsky	Millen	Miller, K.D.
Schroeder	Small	Stevens	Stromer
Tofte	Welden		

Absent or not voting, 10:

Baker	Clark, J.H.	Cochran	Hargrave
Krause	Newhard	Norland	Patchett
West	Woods		

Amendment H-4235 was adopted.

Gilloon of Dubuque offered the following amendment H-4224 filed by Gilloon, et al., and moved its adoption:

H-4224

- 1 Amend Senate File 337 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 30, by inserting after the
- 4 word "quarter." the words "The provisions of
- 5 this paragraph shall apply only to employers
- 6 who have paid taxable wages for the four calen-
- 7 dar quarters immediately preceding the computa-
- 8 tion date of an amount less than one hundred
- 9 thousand dollars, provided that the aforesaid
- 10 amount shall annually increase by the same
- 11 amount as the percentage increase in the taxable
- 12 wage base, as calculated under section ninety-
- 13 six point nineteen (96.19), subsection twenty-
- 14 one (21), Code 1977."

A non-record roll call was requested.

The ayes were 50, nays 24.

Amendment H-4224 was adopted.

Danker of Pottawattamie asked and received unanimous consent to withdraw amendment H-3580 filed by him on April 13, 1977.

Danker of Pottawattamie offered the following amendment H-4170 filed by him and moved its adoption:

H-4170

- 1 Amend Senate File 337, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 7, by striking lines 6 through 10
- 4 and inserting in lieu thereof the following:
- 5 "a. Six thousand dollars. or".

Roll call was requested by Harvey of Scott and Welden of Hardin.

Rule 70 was invoked.

On the question "Shall amendment H-4170 be adopted?"

The ayes were, 44:

Bennett	Branstad	Brockett	Clark, B. J.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Dieleman	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Perkins	Schneklloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wulff	Wyckoff

The nays were, 45:

Anderson	Avenson	Bina	Binneboese
Brandt	Byerly	Chiodo	Cochran
Connors	Cusack	Davitt	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hargrave

Hines	Hinkhouse	Horn	Howell
Hullinger	Jesse	Jochum	Koogler
Lonergan	Middleswart	Miller, O.L.	Monroe
Nielsen	Norland	O'Halloran	Oxley
Pavich	Poncy	Scheelhaase	Small
Spear	Spencer	Walter	Wells
			Mr. Speaker (Brunow)

Absent or not voting, 10:

Baker	Clark, J. H.	Higgins	Krause
Miller, K. D.	Newhard	Patchett	Rinas
Svoboda	Woods		

Amendment H-4170 lost.

Branstad of Winnebago offered the following amendment filed by Branstad, et al., and moved its adoption:

H-4200

- 1 Amend Senate File 337 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, by striking lines 6 through 10 and
- 4 inserting in lieu thereof the following:
- 5 "a. Seven thousand dollars, or".

Roll call was requested by Branstad of Winnebago and Pelton of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-4200 be adopted?"

The ayes were, 44:

Bennett	Branstad	Brockett	Clark, B. J.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Dunton	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Pellett	Pelton	Schnekloth	Schroeder
Shimaneck	Smalley	Stephens	Stromer

Tauke
Welden

Thompson
West

Tofte
Wulff

Varley
Wyckoff

The nays were, 46:

Anderson
Brandt
Connors
Doyle
Gilloon
Hines
Jesse
Middleswart
Norland
Perkins
Spear
Wells

Avenson
Byerly
Cusack
Dyrland
Gilson
Horn
Jochum
Miller, O. L.
O'Halloran
Poncy
Spencer
Mr. Speaker
(Brunow)

Bina
Chiodo
Davitt
Fitzgerald
Griffee
Howell
Koogler
Monroe
Oxley
Scheelhaase
Svoboda

Binneboese
Cochran
Dieleman
Garrison
Hargrave
Hullinger
Lonerган
Nielsen
Pavich
Small
Walter

Absent or not voting, 9:

Baker
Krause
Woods

Clark, J. H.
Newhard

Higgins
Patchett

Junker
Rinas

Amendment H-4200 lost.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the consideration of amendment H-4248.

Byerly of Polk offered amendment H-4248 filed by him from the floor:

H-4248

- 1 Amend Senate File 337 as follows:
- 2 1. Page 7, by inserting after line 32 the
- 3 following: "**NEW SECTION.** The Iowa Department of
- 4 Job Service shall submit an actuarial study an-
- 5 nually to the general assembly."

By unanimous consent the following amendment H-4249, to amendment H-4248 filed by Connors of Polk from the floor was adopted:

H-4249

- 1 Amend H-4248 to Senate File 337, as follows:
- 2 1. Page 1, line 4, by striking the word
- 3 "study" and inserting in lieu thereof the word
- 4 "report".

Byerly of Polk moved the adoption of amendment H-4248, as amended.

Amendment H-4248, as amended, was adopted.

(Senate File 337 pending at recess.)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 17, 1977, insisted on its amendment to House File 246, a bill for an Act creating a performance audit bureau under the direction of a performance auditor, and the members of the conference committee on the part of the Senate, appointed May 18, 1977, are:

The Senator from Johnson, Ms. Doderer, chair; the Senator from Woodbury, Mr. Kelly; the Senator from Polk, Mr. Hill; the Senator from Linn, Mr. Rush; and the Senator from Pottawattamie, Mr. Slater.

Also: That the Senate has on May 16, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 329, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

Also: That the Senate has on May 13, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 393, a bill for an act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements.

Also: That the Senate has on May 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 408, a bill for an act to legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster the House was recessed until 2:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee for the morning session on request of Millen of Van Buren.

INTRODUCTION OF BILLS

HOUSE FILE 627, by Scheelhaase, a bill for an act relating to specifications and standards for cheese products.

Read first time and referred to committee on AGRICULTURE.

HOUSE FILE 628, by Crabb, a bill for an act to provide that certain members of the state board of regents shall be elected to office.

Read first time and referred to committee on EDUCATION.

HOUSE FILE 629, by Schroeder, a bill for an act making an appropriation to the board of directors of the Council Bluffs school district for replacement of a school building destroyed by vandalism.

Read first time and referred to committee on BUDGET.

SENATE MESSAGES CONSIDERED

SENATE JOINT RESOLUTION 11, a joint resolution to

authorize an interim study of the public retirement systems in this state and to make an appropriation.

Read first time and referred to committee on BUDGET

SENATE FILE 393, a bill for an act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements.

Read first time and referred to committee on LABOR AND INDUSTRIAL RELATIONS.

SENATE FILE 394, a bill for an act relating to the barrel tax rebate contained in chapter one hundred twenty-three (123) of the Code.

Read first time and referred to committee on WAYS AND MEANS

SENATE FILE 408, a bill for an act to legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land.

Read first time and referred to committee on JUDICIARY AND LAW ENFORCEMENT.

SENATE CONCURRENT RESOLUTION 14, by committee on human resources, relating to structure of agencies delivering mental services in Iowa.

Read first time and PASSED ON FILE.

QUORUM CALL

Roll call was requested by Fitzgerald of Webster and Hines of Story to determine that a quorum was present. Rule 69 was invoked. The vote revealed:

Present: 84

Anderson	Bennett	Bina	Binneboese
Branstad	Brockett	Brunow	Chiодо
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dyrland
Egenes	Fitzgerald	Gilloon	Gilson
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Newhard
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklouth	Schroeder
Shimaneck	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

Absent: 15

Avenson	Baker	Brandt	Byerly
Clark, J.H.	Doyle	Dunton	Evans
Garrison	Gentleman	Griffee	Jesse
Monroe	Nielsen	Patchett	

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 18, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 167, a bill for an act relating to transportation and providing for changes in the registration requirements.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 167

H-4250

1 Amend the House amendment, S-3611, to Senate File
2 167, as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 31 through 34 and
5 inserting in lieu thereof the words "installation
6 of permanent protection. A railroad crossing shall
7 not be found to be particularly hazardous for any
8 purpose unless the department has determined it to
9 be particularly hazardous.".

10 2. Page 3, by inserting after line 33 the
11 following: "The motor vehicle license number shall
12 not be the social security number of the transferee
13 unless requested by the transferee."

14 3. Page 4, by inserting after line 28 the
15 following: "~~the age of sixteen years; provided that,~~
16 ~~effective August 1, 1966, the department shall not~~
17 ~~issue a license to any person, as an operator, who~~
18 ~~is under the age of seventeen years and effective~~
19 ~~August 1, 1967, the department shall not issue a~~
20 ~~license to any person, as an operator, who is under~~".

21 4. Page 5, by striking lines 17 through 28 and
22 inserting in lieu thereof the following: "and eighteen
23 years of age who is not attending in attendance at
24 school or in a public or private school in which where
25 an approved driver's education course is offered or
26 available, shall not be required to complete may be
27 issued a one-year probationary operator's license
28 without having completed an approved driver's education
29 course prior to being entitled to receive a one-year
30 probationary operator's license from the department.
31 Any person who re-enters any private or public school
32 prior to age eighteen shall be required to attend
33 an approved driver's education course. Such person
34 shall not have a probationary operator's license
35 revoked or suspended upon reentering school prior
36 to age eighteen provided the student enrolls in and
37 completes the classroom portion of an approved driver's
38 education course as soon as a course is available."

39 5. Page 6, by striking line 22 and inserting in
40 lieu thereof the following: "~~social security number~~
41 The department shall advise an applicant that he or
42 she may request a number other than a social security

- 43 number as the motor vehicle license number. The
 44 department shall not".
 45 6. Page 8, line 39, by striking the figure "1982"
 46 and inserting in lieu thereof the figure "1983".

BUSINESS PENDING

The House resumed consideration of Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits.

Hines of Story in the chair at 3:17 p.m.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 337).

The ayes were, 52:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hargrave	Higgins	Hinkhouse	Horn
Howell	Hullinger	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker (Hines)

The nays were, 46:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Dunton
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann

Husak	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Pellett	Pelton	Perkins
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wulff	Wyckoff		

Absent or not voting, 1:

Baker

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

Brunow of Appanoose in the chair at 4:17 p.m.

MOTION TO RECONSIDER LOST
(Senate File 337)

Horn of Linn asked for unanimous consent that Senate File 337 be immediately messaged to the Senate.

Objection was raised.

Horn of Linn moved to reconsider the vote by which Senate File 337 passed the House on May 18, 1977.

A non-record roll call was requested.

The ayes were 37, nays 47.

The motion lost.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 44

Hines of Story asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 44 as follows:

HOUSE CONCURRENT RESOLUTION 44

By Hines, Miller of Buchanan, Connors,
Svoboda, Husak, Wyckoff, Koogler,
Halvorson and Gilloon.

- 1 *Whereas*, certain questions concerning the
2 administration of the department of job services
3 have been raised; and
4 *Whereas*, concern about alleged abuses in the
5 unemployment compensation system has been voiced
6 among certain members of the House of
7 Representatives; *Now Therefore*,
8 *Be It Resolved by the House of Representatives*,
9 *the Senate Concurring*, That the legislative council
10 is authorized to create a study committee as
11 provided by law, composed of members of the standing
12 committees on labor and industrial relations of both
13 houses of the Sixty-seventh General Assembly representing
14 both political parties to conduct a study during
15 the 1977 interim to review the concerns and
16 questions raised; and
17 *Be It Further Resolved*, That the study
18 committee shall prepare a report of its findings
19 and recommendations and submit it to the Sixty-seventh
20 General Assembly, 1978 Session, accompanied by
21 legislative bill drafts designed to carry out
22 the recommendations of the study committee.

Perkins of Greene offered the following amendment H-4251
filed by him from the floor and moved its adoption:

H-4251

- 1 Amend House Concurrent Resolution 44 as
2 follows:
3 1. Page 1, line 4, by striking the word
4 "alleged".

Amendment H-4251 lost.

Fitzgerald of Webster asked for unanimous consent that action
on House Concurrent Resolution 44 be deferred.

Objection was raised.

Fitzgerald of Webster moved that action on House Concurrent Resolution 44 be deferred and retained.

A non—record roll call was requested.

The ayes were 74, nays 5.

The motion prevailed and the resolution was deferred and retained.

SENATE CONCURRENT RESOLUTION 14 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 26

Cusack of Scott asked and received unanimous consent to substitute Senate Concurrent Resolution 14 for House Concurrent Resolution 26.

ADOPTION OF SENATE CONCURRENT RESOLUTION 14

Senate Concurrent Resolution 14, relating to conducting a study of mental health, filed on May 17, 1977 and found on pages 2348 through 2350 of the House Journal, was taken up for consideration.

Higgins of Scott moved the adoption of Senate Concurrent Resolution 14.

A non—record roll call was requested.

Rule 69 was invoked.

The ayes were 69, nays 14.

The motion prevailed and the resolution was adopted.

Speaker Cochran in the chair at 5:32 p.m.

SENATE AMENDMENT CONSIDERED

Wyckoff of Benton called up for consideration House File 584,

a bill for an act making appropriations to the department of general services and the executive council for capital improvements, amended by the Senate, as found on pages 2351 and 2352 of the House Journal, and moved that the House concur in the Senate amendment H-4241.

Wyckoff of Benton asked and received unanimous consent that action on House File 584 be deferred and retained.

CONSIDERATION OF THE CONFERENCE COMMITTEE REPORT (Senate File 162)

Wyckoff of Benton called up for consideration the report of the conference committee on Senate File 162, a bill for an act making an appropriation to the judicial department, filed on May 16, 1977 and found on pages 2276 and 2277 of the House Journal.

Wyckoff of Benton moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Pelton of Clinton and Wulff of Black Hawk.

On the question "Shall the conference committee report be adopted?"

The ayes were, 42:

Anderson	Avenson	Bennett	Branstad
Brunow	Clark, B. J.	Clark, J. H.	Crabb
Crawford	Daggett	Danker	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Hullinger	Husak	Krewson	Lageschulte
Lonergan	Menke	Millen	Miller, K. D.
Nielsen	Norland	Pellett	Pelton
Schnekloth	Shimanek	Smalley	Tauke
Varley	Walter	Welden	West
Wulff	Wyckoff		

The nays were, 50:

Bina	Binneboese	Brandt	Brockett
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Byerly	Chiodo	Conlon	Connors
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilloon
Gilson	Griffee	Hargrave	Higgins
Hines	Horn	Howell	Jesse
Jochum	Krause	Lipsky	Middleswart
Miller, O. L.	Monroe	Newhard	O'Halloran
Oxley	Patchett	Pavich	Perkins
Rinas	Scheelhaase	Schroeder	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Thompson	Tofte	Wells
Woods	Mr. Speaker		

Absent or not voting, 7:

Baker	Cusack	Den Herder	Junker
Koogler	Lindeen	Poncy	

The motion lost and the conference committee report failed to be adopted.

BUDGET CALENDAR

House File 207, a bill for an act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation, with report of committee recommending amendment and passage was taken up for consideration.

Small of Johnson offered amendment H-4234 filed by the committee on budget on May 17, 1977 and found on page 2354 of the House Journal and moved its adoption:

Amendment H-4234 was adopted.

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

On the question "Shall the bill pass?" (H.F.207)

The ayes were, 64:

Anderson	Avenson	Bina	Binneboese
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Brandt	Brunow	Clark, B. J.	Clark, J. H.
Conlon	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Harbor	Hargrave	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Krause	Krewson	Lindeen
Lipsky	Middleswart	Miller, O. L.	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Pelton	Perkins	Scheelhaase
Schroeder	Shimaneck	Small	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Wells	Wulff	Mr. Speaker

The nays were, 25:

Bennett	Branstad	Brockett	Byerly
Chiodo	Crabb	Daggett	Danker
Evans	Hansen	Harvey	Lageschulte
Lonergan	Menke	Millen	Oxley
Pellett	Schnekloth	Smalley	Spear
Spencer	Stephens	Welden	Woods
Wyckoff			

Absent or not voting, 10:

Baker	Den Herder	Junker	Koogler
Miller, K. D.	Nielsen	Poncy	Rinas
Tofte	West		

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

SENATE AMENDMENT CONSIDERED

Brunow of Appanoose called up for consideration Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in

a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-4250 to the House amendment, as found on pages 2278 and 2279 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-4250, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 167)

The ayes were, 83:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B. J.	Clark, J. H.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans

Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Krewson	Lageschulte	Lindeen	Lipsky
Loneragan	Menke	Millen	Miller, K. D.
Miller, O. L.	Monroe	Newhard	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 5:

Daggett	Danker	Harvey	Krause
Welden			

Absent or not voting, 11:

Baker	Chiodo	Den Herder	Junker
Koogler	Middleswart	Nielsen	Norland
Poncy	Small	Tofte	

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

HOUSE RECEDES

Husak of Tama called up for consideration Senate File 233, a bill for an act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards, and moved that the House recede from its amendment.

The motion prevailed and the House receded from its amendment.

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

On the question "Shall the bill pass?" (S.F. 233)

The ayes were, 89:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 10:

Baker	Chiodo	Clark, B.J.	Den Herder
Junker	Koogler	Norland	Poncy
Small	Tofte		

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

**SIFTING COMMITTEE NONCONTROVERSIAL
15-MINUTE CALENDAR**

Senate File 383, a bill for an act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive, with report of committee recommending passage was taken up for consideration.

Jesse of Polk offered the following amendment H-4164 filed by him:

H-4164

- 1 Amend Senate File 383, as passed by the
- 2 Senate, 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. Chapter twenty-five A. (25A), Code
- 7 1977, is amended by adding the following new section:
- 8 **NEW SECTION. EMPLOYEES DEFENDED AND INDEMNIFIED.**
- 9 The state shall defend and, except in cases of mal-
- 10 feasance in office or willful and wanton conduct,
- 11 shall indemnify and hold harmless any employee of the
- 12 state against any claim as defined in section twenty-
- 13 five A point two (25A.2), subsection five (5), para-
- 14 graph b, of the Code, including claims arising under
- 15 the Constitution, statutes, or rules of the United
- 16 States or of any state.
- 17 Sec. 2. Sections twenty-five A point twenty-one
- 18 (25A.21) and twenty-five A point twenty-two (25A.22),
- 19 Code 1977, are repealed.
- 20 Sec. 3. The provisions of section one (1) of
- 21 this Act are retroactive to July 1, 1975."

Jesse of Polk offered the following amendment H-4215, to amendment H-4164, filed by him and moved its adoption:

H-4215

- 1 Amend amendment H-4164 to Senate File 383,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking line 17 through 19
- 4 and inserting in lieu thereof the following:

5 "Sec. 2. Section twenty—five A point twenty—
6 one (25A.21), Code 1977, is repealed."

Amendment H—4215 was adopted.

On motion by Jesse of Polk, amendment H—4164, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 383)

The ayes were, 89:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 2:

Harvey

Monroe

Absent or not voting, 8:

Baker	Chiodo	Clark, B.J.	Den Herder
Hines	Junker	Stephens	Tofte

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

SENATE AMENDMENT CONSIDERED (House Refuses to Concur)

Gentleman of Polk called up for consideration, Senate File 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment, H-4240, to the House amendment as found on page 2352 of the House Journal.

The motion lost and the House refused to concur in the Senate amendment H-4240.

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of House File 584, a bill for an act making appropriations to the department of general services and the executive council for capital improvements, amended by the Senate, as found on pages 2351 and 2352 of the House Journal.

Howell of Floyd offered the following amendment H-4268, to the Senate amendment H-4241, filed by Howell, Wyckoff and Schroeder from the floor and moved its adoption:

H-4268

- 1 Amend amendment H-4241, to House File 584,
- 2 as follows:
- 3 1. Page 1, by striking lines 33 through 40.

A non-record roll call was requested.

The ayes were 24, nays 48.

Amendment H-4268 lost.

Bina of Scott offered the following amendment H-4269, to the Senate amendment H-4241, filed by Bina, Wyckoff and Walter from the floor and moved its adoption:

H-4269

- 1 Amend amendment H-4241, to House File 584,
- 2 as follows:
- 3 1. Page 2, line 4, by striking the figure
- 4 "\$83,677" and inserting in lieu thereof the
- 5 figure "\$69,618".

Amendment H-4269 was adopted.

Wyckoff of Benton moved that the House concur in the Senate amendment H-4241, as amended.

The motion prevailed and the House concurred in the Senate amendment H-4241, as amended.

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

On the question "Shall the bill pass?" (H.F. 584)

The ayes were, 82:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler

Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Schroeder	Shimaneck	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Welden	Wells	Wulff
Wyckoff	Mr. Speaker		

The nays were, 4:

Branstad	Harvey	Tofte	Woods
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Absent or not voting, 13:

Baker	Brockett	Clark, B.J.	Den Herder
Hargrave	Jochum	Krause	Lipsky
Monroe	Newhard	Rinas	Spencer
West			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall for the remainder of the day on request of Evans of Grundy.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 18, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 344, a bill for an act providing for an appropriation for capital

improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT CONSIDERED

Perkins of Greene called up for consideration Senate File 344, a bill for an act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4264 to the House amendment:

H-4264

- 1 Amend the House amendment, S-3529, to Senate File
- 2 344 as follows:
- 3 1. Page 1, by inserting after line 3, the
- 4 following:
- 5 " Page 1, by inserting after line 16 the
- 6 following:
- 7 "Any land purchased by the state conservation
- 8 commission pursuant to the open spaces land acquisition
- 9 program shall be purchased from a willing seller
- 10 only." "
- 11 2. Page 1, line 31, by inserting after the word
- 12 "scenic" the words "or other".
- 13 3. Page 1, by striking lines 33 through 35 and
- 14 inserting in lieu thereof the words "beauty of the
- 15 Upper Iowa River."
- 16 4. Page 1, line 41, by striking the words "to
- 17 establish" and inserting in lieu thereof the words
- 18 "for the state to own or control and provide funds
- 19 for the project in order to complete such project.
- 20 As a part of this review, the conservation commission
- 21 shall study the potential benefit to the people of
- 22 the state of establishing".
- 23 5. Page 2, by striking lines 20 through 23 and
- 24 inserting in lieu thereof the following:
- 25 "Sec. . There is appropriated to the state
- 26 conservation commission from the general fund of the

- 27 state the amount of fifty—nine thousand (\$59,000)
 28 dollars or so much thereof as necessary for the purpose
 29 of developing a”.
 30 6. Page 2, by striking line 47 and inserting in
 31 lieu thereof the words “Park from September fifteenth
 32 to November first of each year”.

The motion prevailed and the House concurred in the Senate amendment H-4264.

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

On the question “Shall the bill pass?” (S.F. 344)

The ayes were, 82:

Anderson	Avenson	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Krewson	Lageschulte	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, 4:

Clark, J.H.	Doyle	Miller, O.L.	Scheelhaase
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Absent or not voting, 13:

Baker	Binneboese	Brockett	Clark, B.J.
Den Herder	Koogler	Krause	Lindeen
Lipsky	Monroe	Newhard	Nielsen
Spencer			

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 67, a bill for an act authorizing ambulance services by townships.

Also: That the Senate has on May 18, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 197, a bill for an act providing for an appropriation to various regulatory and finance agencies and departments.

Also: That the Senate has on May 18, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 234, a bill for an act providing for an appropriation to the boards of architectural examiners and landscape architectural examiners.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

SENATE FILE 67, a bill for an act authorizing ambulance services by townships.

Read first time and referred to committee on COUNTY GOVERNMENT.

HOUSE CONCURRENT RESOLUTION 45
By Monroe, Small and Chiodo

1 *Whereas*, Iowa Code chapter five hundred thirty—three
2 (533), relating to the regulation of credit unions, has
3 remained relatively unchanged since its original enact—
4 ment; and

5 *Whereas*, the nature of the membership and operation
6 of credit unions has substantially changed in recent
7 years to the point where existing Iowa law does not
8 adequately treat the subject of credit union regulation;
9 and

10 *Whereas*, statutory modifications in recent years have
11 authorized credit unions to accept or retain members for
12 whom it may not be practical to exercise a voice in the
13 operation of their credit unions; and

14 *Whereas*, legislative proposals have been introduced
15 in recent years to substantially alter the administra—
16 tion of credit union regulatory laws; and

17 *Whereas*, the superintendent of banking, the present
18 administrator of those laws, has recommended substantial
19 modification of those laws; and

20 *Whereas*, disagreements have arisen between the super—
21 intendent of banking and credit unions about the funda—
22 mental powers of credit unions under Iowa law; *Now*
23 *Therefore*,

24 *Be it Resolved by the House, the Senate Concurring*,
25 that the legislative council authorize the creation of a
26 subcommittee of the senate and house standing committees
27 on state government, or of the senate and house standing
28 committees on commerce, or of both such standing commit—
29 tees, to undertake during the 1977—1978 legislative
30 interim a study to evaluate all Iowa laws relating to

Page 2

1 credit unions, and to determine what statutory changes,
2 including but not limited to a complete revision of chapter
3 five hundred thirty—three (533) of the Code, are necessary
4 to modernize Iowa law relating to the regulation of credit
5 unions. The study shall include an analysis of other state
6 laws and federal laws to determine if any standardization
7 of provisions is appropriate or necessary; and

8 *Be It Further Resolved*, that a report of the subcommit—
9 tee's recommendations, together with legislative bill pro—
10 posals, be submitted to the legislative council, the members
11 of the respective standing committees, and the general
12 assembly convening in 1978.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 46

By Doyle, Krause and Jesse

- 1 *Whereas, the Motor Vehicle Code is in need of recodification*
 2 *in a logical, organizational pattern; and*
 3 *Whereas, the Motor Vehicle Code needs to be reviewed in*
 4 *depth for possible revisions to make it conform with the Uniform*
 5 *Vehicle Code which has been substantially adopted in most states;*
 6 *and*
 7 *Whereas, legislative study of this subject commenced in 1973*
 8 *and is yet not completed; and*
 9 *Whereas, the national uniformity of the Rules of the Road*
 10 *is a national highway safety program standard eligible for*
 11 *federal funding through the Governor's Highway Safety Program; and*
 12 *Whereas, Iowa currently ranks 39th of the 50 states with*
 13 *reference to conformance ratings with the Uniform Vehicle Code;*
 14 *Now Therefore,*
 15 *Be It Resolved by the House of Representatives, the Senate*
 16 *Concurring, That the legislative council is authorized to re—*
 17 *establish a study committee, as provided by law, which members*
 18 *shall include members of the standing Transportation and Judiciary*
 19 *Committees of the House of Representatives and the Senate to con—*
 20 *duct during the 1977 legislative interim a comprehensive study of*
 21 *chapter three hundred twenty—one (321) of the Code and the*
 22 *Uniform Vehicle Code.*
 23 *Be It Further Resolved, That the study committee be authorized*
 24 *to seek federal funds to accomplish the purpose of this resolution;*
 25 *to retain staff; and to seek the professional assistance from*
 26 *members of the Iowa Department of Public Safety, the Iowa Depart—*
 27 *ment of Transportation and the Office of Planning and Programming*
 28 *in order that a progress report of the study be prepared and*
 29 *submitted to the legislative council and the members of the 1978*
 30 *Session of the Sixty—seventh General Assembly.*

Laid over under Rule 25.

HOUSE RESOLUTION 23

By Cusack, Brunow

Den Herder and Hansen

- 1 *Whereas, the Advisory Commission on*
 2 *Corrections Relief was delegated by the 1976*
 3 *Session of the Sixty—sixth General Assembly*
 4 *the task of analyzing the state's corrections*
 5 *system in order to report back to the*
 6 *General Assembly recommendations for future*
 7 *state policy; and*
 8 *Whereas, the Advisory Commission and its*

9 staff, after intensive investigation and
 10 research, have successfully completed their
 11 analysis; *Now Therefore,*
 12 *Be It Resolved by the House of Represent—*
 13 *atives, That the Advisory Commission and its*
 14 *staff be commended for their dedicated work*
 15 *and accurate and well—developed report which*
 16 *provided the necessary data to allow the*
 17 *General Assembly to make those important*
 18 *decisions embodied in House File 464; and*
 19 *Be It Further Resolved, That a copy of*
 20 *this resolution be sent to each member of the*
 21 *Advisory Commission and the staff of the*
 22 *Advisory Commission.*

Laid over under Rule 25.

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

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for the remainder of the day on request of Newhard of Jones.

QUORUM CALL

Roll call was requested by Higgins of Scott and Bina of Scott to determine that a quorum was present. Rules 69 and 70 were invoked. The vote revealed:

Present: 91

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines

Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lonergan	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Thompson	Varley
Walter	Welden	Wells	Woods
Wulff	Wyckoff	Mr. Speaker	

Absent: 8

Baker	Brockett	Lipsky	Menke
Patchett	Tauke	Tofte	West

RULE 2 SUSPENDED

Fitzgerald of Webster moved that Rule 2 be suspended to continue session beyond 10:00 p.m.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 54, nays 38.

The motion prevailed.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 18, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 582, a bill for an act to permit optional membership in the Iowa public employees' retirement system.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 582

H-4263

1 Amend House File 582, 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 ninety-seven B point forty-
6 one (97B.41), subsection one (1), paragraph a, Code
7 1977, is amended by adding the following new unnumbered
8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. Wages for a member of
10 the General Assembly means the total compensation
11 received by a member of the general assembly, whether
12 paid in the form of per diem or annual salary,
13 exclusive of expense and travel allowances paid to
14 a member of the general assembly. Wages includes
15 per diem payments paid to members of the general
16 assembly during interim periods between sessions of
17 the general assembly.

18 Sec. 2. Section ninety-seven B point forty-one
19 (97B.41), subsection three (3), paragraph b,
20 subparagraphs one (1) and two (2), Code 1977, are
21 amended to read as follows:

22 (1) Members of the general assembly, elective
23 Elective officials in positions for which the
24 compensation is on a fee basis, elective officials
25 of school districts, elective officials of townships,
26 and elective officials of other political subdivisions
27 who are in part-time positions, graduate medical
28 students while serving as interns or resident doctors
29 in training at any hospital, or county medical
30 examiners and deputy county medical examiners under
31 chapter 339.

32 (2) Temporary Members of the general assembly
33 of Iowa and temporary employees of the general assembly
34 of Iowa unless such members or employees shall make
35 an application to the department to be covered under
36 the provisions of this chapter.

37 Sec. 3. Section ninety-seven B point forty-one
38 (97B.41), subsection three (3), paragraph b, Code
39 1977, is amended by adding the following new
40 subparagraph:

41 NEW SUBPARAGRAPH. Employees of community action
42 programs, determined to be an instrumentality of the
43 state or a political subdivision, unless such employees
44 elect by filing an application with the department

45 to be covered under the provisions of this chapter.

46 Sec. 4. Section ninety-seven B point forty-one
47 (97B.41), subsection three (3), paragraph b, Code
48 1977, is amended by adding the following new
49 subparagraph:

50 NEW SUBPARAGRAPH. Part-time judicial magistrates

Page 2

1 appointed pursuant to either section six hundred two
2 point fifty (602.50) or section six hundred two point
3 fifty-eight (602.58) of the Code unless such
4 magistrates elect by filing an application with the
5 department to be covered under the provisions of this
6 chapter.

7 Sec. 5. Section six hundred two point fifty-four
8 (602.54), Code 1977, is amended to read as follows:

9 602.54 SALARY, EXPENSES. Each judicial magistrate
10 shall receive a salary payable from the general fund
11 of the state and also his or her actual and necessary
12 expenses in the performance of his or her duties while
13 away from the city of his or her residence, in
14 accordance with section 605.2. The salary of judicial
15 magistrates, except as otherwise provided herein,
16 shall be the sum of four thousand eight hundred dollars
17 annually. The judicial magistrates serving pursuant
18 to section 602.51 shall receive an annual salary of
19 nineteen thousand five hundred dollars. Judicial
20 magistrates appointed pursuant to section six hundred
21 two point fifty-one of the Code except district
22 associate judges shall be members of the Iowa public
23 employees' retirement system. Judicial magistrates
24 appointed pursuant to either section six hundred two
25 point fifty (602.50) or section six hundred two point
26 fifty-eight (602.58) may elect to be members of the
27 Iowa public employees' retirement system upon filing
28 notice in writing with the Iowa department of job
29 service and the court administrator of the judicial
30 department.

31 Sec. 6. The department of job service shall notify
32 all judicial magistrates appointed pursuant to either
33 section six hundred two point fifty (602.50) or section
34 six hundred two point fifty-eight (602.58) of the
35 Code by February 1, 1978, of their option to continue
36 membership in the Iowa public employees' retirement
37 system by filing written notice to the department

38 of job service and the court administrator of the
39 judicial department prior to March 1, 1978. If a
40 judicial magistrate appointed pursuant to either
41 section six hundred two point fifty (602.50) or section
42 six hundred two point fifty-eight (602.58) of the
43 Code does not elect to continue membership, the
44 magistrate may either receive a lump sum payment equal
45 the sum of the member's accumulated contributions
46 to the date of termination of membership or, if the
47 individual is vested, the member may leave his or
48 her contributions in the fund and elect to receive
49 retirement benefits at a future date pursuant to the
50 provisions of chapter ninety-seven B (97B) of the

Page 3

1 Code.

2 Sec. 7. A community action program determined
3 to be an instrumentality of the state or a political
4 subdivision may elect coverage for its employees under
5 chapter ninety-seven B (97B) of the Code to commence
6 at a date on or after January 1, 1971 and to end
7 December 31, 1977. The date shall be specified in
8 the application for election for coverage. Employee
9 and employer contributions for the period for which
10 an election is made shall be required in a manner
11 and amount as provided in chapter ninety-seven B (97B)
12 of the Code, as the Code was effective during the
13 covered period.

14 Sec. 8. The provisions of sections one (1) and
15 two (2) of this Act are effective January 8, 1979.
16 The provisions of sections three (3), four (4), five
17 (5), and six (6) of this Act are effective January
18 1, 1978. The provisions of section seven (7) of this
19 Act are retroactive to January 1, 1971.

20 Sec. 9. This Act, being deemed of immediate
21 importance, shall take effect and be in force from
22 and after its publication in the Muscatine Journal,
23 a newspaper published in Muscatine, Iowa, and in the
24 Iowa City Press—Citizen, a newspaper published in
25 Iowa City, Iowa."

26 2. Amend the title, by striking lines 4 through
27 9 and inserting in lieu thereof the words "and members
28 of the general assembly, and making certain sections
29 retroactive".

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 18, 1977, he approved and transmitted to the Secretary of State the following bills:

Senate File 155, an act appropriating funds to the Department of General Services for a demonstration solar energy unit.

Senate File 170, an act correcting certain erroneous amendments contained in Chapter One Thousand Two Hundred Ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa Insurance Guaranty Association.

Senate File 317, an act amending the Criminal Code Revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the Criminal Code.

Senate File 340, an act appropriating funds from the military service tax credit fund to the general fund.

Senate File 341, an act making an appropriation to the moneys and credits replacement fund.

Senate File 342, an act making appropriations to the municipal assistance fund and county government assistance fund.

**COMMUNICATION FROM
IOWA BEER AND LIQUOR CONTROL COUNCIL**

There is on file in the office of the Chief Clerk, in accordance with Chapter 123.55, Code 1973, the annual report of the Iowa Beer and Liquor Department covering its activities for the fiscal year ended June 30, 1976.

**SPONSOR ADDED
(Amendment H-4063 to Senate File 213)**

Pelton of Clinton requested to be added as a sponsor of amendment H-4063 to Senate File 213.

PRESENTATION OF VISITORS

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

Twenty-six sixth grade students from Bayard Elementary School, Bayard, Iowa, accompanied by Jeanne Lemke. By Gilson of Guthrie and Perkins of Greene.

Twenty sixth grade students from Orange Elementary School, Waterloo, Iowa, accompanied by Ms. Mitchell, Rittgers, Oaks and Wood. By Wulff of Black Hawk.

One hundred ten fourth grade students from Bowmans Woods Elementary School, Marion, Iowa, accompanied by Irene McCarl and Jerri Kuenker. By Oxley of Linn.

The House stood at east until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MOTION TO RECONSIDER

(Conference Committee Report to Senate File 162)

I move to reconsider the vote by which the conference committee report on Senate File 162 failed to be adopted by the House on May 18, 1977.

SCHROEDER of Pottawattamie

AMENDMENTS FILED

H-4247	H.F. 332	Bina of Scott Gilloon of Dubuque Krewson of Polk Walter of Pottawattamie Rinas of Linn Gentleman of Polk
H-4252	H.F. 332	Norland of Worth
H-4253	H.F. 332	Krause of Kossuth

H-4254	H.F. 624	Bina of Scott
H-4255	S.F. 376	Stromer of Hancock
H-4256	S.F. 213	Chiodo of Polk
		Woods of Polk
		Byerly of Polk
H-4257	S.F. 213	Howell of Floyd
H-4258	S.F. 213	Stromer of Hancock
H-4259	H.F. 410	Daggett of Adams
H-4260	S.F. 376	Junker of Woodbury
		Lipsky of Linn
H-4261	H.C.R. 44	Schroeder of Pottawattamie
H-4262	H.C.R. 44	Tauke of Dubuque
H-4265	S.F. 112	Schroeder of Pottawattamie
H-4266	S.F. 376	Lipsky of Linn
		Higgins of Scott
H-4267	S.F. 376	Lipsky of Linn
		Higgins of Scott
H-4270	H.C.R. 44	Branstad of Winnebago
H-4271	H.F. 332	Small of Johnson
		Krause of Kossuth
		Chiodo of Polk
		Dyrland of Clayton
		Brockett of Marshall
		Smalley of Polk
		Woods of Polk
		Svoboda of Iowa
H-4272	H.C.R. 44	Junker of Woodbury
		Halvorson of Clayton
H-4273	H.F. 332	Rinas of Linn
		Junker of Woodbury
		Jochum of Dubuque
		Bina of Scott
		Griffie of Chickasaw
		Doyle of Woodbury
		Thompson of Polk
		Walter of Pottawattamie
		Spear of Lee
		Wulff of Black Hawk
		Hargrave of Johnson

Krewson of Polk
 Connors of Polk
 Harvey of Scott
 Garrison of Black Hawk
 Monroe of Des Moines
 Wells of Linn
 Pavich of Pottawattamie
 Horn of Linn
 Lipsky of Linn
 Smalley of Polk
 Woods of Polk
 Brockett of Marshall
 Koogler of Mahaska
 Hines of Story
 Brandt of Black Hawk
 Crawford of Story
 Small of Johnson
 Higgins of Scott
 Tofte of Winneshiek
 Gilloon of Dubuque
 Jesse of Polk
 Chiodo of Polk
 O'Halloran of Black Hawk
 Clark of Cerro Gordo
 Halvorson of Clayton
 Cusack of Scott
 Gentleman of Polk
 Lonergan of Boone
 West of Marshall
 Norland of Worth
 Norland of Worth
 Nielsen of Polk
 Norland of Worth

H-4274 H.F. 332

H-4275 H.F. 332

H-4276 H.F. 332

On motion by Fitzgerald of Webster the House adjourned at 1:37 a.m. until 9:00 a.m., Thursday, May 19, 1977.

JOURNAL OF THE HOUSE

One Hundred Thirtieth Calendar Day -- Ninetieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 19, 1977

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

Prayer was offered by the Honorable Elmer Den Herder, State Representative from Sioux County.

The Journal of Wednesday, May 18, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. W. Todd, Guthrie Center, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Small of Johnson from eight constituents urging support from the Iowa General Assembly to adequately fund human resources programs.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 18, 1977, amended the House amendment to, and refused to concur in the House amendment as amended to the following bill in which the concurrence of the Senate was asked:

Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions.

Also: That the Senate has on May 17, 1977, receded from its amendment to the House amendment, and passed, as amended by the House and concurred in by the Senate on May 16, 1977, the following bill:

Senate File 140, a bill for an act to require the filing of a declaration of estimated tax and quarterly payments by corporations and financial institutions.

Also: That the Senate has on May 17, 1977, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 319, a bill for an act amending the criminal code revisions regarding violation of parole.

Also: That the Senate has on May 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 407, a bill for an act providing for an appropriation to the board of public instruction to plan for an addition to a building.

STEVEN C. CROSS, Secretary

CONFERENCE COMMITTEES APPOINTED

(House File 246)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 246: Brandt of Black Hawk, chair; Monroe of Des Moines, Brunow of Appanoose, Stromer of Hancock and Harvey of Scott.

(Senate File 361)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 361: Jesse of Polk, chair; Newhard of Jones, Gentleman of Polk, Smalley of Polk and Doyle of Woodbury.

QUORUM CALL

Roll call was requested by Junker of Woodbury and Menke of O'Brien to determine that a quorum was present. The vote revealed:

Present, 66:

Anderson	Avenson	Bennett	Bina
Brandt	Brockett	Brunow	Clark, B.J.
Conlon	Connors	Crabb	Cusack
Danker	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hinkhouse
Horn	Howell	Hullinger	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, O.L.	Monroe	Norland	Oxley
Pavich	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stromer
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 33

Baker	Binneboese	Branstad	Byerly
Chiodo	Clark, J.H.	Crawford	Daggett
Doyle	Egenes	Evans	Hargrave
Harvey	Higgins	Hines	Hoffmann
Husak	Jesse	Jochum	Krause
Lonergan	Miller, K.D.	Newhard	Nielsen
O'Halloran	Patchett	Pellett	Pelton
Rinas	Stephens	Svoboda	Walter
Wulff			

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that Senate File 402 be placed on the sifting committee noncontroversial fifteen minute calendar.

Fitzgerald of Webster asked and received unanimous consent that Senate Files 376 and 393 be placed on the sifting committee regular calendar.

CONSIDERATION OF BILLS

Sifting Committee Calendar

Senate File 259, a bill for an act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Horn of Linn offered the following amendment H-4199 filed by him and Baker of Buena Vista:

H-4199

- 1 Amend Senate File 259, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting in lieu thereof the following:
- 5 "paragraph, a vendor may accept a check from,
- 6 and signed by, the holder of a retail liquor
- 7 contract license as provided in section one
- 8 hundred twenty-three point thirty (123.30),
- 9 subsection three (3), Code 1977, in payment of
- 10 alcoholic liquor purchased".

Horn of Linn offered the following amendment H-4217, to amendment H-4199, filed by him and moved its adoption:

H-4217

- 1 Amend amendment H-4199, to Senate File 259,
- 2 as follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "contract" and inserting in lieu thereof the
- 5 word "control".

Amendment H-4217 was adopted.

On motion by Horn of Linn, amendment H-4199, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 259)

The ayes were, 65:

Anderson	Avenson	Bennett	Bina
Brandt	Brockett	Brunow	Clark, B.J.
Crabb	Crawford	Danker	Davitt
Dieleman	Dyrland	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lindeen	Lipsky	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Nielsen	Oxley	Pavich	Pellett
Perkins	Poncy	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Varley	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 10:

Conlon	Daggett	Den Herder	Dunton
Garrison	Hullinger	Menke	Scheelhaase
Stephens	Tofte		

Absent or not voting, 24:

Baker	Binneboese	Branstad	Byerly
Chiodo	Clark, J.H.	Connors	Cusack
Doyle	Egenes	Hargrave	Higgins
Hines	Hoffmann	Krause	Lageschulte
Loneragan	Newhard	Norland	O'Halloran
Patchett	Pelton	Rinas	Walter

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

IMMEDIATE MESSAGE
(Senate File 259)

Gilson of Guthrie asked and received unanimous consent that Senate File 259 be immediately messaged to the Senate.

BUDGET CALENDAR

Senate File 299, a bill for an act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 299)

The ayes were, 70:

Anderson	Avenson	Bennett	Bina
Brandt	Brockett	Brunow	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffee
Halvorson	Hansen	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Nielsen	Oxley
Pavich	Pellett	Poncy	Scheelhaase
Schneklath	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Varley	Walter
Welden	Wells	West	Woods
Wulff	Mr. Speaker		

The nays were, 5:

Harbor	Perkins	Schroeder	Tofte
Wyckoff			

Absent or not voting, 24:

Baker	Binneboese	Branstad	Byerly
Chiodo	Clark, J.H.	Connors	Cusack
Doyle	Egenes	Gilson	Hargrave
Higgins	Hines	Krause	Loneragan

Monroe
Patchett

Newhard
Pelton

Norland
Rinas

O'Halloran
Thompson

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

MOTION TO RECONSIDER WITHDRAWN
(Senate File 185)

Wyckoff of Benton asked and received unanimous consent to withdraw the motion to reconsider Senate File 185 filed by him on April 29, 1977.

IMMEDIATE MESSAGE
(Senate File 185)

Wyckoff of Benton asked and received unanimous consent that Senate File 185 be immediately messaged to the Senate.

BUDGET CALENDAR

Senate File 112, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code, with reports of committees recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H-3642 filed by the committee on human resources on April 19, 1977 and found on pages 1492 through 1494 of the House Journal.

Garrison of Black Hawk asked and received unanimous consent to withdraw amendment H-4047, to the committee amendment H-3642, filed by him on May 6, 1977.

On motion by Schroeder of Pottawattamie, the committee amendment H-3642 was adopted.

Brunow of Appanoose offered amendment H-4230 filed by the committee on budget on May 17, 1977 and found on pages 2355 and 2356 of the House Journal.

Brunow of Appanoose offered the following amendment H-4278, to the committee amendment H-4230, filed by him and Hansen of O'Brien from the floor and moved its adoption:

H-4278

1 Amend the amendment, H-4230, to Senate File 112
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, line 28, by inserting after the period
5 the words "This pilot project shall be known as the
6 inmate employment program."

7 2. Page 1, by inserting after line 33 the following
8 new section:

9 "2. Page 8, by inserting before line 18 the follow-
10 ing:

11 "Sec. . Chapter eighty-five (85), Code 1977,
12 is amended by adding the following new section:

13 NEW SECTION. INMATES OF STATE PENAL OR CORREC-
14 TIONAL FACILITIES. The department of social services
15 may elect to include as an employee for purposes of
16 this chapter any person confined as an inmate at the
17 riverview release center and who is participating
18 in the inmate employment program. If an inmate in
19 the performance of work sustains an injury arising
20 out of and in the course of the work, the inmate shall
21 be awarded and paid compensation at the rates provided
22 in this chapter. If death results from such injury,
23 death benefits shall be awarded and paid to the
24 dependents of the inmate. If any such person is
25 awarded weekly compensation under the provisions of
26 this section and is still committed to a penal
27 institution, the person's compensation benefits under
28 section eighty-five point thirty-three (85.33) of
29 the Code or section eighty-five point thirty-four
30 (85.34), subsection one (1), of the Code shall be
31 paid to the department and held in trust for the
32 inmate for so long as the inmate shall remain so
33 committed. However, the department shall deduct from
34 the benefits awarded the cost of maintaining the
35 inmate not to exceed the level the inmate was paying
36 under the inmate employment program. Weekly
37 compensation benefits awarded pursuant to section

38 eighty—five point thirty—four (85.34), subsection
 39 two (2), of the Code shall be held in trust and paid
 40 to such person as provided in this chapter upon final
 41 discharge or parole, whichever occurs first. In the
 42 event such person is recommitted to a penal institution
 43 prior to receiving in full weekly benefits pursuant
 44 to section eighty—five point thirty—three (85.33)
 45 of the Code or section eighty—five point thirty—four
 46 (85.34), subsection one (1), of the Code such benefits
 47 shall again be paid to the department for so long
 48 as the person shall remain so recommitted. Also,
 49 weekly benefits under section eighty—five point thirty—
 50 four (85.34), subsection two (2), of the Code shall

Page 2.

1 be suspended and again held in trust until such person
 2 is again released by final discharge or parole,
 3 whichever first occurs. However, the industrial
 4 commissioner may, if the industrial commissioner finds
 5 that dependents of the person awarded weekly
 6 compensation pursuant to section eighty—five point
 7 thirty—three (85.33) of the Code or section eighty—
 8 five point thirty—four (85.34), subsections one (1)
 9 and two (2), of the Code would require welfare aid
 10 as a result of terminating the compensation, order
 11 such weekly compensation to be paid to a responsible
 12 person for the use of dependents.

13 For the purposes of this section:

- 14 1. "Department" means the department of social
- 15 services.
- 16 2. "Penal institution" means any reformatory,
- 17 state penitentiary, release center, or other state
- 18 penal or correctional institution." "
- 19 3. By renumbering the amendments as required.

Amendment H—4278 was adopted.

On motion by Brunow of Appanoose, amendment H—4230, as amended, was adopted.

Schroeder of Pottawattamie offered the following amendment H—4265 filed by him:

H—4265

- 1 Amend Senate File 112 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 8, by inserting before line 18 the
- 4 following:

- 5 "Sec. . Section two hundred forty—seven A point
6 two (247A.2), Code 1977, is amended to read as follows:
7 247A.2 PROGRAM. The department of social services
8 shall establish a work release program under which
9 inmates sentenced to an institution under the
10 jurisdiction of the department may be granted the
11 privilege of leaving actual confinement during
12 necessary and reasonable hours for the purpose of
13 working at gainful employment in this state. Under
14 appropriate conditions the program may also include
15 release for the purpose of seeking employment and
16 attendance at an educational institution. In the
17 case of inmates who have children in their homes under
18 the age of eighteen years, the program may include
19 child care and housekeeping in their homes."
20 2. Title page, line 4, by inserting after the
21 word "programs," the words "extending the work release
22 program,".
23 3. Renumber sections as required.

Hines of Story rose on a point of order that amendment H-4265 was not germane.

The Speaker ruled the point not well taken and amendment H-4265 germane.

On motion by Schroeder of Pottawattamie, amendment H-4265 was adopted.

Garrison of Black Hawk asked and received unanimous consent that action on Senate File 112 be deferred.

MOTION TO RECONSIDER PREVAILED

(Conference Committee Report to Senate File 162)

Schroeder of Pottawattamie called up for consideration the motion to reconsider Senate File 162, filed on May 18, 1977, and moved to reconsider the vote by which the conference committee report to Senate File 162, a bill for an act making an appropriation to the judicial department, failed to be adopted by the House on May 18, 1977.

A non-record roll call was requested.

The ayes were 77, nays 1.

The motion prevailed and the conference committee report was reconsidered.

Wyckoff of Benton moved the adoption of the conference committee report (found on pages 2276 and 2277 of the House Journal) and the amendments contained therein.

A non-record roll call was requested.

The ayes were 68, nays 22.

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (S.F. 162)

The ayes were, 77:

Anderson	Baker	Bennett	Bina
Brandt	Branstad	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Den Herder	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, O.L.	Monroe
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spencer	Stromer
Svoboda	Tauke	Thompson	Varley
Welden	West	Wulff	Wyckoff
			Mr. Speaker

The nays were, 14:

Binneboese	Byerly	Davitt	Doyle
Griffie	Howell	Jesse	Middleswart
Rinas	Spear	Stephens	Tofte
Walter	Woods		

Absent or not voting, 8:

Avenson	Chiodo	Egenes	Miller, K.D.
Newhard	Norland	Perkins	Wells

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

SIFTING COMMITTEE NONCONTROVERSIAL - 15-MINUTE CALENDAR

Senate File 402, a bill for an act to legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken, with report of committee recommending passage, was taken up for consideration.

Pelton of Clinton offered the following amendment H-4242 filed by him and moved its adoption:

H-4242

1 Amend Senate File 402, as passed by the

- 2 Senate, as follows:
 3 1. Page 1, by striking lines 27 through 31
 4 and inserting in lieu thereof the following: "of
 5 chapter four hundred ninety-nine (499) of the
 6 Code."

Amendment H-4242 was adopted.

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

On the question "Shall the bill pass?" (S.F. 402)

The ayes were, 90:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none:

Absent or not voting: 9

Avenson

Chiodo

Connors

Egenes

Hullinger
Spencer

Lipsky

Monroe

Newhard

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

IMMEDIATE MESSAGE
(Senate File 402)

Pelton of Clinton asked and received unanimous consent that Senate File 402 be immediately messaged to the Senate.

SIFTING COMMITTEE NONCONTROVERSIAL
5-MINUTE CALENDAR

Senate File 377, a bill for an act relating to the development of air carrier service in the state by the state department of transportation, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 377)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Crabb	Crawford	Cusack
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Nielsen	O'Halloran	Oxley

Pavich	Pellett	Pelton	Perkins
Rinas	Schneklath	Schroeder	Shimanek
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Tofte	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 9:

Conlon	Daggett	Howell	Poncy
Scheelhaase	Small	Smalley	Thompson
Welden			

Absent or not voting, 7:

Chiodo	Connors	Egenes	Monroe
Newhard	Norland	Patchett	

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

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

The House resumed session, Speaker Cochran in the chair.

The House resumed consideration of Senate File 112, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

Jesse of Polk offered the following amendment H-4281 filed by him and Gentleman of Polk from the floor and moved, its adoption:

H-4281

- 1 Amend Senate File 112, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 11, by striking the words "or
- 4 parole".

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

7 "Sec. . Section two hundred forty-seven point
8 twenty-four (247.24), Code 1977, is amended to read
9 as follows:

10 247.24 PAROLE AGENT AND PROBATION AGENT AS PEACE
11 OFFICER OFFICERS. Any agent or investigator appointed
12 or employed by the chief parole agent or by the
13 director of a judicial district department of
14 correctional services for the purpose of making
15 investigations and of apprehending and returning
16 persons granted a parole or probation under the
17 jurisdiction of the chief parole agent or of the
18 director of a judicial district department of
19 correctional services to any institution, shall, while
20 engaged in such duty or work, have all the powers
21 of peace officers.

22 Sec. . Section seven hundred eighty-nine A
23 point one (789A.1), subsection two (2), Code 1977,
24 is amended to read as follows:

25 2. By record entry at time of or after sentencing,
26 the court may suspend the sentence and place the
27 defendant on probation upon such terms and conditions
28 as it may require including commitment to an alternate
29 jail facility or a community correctional residential
30 treatment facility for a specific number of days to
31 be followed by a term of probation as specified in
32 section seven hundred eighty-nine A point two (789A.2)
33 of the Code. A person so committed who has probation
34 revoked shall be given credit for such time served."

35 3. Page 7, by inserting before line 31 the
36 following sections:

37 "Sec. . Chapter one thousand two hundred forty-
38 five (1245), Acts of the Sixty-sixth General Assembly,
39 1976 Session, chapter three (3), section one hundred
40 two (102), is amended to read as follows:

41 SEC. 102. NEW SECTION. PRESENTENCE INVESTIGATION.

42 Upon a plea of guilty, a verdict of guilty, or a
43 special verdict upon which a judgment of conviction
44 of any public offense may be rendered, the court shall
45 receive from the state, from the judicial district
46 department of correctional services, and from the
47 defendant any information which may be offered which
48 is relevant to the question of sentencing. The court
49 may consider information from other sources, and,
50 if the offense is a felony, shall order that a

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1 presentence investigation be made. If the offense

2 is not a felony, the court may, in its discretion,
3 order that a presentence investigation be made whenever
4 the maximum period of confinement which may be imposed
5 is in excess of thirty days.

6 The court may withhold execution of any judgment
7 or sentence for such time as shall be reasonably
8 necessary for an investigation with respect to
9 deferment of judgment or suspension of sentence and
10 probation. The investigation shall be made by the
11 ~~probation and parole service, or by another appropriate~~
12 ~~agency as determined by the court~~ judicial district
13 department of correctional services.

14 Sec. . Chapter one thousand two hundred forty-
15 five (1245), Acts of the Sixty-sixth General Assembly,
16 1976 Session, chapter three (3), section five hundred
17 one (501), is amended to read as follows:

18 SECTION 501. NEW SECTION. PROBATION AND PAROLE-
19 SERVICE. Pursuant to designation by the court, parole
20 and probation services shall be provided by the-
21 ~~department of social services or by a local agency--~~
22 ~~established under chapter two hundred seventeen (217)~~
23 ~~of the Code~~ the judicial district department of
24 correctional services. Parole and probation Probation
25 officers shall perform the duties assigned to them
26 by law and by the director of the ~~agency by which~~
27 ~~they are employed~~ judicial district department of
28 correctional services.

29 Sec. . Chapter one thousand two hundred forty-
30 five (1245), Acts of the Sixty-sixth General Assembly,
31 1976 Session, chapter three (3), section five hundred
32 two (502), is amended to read as follows:

33 SEC. 502 NEW SECTION. PAROLE OFFICERS AND
34 PROBATION OFFICERS. Parole officers and probation
35 officers, while performing their duties as such, are
36 peace officers and have all the powers and authority
37 of peace officers. Parole officers and probation
38 officers shall investigate all persons referred to
39 them for investigation by the chief parole officer
40 or by any court to which they may be assigned or by
41 the director of a judicial district department of
42 correctional services. They shall furnish to each
43 person released under their supervision a written
44 statement of conditions. They shall keep informed
45 of each person's conduct and condition and shall use
46 all suitable methods to aid and encourage ~~him or her~~
47 the person to bring about improvement in his or her
48 conduct or condition. Parole officers and probation
49 officers shall keep records of their work, shall make
50 reports as required by the court, and shall perform

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1 other such duties as may be assigned to them by the
2 chief parole officer or the court or the director
3 of a judicial district department of correctional
4 services. They shall coordinate their work with that
5 of other social welfare agencies which offer services
6 of a corrective nature operating in the area to which
7 they are assigned.

8 Sec. . Chapter one thousand two hundred forty-
9 five (1245), Acts of the Sixty-sixth Genral Assembly,
10 1976 Session, chapter three (3), section seven hundred
11 one (701), is amended to read as follows:

12 SECTION 701. NEW SECTION. PROBATION. Probation
13 is the procedure under which a defendant, against whom
14 a judgement of conviction of a public offense may be
15 entered, is released by the court subject to
16 supervision by ~~probation and parole~~ a resident of
17 this state or by the judicial district department
18 of correctional services.

19 Sec. . Chapter one thousand two hundred forty-
20 five (1245), Acts of the Sixty-sixth General Assembly,
21 1976 Session, chapter three (3), section seven hundred
22 two (702), subsection one (1), unnumbered paragraph
23 one (1) and subsection two (2), are amended to read
24 as follows:

25 With the consent of the defendant, the court may
26 defer judgment and place the defendant on probation
27 upon such conditions as it may require, or defer
28 sentence and ~~place assign~~ the defendant as provided
29 ~~in section seven hundred nine (709), of this division~~
30 to the judicial district department of correctional
31 services. Upon a showing that such person is not
32 cooperating with the program or is not responding
33 to it, the court may withdraw the person from the
34 program and impose any sentence authorized by law.
35 Before taking such action, the court shall give the
36 person an opportunity to be heard on any matter
37 relevant to the proposed action. Upon fulfillment
38 of the conditions of probation, the defendant shall
39 be discharged without entry of judgment. Upon
40 violation of the conditions of probation, the court
41 may proceed as provided in division eight (VIII) of
42 this chapter.

43 2. By record entry at the time of or after
44 sentencing, the court may suspend the sentence and
45 place the defendant on probation upon such terms and
46 conditions as it may require including commitment
47 to an alternate jail facility or a community
48 correctional residential treatment facility for a

49 specific number of days to be followed by a term of
50 probation as specified in section seven hundred six

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1 (706) of this chapter. A person so committed who
2 has probation revoked shall be given credit for such
3 time served.

4 Sec. . Chapter one thousand two hundred forty
5 five (1245), Acts of the Sixty-sixth General Assembly,
6 1976 Session, chapter three (3), section seven hundred
7 six (706), unnumbered paragraph two (2), is amended
8 to read as follows:

9 ~~If the person is ordered placed under the custody,~~
10 ~~care and supervision of the probation and parole~~
11 ~~service, the term of probation shall be determined~~
12 ~~by the board of parole and the probation of the~~
13 ~~defendant shall be supervised by the probation and~~
14 ~~parole service. The length of the probation shall~~
15 ~~not be less than one year and shall not be less than~~
16 ~~two years if the offense is a felony. However, the~~
17 ~~court may subsequently reduce the length of the~~
18 ~~probation if the court determines that the purposes~~
19 ~~of probation have been fulfilled; as provided in~~
20 ~~section seven hundred eight (708) of this division:~~
21 ~~The purposes of probation are to provide maximum~~
22 ~~opportunity for the rehabilitation of the defendant~~
23 ~~and to protect the community from further offenses~~
24 ~~by the defendant and others.~~

25 Sec. Chapter one thousand two hundred forty-
26 five (1245), Acts of the Sixty-sixth General Assembly,
27 1976 Session, chapter three (3), section seven hundred
28 seven (707), is amended to read as follows:

29 SEC. 707. NEW SECTION. SUPERVISION DURING
30 PROBATIONARY PERIOD. A person released on probation
31 shall be assigned to a parole probation officer.
32 Both the person and his or her parole probation officer
33 shall be furnished with the conditions of the person's
34 probation and the regulations which the person will
35 be required to observe, in writing. The parole
36 probation officer shall explain these conditions and
37 regulations to the person, and shall supervise, assist,
38 and counsel the person during the term of his or her
39 probation.

40 When probation is granted, the court shall order
41 said person committed to the custody, care, and
42 supervision:

- 43 1. Of any suitable resident of this state; or
- 44 2. Of any local agency established under chapter-

45 ~~two hundred seventeen (217) of the Code; or the~~
46 ~~judicial district department of correctional services.~~
47 ~~3. Of the probation and parole service. The chief~~
48 ~~parole officer may also accept the custody, care and~~
49 ~~supervision of any person granted probation or parole~~
50 ~~from a sentence to a term in a county jail.~~

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1 Jurisdiction of these persons shall remain with the
2 sentencing court. ~~The chief parole officer shall~~
3 ~~not, however, accept the custody, care and supervision~~
4 ~~of any person who in the chief probation officer's~~
5 ~~judgment could not be properly supervised.~~
6 In each case wherein the court shall order said
7 person committed to the custody, care, and supervision
8 of the ~~probation and parole service~~ judicial district
9 department of correctional services, the clerk of
10 the district shall at once furnish the ~~chief parole-~~
11 ~~officer~~ director of the judicial district department
12 of correctional services with certified copies of
13 the indictment or information, the minutes of testimony
14 attached thereto, the judgment entry if judgment is
15 not deferred, and the original mittimus. The county
16 attorney shall at once advise the ~~chief parole officer-~~
17 director, by letter, that the defendant has been
18 placed under the supervision of the ~~probation and~~
19 ~~parole service~~ judicial district department of
20 correctional services and give ~~to the chief parole-~~
21 ~~officer~~ him or her a detailed statement of the facts
22 and circumstances surrounding the crime committed
23 and the record and history of the defendant as may
24 be known to the county attorney. If the defendant
25 is confined in the county jail at the time of sentence,
26 the court may order the defendant held until
27 arrangements are made by the ~~probation and parole~~
28 ~~service~~ judicial district department of correctional
29 services for the defendant's employment and he or
30 she has signed the necessary probation papers. If
31 the defendant is not confined in the county jail at
32 the time of sentence, the court may order the defendant
33 to remain in the county wherein the defendant has
34 been convicted and sentenced and report to the sheriff
35 as to his or her whereabouts.

36 Sec. Chapter one thousand two hundred forty—
37 five (1245), Acts of the Sixty-sixth General Assembly,
38 1976 Session, chapter three (3), section seven hundred
39 ten (710), is amended to read as follows:

40 SEC. 710. NEW SECTION. RELEASE AFTER COMPLETION.

41 When the court has determined that any person ordered
42 to participate in a locally administered correctional
43 program, pursuant to section seven hundred two (702),
44 subsection one (1) of this division, has successfully
45 completed such program, the court shall order such
46 person to be released on probation. ~~The provisions-~~
47 ~~of sections six hundred three (603) through six hundred-~~
48 ~~eight (608), inclusive, of this chapter, shall apply-~~
49 ~~to such release.~~

50 Sec. Chapter one thousand two hundred forty—

Page 6

1 five (1245), Acts of the Sixty—sixth General Assembly,
2 1976 Session, chapter three (3), section eight hundred
3 ten (810), is amended to read as follows:

4 SEC. 810. NEW SECTION. VIOLATION OF PROBATION.

5 A parole ~~probation~~ officer or other agency charged
6 ~~with the supervision of a probationer as authorized~~
7 ~~by sections one hundred seven (107) and five hundred~~
8 ~~one (501) of this chapter the judicial district~~
9 department of correctional services having probable
10 cause to believe that any person released on probation
11 has violated the conditions of his or her probation
12 shall proceed by arrest or summons as in the case
13 of a parole violation. The functions of the magistrate
14 and the board of parole shall be performed by the
15 judge or magistrate who would have had jurisdiction
16 to try the original offense. Where the ~~parole-~~
17 probation officer proceeds by arrest, any magistrate
18 may receive the complaint, issue an arrest warrant,
19 or conduct the initial appearance, probable cause
20 hearing, and probation revocation hearing, or any
21 of them, may at the discretion of the court be merged
22 into a single hearing, when it appears that the alleged
23 violator will not be prejudiced thereby. If the
24 violation is established, the court may continue the
25 probation with or without an alteration of the
26 conditions of probation, or may revoke the probation
27 and may require the defendant to serve the sentence
28 imposed, or any lesser sentence, and, if imposition
29 of sentence was deferred, may impose any sentence
30 which might originally have been imposed.

31 Sec. Chapter one thousand two hundred forty—
32 five (1245), Acts of the Sixty—sixth General Assembly,
33 1976 Session, chapter three (3), sections five hundred
34 four (504) and seven hundred nine (709) are repealed.”

35 4. Page 8, by inserting after line 17 the following

36 section:

37 "Sec. . Item three (3) of this amendment is
38 effective on the date set forth in chapter one thousand
39 two hundred forty-five (1245), Acts of the Sixty-sixth
40 General Assembly, 1976 Session, chapter four (4),
41 section five hundred twenty-nine (529)."

42 5. Page 8, line 19, by striking the word "This"
43 and inserting in lieu thereof the words "Unless
44 otherwise specifically provided, this".

45 6. Page 9, by inserting after line 3 the following
46 section:

47 "Sec. . This Act shall be codified within the
48 Iowa Corrections Code."

49 7. By renumbering sections and correcting internal
50 references as necessary.

Amendment H-4281 was adopted.

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

On the question "Shall the bill pass?" (S.F. 112)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Harvey	Higgins	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lipsky
Lonergan	Menke	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Svoboda	Thompson
Varley	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

The nays were, 1:

Woods

Absent or not voting, 14:

Brockett	Chiodo	Clark, B.J.	Connors
Davitt	Hargrave	Hinkhouse	Koogler
Lindeen	Middleswart	Spencer	Stephens
Tauke	Tofte		

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

IMMEDIATE MESSAGE

(Senate File 112)

Garrison of Black Hawk asked and received unanimous consent that Senate File 112 be immediately messaged to the Senate.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION.

The House reconvened, Speaker Cochran in the chair.

COMMUNICATION

Miller of Calhoun presented the following communication received from the family of the Honorable Mattie Harper:

“The family of Mattie Harper acknowledges with deep appreciation your kind expression of sympathy.”

A memorial will be presented to the West Grove Methodist Church in memory of Representative Harper.

QUORUM CALL

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 97, a bill for an act providing an appropriation for the purpose of funding the acquisition and use of an interactive computer system encompassing state budgeting and analysis procedures.

Also: That the Senate has on May 19, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits.

STEVEN C. CROSS, Secretary

HOUSE INSISTS

Horn of Linn called up for consideration Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits, and moved to insist on the House amendment.

The motion prevailed and the House insists on its amendment.

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

The House resumed session, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has insisted on its amendment to the House amendment to Senate File 333, a bill for an act clarifying and making corrective revisions to chapter two hundred twenty-nine of the Code relating to hospitalization of the mentally ill, and the members of the conference committee on the part of the Senate, appointed May 19, 1977, are: The Senator from Story, Mr. Murray, chair; the Senator from Wapello, Mr. Glenn; the Senator from Polk, Mr. Readinger; the Senator from Linn, Mr. Rush; and the Senator from Polk, Mr. Willits.

Also: That the members of the conference committee on the part of the Senate on Senate File 361, a bill for an act relating to the rules of appellate procedure in the courts, appointed May 19, 1977, are: The Senator from Wapello, Mr. Glenn, chair; the Senator from Sioux, Mr. DeKoster; the Senator from Clarke, Mr. Ramsey; the Senator from Linn, Mr. Redmond; and the Senator from Pocahontas, Mr. Scott.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 47

By Human Resources Committee

- 1 *Whereas*, nursing home quality of care, service standards,
 2 and reimbursement levels have a major impact on the health and
 3 economic welfare of the citizens of Iowa; and
 4 *Whereas*, proposed legislative changes in juvenile justice
 5 remove the status offender from the criminal system, and it is
 6 desirable to determine what types of services are available
 7 to the status offender and other juvenile offenders and what
 8 services are needed; and
 9 *Whereas*, statistics suggest that a majority of persons
 10 eligible to receive food stamps are not participating in the
 11 program, and many of the eligible are elderly and/or recipients
 12 of Supplemental Security Income, and adequate nutrition is
 13 desired for all Iowans; and
 14 *Whereas*, there is interest in the condition of public
 15 health programs in the 99 counties, in the structural and
 16 financial alternatives available to local governments to
 17 support adequate public health programs, and in the proper
 18 role of the State Department of Health in the development and
 19 improvement of local or regional public health programs; *Now*
 20 *Therefore*,
 21 *Be It Resolved by the House of Representatives, the*
 22 *Senate Concurring*, That the Legislative Council is requested
 23 to approve study subcommittees composed of members of the

Page 2

- 1 Committees on Human Resources of the House and the Senate,
 2 to undertake a study addressed to the concerns referred to

3 in the preceeding paragraphs of this resolution, and that the
4 study subcommittees be directed to submit periodic progress
5 reports to the Legislative Council upon request and a final
6 report to the Sixty—seventh General Assembly, second regular
7 session, not later than January 1, 1978, and that the study
8 committee shall have available to it the staff of the House
9 and Senate Human Resources Committees for this study.

Laid over under Rule 25.

SENATE MESSAGES CONSIDERED

SENATE FILE 97, a bill for an act making an appropriation for the purpose of funding the acquisition, development, installation and use of an interactive computer system encompassing state budgeting and analysis procedures.

Read first time and referred to committee on BUDGET.

SENATE FILE 407, a bill for an act appropriating funds to the state board of public instruction to plan for an addition to a building.

Read first time and referred to committee on BUDGET.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on the 18th day of May, 1977: House File 280

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing

that on May 18, 1977, he approved and transmitted to the Secretary of State the following bill:

House File 280, an act relating to establishing a prosecutor internship program.

APPOINTMENT OF CONFERENCE COMMITTEE (Senate File 333)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 333: Newhard of Jones, chair; Nielsen of Polk, Gentleman of Polk, Higgins of Scott and Lipsky of Linn.

SENATE AMENDMENT CONSIDERED

Norland of Worth called up for consideration House File 332, a bill for an act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive, amended by the Senate amendment H-4176, found on pages 2238 through 2245 of the House Journal.

Norland of Worth asked and received unanimous consent to withdraw the following amendments to the Senate amendment H-4176:

H-4252 filed by Norland of Worth on May 18, 1977.

H-4276 (to amendment H-4252) filed by Norland of Worth on May 18, 1977.

H-4275 filed by Norland of Worth and Nielsen of Polk on May 18, 1977.

Harvey of Scott offered amendment H-4277, to the Senate amendment H-4176, filed by him from the floor.

Anderson of Jasper rose on a point of order that amendment H-4277 was not germane.

The Speaker ruled the point well taken and amendment H-4277 not germane.

Norland of Worth offered amendment H-4290, to the Senate amendment H-4176, filed by Norland, West, Nielsen, Schroeder, Avenson, Stromer, Miller of Buchanan, Halvorson, Small, Hansen, Krause, Spear, Howell, Hullinger, Anderson and Gilloon from the floor. Division was requested as follows:

H-4290

- 1 Amend the Senate amendment, H-4176, to House File
- 2 332, as amended, passed, and reprinted by the House,
- 3 as follows:

H-4290A

- 4 1. Page 1, line 8, by striking the words "any
- 5 succeeding year" and inserting in lieu thereof the
- 6 word and figures "January 1, 1979".
- 7 2. Page 3, line 17, by striking the figure "1978"
- 8 and inserting in lieu thereof the figure "1979".
- 9 3. Page 3, by inserting after line 36 the following
- 10 new section:
- 11 "Sec. Section four hundred twenty-seven A
- 12 point thirteen (427A.13), Code 1977, is amended to
- 13 read as follows:
- 14 427A.13 APPROPRIATION. There is hereby
- 15 appropriated from the general fund of the state of
- 16 Iowa to the personal property tax replacement fund
- 17 the following sums, or so much thereof as may be
- 18 necessary, to carry out the provisions of this chapter
- 19 as amended by this division. For the fiscal year
- 20 beginning July 1, 1973, and ending June 30, 1974,
- 21 there is appropriated the sum of thirty-one million
- 22 nine hundred thousand dollars. For the fiscal year
- 23 beginning July 1, 1974, and ending June 30, 1975,
- 24 and each succeeding fiscal year, there is appropriated
- 25 the sum of thirty-five million seven hundred thousand
- 26 dollars. For each year of the fiscal period beginning
- 27 July 1, 1977 and ending June 30, 1979 the total
- 28 appropriation shall be thirty-eight million six hundred
- 29 thousand dollars and for each fiscal year for which

30 an increase in the additional personal property tax
31 credit becomes effective as provided in this division,
32 the appropriation under this section shall be increased
33 by three million eight hundred thousand dollars, and
34 such increased appropriation shall continue for each
35 succeeding fiscal year. For the fiscal year for which
36 the ninth increase in the additional personal property
37 tax credit becomes effective as provided in this
38 division, and for each succeeding fiscal year, the
39 total appropriation shall be sixty-eight million
40 dollars per year."

H-4290B

41 4. Page 4, line 5, by striking the word
42 "assessing" and inserting in lieu thereof the word
43 "assessing".

H-4290F

44 5. Page 4, by inserting after line 13 the following
45 new section:
46 "Sec. . Section four hundred forty-one point
47 twenty-one (441.21), subsection one (1), unnumbered
48 paragraph seven (7), Code 1977, is amended to read
49 as follows:
50 Notwithstanding any other provision of this section,

Page 2

1 the actual value of any property shall not exceed
2 its fair and reasonable market value. For agricultural
3 property, the assessed value as determined under this
4 section shall not exceed the actual value of such
5 property and the assessed value of residential property
6 as determined under this section shall not exceed
7 the fair and reasonable market value of such property."

H-4290B

8 6. Page 4, line 21, by striking the word "such"
9 and inserting in lieu thereof the words "each class
10 of".
11 7. Page 4, line 22, by inserting after the word
12 "determined" the words "for each class of property".
13 8. Page 4, line 23, by striking the words "each
14 assessing jurisdiction in".
15 9. Page 4, line 29, by striking the words
16 "assessing jurisdiction" and inserting in lieu thereof

- 17 the word "state".
- 18 10. Page 4, line 32, by striking the word
- 19 "assessor" and inserting in lieu thereof the word
- 20 "assessors".
- 21 11. Page 4, line 33, by striking the words "seven
- 22 and one-half" and inserting in lieu thereof the word
- 23 "six".
- 24 12. Page 4, line 38, by striking the words
- 25 "assessing jurisdiction" and inserting in lieu thereof
- 26 the word "state".
- 27 13. Page 4, line 39, by striking the words
- 28 "assessor on the abstract" and inserting in lieu
- 29 thereof the words "assessors on the abstracts".
- 30 14. Page 4, line 47, by inserting after the words
- 31 "The dividend" the words "for each class of property".
- 32 15. Page 4, line 47, by inserting after the word
- 33 "determined" the words "for each class of property".
- 34 16. Page 5, line 3, by striking the words "assessor
- 35 on the abstract" and inserting in lieu thereof the
- 36 words "assessors on the abstracts".
- 37 17. Page 5, line 4, by striking the words "seven
- 38 and one-half" and inserting in lieu thereof the word
- 39 "six".
- 40 18. Page 5, line 5, by inserting after the word
- 41 "divisor" the words "for each class of property".
- 42 19. Page 5, lines 6 and 7, by striking the words
- 43 "assessing jurisdiction" and inserting in lieu thereof
- 44 the word "state".
- 45 20. Page 5, line 8, by striking the words "assessor
- 46 on the abstract" and inserting in lieu thereof the
- 47 words "assessors on the abstracts".
- 48 21. Page 5, by striking lines 15 through 20.
- 49 22. Page 5, line 26, by striking the word "assessed"
- 50 and inserting in lieu thereof the word "assessed".

H-4290C

Page 3

- 1 22. Page 5, line 26, by striking the word "assessed"
- 2 and inserting in lieu thereof the word "assessed".

H-4290B

- 3 23. Page 5, by inserting after line 33 the
- 4 following:
- 5 "NEW UNNUMBERED PARAGRAPH Beginning with valua-
- 6 tions established as of January 1, 1978, the assessors
- 7 shall report the aggregate taxable values and the

8 number of dwellings located on agricultural land and
9 the aggregate taxable value of all other structures
10 on agricultural land. Beginning with valuations
11 established as of January 1, 1980, such agricultural
12 structures and agricultural dwellings located on
13 agricultural land shall be valued at their market
14 value as defined in this section and agricultural
15 structures and agricultural dwellings shall each
16 constitute a separate class of property."

H-4290D

17 24. Page 6, by inserting after line 6, the
18 following new section:

19 "Sec. . Chapter four hundred forty-five (445),
20 Code 1977, is amended by adding the following new
21 section:

22 NEW SECTION. When agricultural land or residential
23 property which is being or has been valued and assessed
24 under the provisions of this section is no longer
25 used for the purpose for which it was valued and
26 assessed under the provisions of this section, such
27 property shall be subject to an additional tax. The
28 tax shall be computed by multiplying the consolidated
29 levy for each of the five preceding years times the
30 fair and reasonable market value for each of the five
31 preceding years less the consolidated levy for the
32 preceding five years by the assessed value of the
33 property for the preceding five years. Such additional
34 taxes shall be entered against the property on the
35 tax list for the current year and shall constitute
36 a lien against the property in the same manner as
37 a lien for property taxes. The additional taxes shall
38 be collected in the same manner as all other property
39 taxes except that such taxes shall be credited to
40 the general fund of the city if such taxes are
41 collected on property located within the city or to
42 the general fund of the county if such tax is collected
43 on property located in the unincorporated area of
44 the county."

H-4290B

45 25. Page 6; by striking lines 7 through 50.

46 26. Page 7, by striking lines 1 through 7.

H-4290E

47 27. Page 7, lines 16 and 17, by striking the words
48 "creating a task force on taxation,".

Norland of Worth moved the adoption of amendment H-4290A, to the Senate amendment H-4176.

Roll call was requested by Koogler of Mahaska and Lipsky of Linn.

Rule 70 was invoked.

On the question "Shall amendment H-4290A, to the Senate amendment H-4176, be adopted?"

The ayes were, 57:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brunow
Byerly	Chiado	Connors	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gilloon
Griffie	Hargrave	Higgins	Hines
Hinkhouse	Howell	Hullinger	Husak
Jochum	Krause	Lageschulte	Loneragan
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Spear
Spencer	Svoboda	Walter	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 35:

Branstad	Brockett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Evans	Gentleman
Gilson	Hansen	Harbor	Harvey
Hoffmann	Horn	Junker	Koogler
Krewson	Lindeen	Lipsky	Menke
Millen	Pellet	Shimaneck	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	

Absent or not voting, 7:

Doyle
Pelton

Halvorson
Perkins

Jesse
Small

Newhard

Amendment H-4290A was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton for the remainder of the day on request of Millen of Van Buren.

On motion by Norland of Worth, amendment H-4290B, to the Senate amendment H-4176, was adopted.

Norland of Worth moved the adoption of amendment H-4290F, to the Senate amendment H-4176.

Roll call was requested by Junker of Woodbury and Rinas of Linn.

On the question "Shall amendment H-4290F, to the Senate amendment H-4176, be adopted?"

The ayes were, 65:

Anderson
Brandt
Crabb
Danker
Dunton
Gilloon
Harbor
Howell
Krause
Menke
Miller, O.L.
O'Halloran
Poncy
Shimanek
Stromer
Welden

Avenson
Branstad
Crawford
Davitt
Egenes
Gilson
Higgins
Hullinger
Lageschulte
Middleswart
Monroe
Oxley
Scheelhaase
Spear
Svoboda
West

Bennett
Brunow
Cusack
Den Herder
Evans
Griffee
Hinkhouse
Husak
Lindeen
Millen
Nielsen
Pellett
Schneklath
Spencer
Tofte
Wulff

Binneboese
Clark, J.H.
Daggett
Dieleman
Fitzgerald
Hansen
Horn
Koogler
Lonergan
Miller, K.D.
Norland
Perkins
Schroeder
Stephens
Varley
Wyckoff
Mr. Speaker

The nays were, 23:

Bina	Brockett	Byerly	Clark, B.J.
Conlon	Connors	Gentleman	Hargrave
Harvey	Hines	Hoffmann	Jochum
Junker	Krewson	Lipsky	Pavich
Rinas	Smalley	Tauke	Thompson
Walter	Wells	Woods	

Absent or not voting, 11:

Baker	Chiodo	Doyle	Dyrland
Garrison	Halvorson	Jesse	Newhard
Patchett	Pelton	Small	

Amendment H-4290F was adopted.

Norland of Worth asked and received unanimous consent to withdraw amendment H-4290C.

Norland of Worth offered the following amendment H-4294, to amendment H-4290D (to the Senate amendment H-4176) filed by him from the floor and moved its adoption:

H-4294

- 1 Amend amendment H-4290 to Senate amendment
- 2 H-4176, to House File 332, as follows:
- 3 1. Page 3, line 24, by striking the words
- 4 "this section" and inserting in lieu thereof the
- 5 words "section four hundred forty-one point
- 6 twenty-one (441.21) of the Code".
- 7 2. Page 3, line 26, by striking the words
- 8 "this section" and inserting in lieu thereof the
- 9 words "section four hundred forty-one point
- 10 twenty-one (441.21) of the Code".

Amendment H-4294 was adopted.

Small of Johnson in the chair at 4:31 p.m.

Brunow of Appanoose in the chair at 5:00 p.m.

Fitzgerald of Webster moved the previous question on House File 332, with respect to the filing of amendments and motions thereto only.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 52, nays 40.

The motion prevailed.

Norland of Worth moved the adoption of amendment H-4290D, as amended, to the Senate amendment H-4176.

Roll call was requested by O'Halloran of Black Hawk and Woods of Polk.

On the question "Shall amendment H-4290D, to amendment H-4176 be adopted?"

The ayes were, 74:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Chiodo
Cochran	Connors	Crawford	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Hansen	Hargrave
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lonergan	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		
	(Brunow)		

The nays were, 21:

Bennett	Branstad	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Harbor	Harvey	Hoffmann
Junker	Lindeen	Lipsky	Menke
Pellett	Scheelhaase	Schnekloth	Stephens
Wulff			

Absent or not voting, 4:

Halvorson	Middleswart	Millen	Newhard
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Amendment H-4290D, as amended, was adopted.

Norland of Worth asked and received unanimous consent that action on amendment H-4290E be deferred.

Gilloon of Dubuque offered the following amendment H-4293, to the Senate amendment H-4176, filed by Gilloon, Koogler, Brandt, Cusack, Horn, Wells, Hines, Small, Higgins, Rinas, O'Halloran, Walter, Bina, Jochum, Krewson, Gentleman, Tauke, Pavich, Connors and Hargrave from the floor and moved its adoption:

H-4293

1 Amend the Senate amendment, H-4176, to House File
2 332, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by inserting after line 5 the following
5 sections:

6 "Sec. 4. Sections five (5) through twenty-eight
7 (28) of this Act shall be codified as a new division
8 under chapter four hundred twenty-two (422) of the
9 Code.

10 Sec. 5. NEW SECTION. DEFINITIONS. As used in
11 this Act, unless the context otherwise requires:

12 1. "Income" means the sum of Iowa net income as
13 defined in section four hundred twenty-two point seven
14 (422.7) of the Code, plus all of the following to
15 the extent not already included in Iowa net income:
16 Capital gains, alimony, child support money, the gross
17 amount of any pension or annuity including but not
18 limited to railroad retirement benefits, all payments
19 received under the federal social security Act, and
20 all military retirement and veterans' disability

21 pensions, interest received from the state or federal
22 government or any of its instrumentalities, workmen's
23 compensation, cash public assistance and relief
24 including food stamps, financial assistance programs
25 as approved by the higher education facilities
26 commission, unemployment compensation, and the gross
27 amount of disability income or "loss of time"
28 insurance. "Income" does not include gifts from
29 nongovernmental sources, or surplus foods or other
30 relief in kind supplied by a governmental agency.

31 2. "Household" means a claimant, spouse, and any
32 person living with the claimant at least one hundred
33 eighty-three consecutive days during the base year.

34 3. "Household income" means all income of all
35 persons residing in the household during the base
36 year prorated according to the length of the period
37 of occupancy.

38 4. "Homestead" means the dwelling actually rented
39 and used as a home by the claimant during all or part
40 of the base year, and so much of the land surrounding
41 it, not exceeding one acre, as is reasonably necessary
42 for use of the dwelling as a home, and may consist
43 of a part of a multidwelling or multipurpose building
44 and a part of the land upon which it is built. It
45 does not include personal property except that a
46 mobile home may be a homestead. Any dwelling or a
47 part of a multidwelling or multipurpose building which
48 is exempt from taxation shall not qualify as a
49 homestead under the provisions of this division.

50 A homestead must be located in this state.

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1 5. "Claimant" means a person claiming a credit
2 under this division who is eighteen years of age or
3 older on or before December thirty-first of the base
4 year and has not been claimed as a dependent on a
5 state income tax return filed in the preceding calendar
6 year, has not received more than six hundred dollars
7 in financial assistance exclusive of a financial aid
8 program approved by the higher education facilities
9 commission, and was domiciled in this state during
10 the entire base year and is domiciled in this state
11 at the time the claim is filed. "Claimant" does not
12 include any person who has previously received or
13 has filed during the base year a claim for
14 reimbursement for property taxes paid or rent
15 constituting property taxes paid under sections four
16 hundred twenty-five point sixteen (425.16) through

17 four hundred twenty—five point thirty—nine (425.39)
18 of the Code. In the case of a claim for a credit
19 for rent constituting property taxes paid, the claimant
20 shall have rented the property during any part of
21 the base year. When two persons of a household are
22 able to meet the qualifications for a claimant, they
23 may determine between them who will be the claimant.
24 If they are unable to agree, the matter shall be
25 referred to the director of revenue not later than
26 April thirtieth of each year and his decision shall
27 be final. If a homestead is occupied by two or more
28 persons, and more than one person is able to qualify
29 as a claimant, and some or all of the qualified persons
30 are not related, the persons may determine among them
31 who will be the claimant. If they are unable to
32 agree, the matter shall be referred to the director
33 of revenue not later than April thirtieth of each
34 year and his decision shall be final.

35 6. "Rent constituting property taxes paid" means
36 twenty—five percent of the gross rent actually paid
37 in cash or its equivalent during the base year by
38 the claimant or his household solely for the right
39 of occupancy of their homestead in the base year,
40 and which rent constitutes the basis, in the succeeding
41 year, of a claim for reimbursement under this division
42 by the claimant.

43 7. "Gross rent" means rental paid at arm's length
44 solely for the right of occupancy of a homestead or
45 mobile home, including rent for space occupied by
46 a mobile home not to exceed one acre, exclusive of
47 charges for any utilities, services, furniture,
48 furnishings, or personal property appliances furnished
49 by the landlord as a part of the rental agreement
50 whether or not expressly set out in the rental

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1 agreement. If the director of revenue determines
2 that the landlord and tenant have not dealt with each
3 other at arm's length, and the director of revenue
4 is satisfied that the gross rent charged was excessive,
5 he shall adjust the gross rent to a reasonable amount
6 as determined by the director. If the landlord does
7 not supply the charges for any utilities, services,
8 furniture, furnishings, or personal property appliances
9 furnished by him, or if the charges appear to be
10 incorrect, the director of revenue may apply a
11 percentage determined from samples of similar gross

12 rents paid solely for the right of occupancy.

13 8. "Base year" means for a claimant filing a claim
14 for rent constituting property taxes paid, the calendar
15 year last ending before the claim is filed.

16 Sec. 6. NEW SECTION. CLAIM IS PERSONAL. The
17 right to file a claim under this Act shall be personal
18 to the claimant and shall not survive his death, but
19 the right may be exercised on behalf of a claimant
20 by his legal guardian or attorney. If a claimant
21 dies after having filed a claim, the amount of the
22 reimbursement may be paid to another member of the
23 household as determined by the director. If the
24 claimant was the only member of his household, the
25 reimbursement may be paid to his executor or
26 administrator, but if neither is appointed and
27 qualified within one year from the date of the filing
28 of the claim, the reimbursement shall escheat to the
29 state.

30 Sec. 7. NEW SECTION. CLAIM AND REIMBURSEMENT.

31 Subject to the limitations provided in this Act, a
32 claimant may annually claim a reimbursement for rent
33 constituting property taxes paid in the base year.
34 The amount of the reimbursement for rent constituting
35 property taxes paid shall be claimed by the claimant
36 as a credit against the state individual income tax
37 owed by the claimant on taxable income of the preceding
38 year on which taxes are payable during the current
39 year. If the claimant has no tax liability for the
40 taxable year, the amount of the reimbursement for
41 rent constituting property taxes paid shall be paid
42 to the claimant as a rebate.

43 Sec. 8. NEW SECTION. FILING DATE. A claim for
44 reimbursement for rent constituting property taxes
45 paid shall not be paid or allowed, unless the claim
46 is actually filed with the claimant's state income
47 tax return and in the possession of the department
48 of revenue on or before April thirtieth of the year
49 following the base year, beginning April 30, 1980.

50 Sec. 9. NEW SECTION. SATISFACTION OF OUTSTANDING

Page 4

1 TAX LIABILITIES. The amount of any claim for
2 reimbursement payable under this Act may be applied
3 by the department of revenue against any tax liability
4 outstanding on the books of the department against
5 the claimant, or against a spouse who was a member
6 of the claimant's household in the base year.

7 Sec. 10. NEW SECTION. ONE CLAIMANT PER HOUSEHOLD.

8 Only one claimant per household per year shall be
 9 entitled to reimbursement under this Act.
 10 Sec. 11. NEW SECTION. SCHEDULE FOR CLAIMS FOR
 11 REIMBURSEMENT. The amount of any claim for
 12 reimbursement filed under this Act shall be determined
 13 as provided in this section.

14 1. The tentative reimbursement shall be determined
 15 according to the following schedule:

	Percent of rent constituting
If the household property taxes paid allowed	
income is:	as a reimbursement:
19 \$ 0- 999.99	100%
20 1,000-1,999.99	95
21 2,000-2,999.99	85
22 3,000-3,999.99	70
23 4,000-4,999.99	55
24 5,000-5,999.99	45
25 6,000-6,999.99	35
26 7,000-7,999.99	30
27 8,000-8,999.99	25

28 Sec. 12. NEW SECTION. MAXIMUM PROPERTY TAX.

29 In any case in which rent constituting property taxes
 30 paid in any base year for any household exceeds six
 31 hundred dollars, the amount of rent constituting
 32 property taxes paid shall be deemed to have been six
 33 hundred dollars for purposes of this Act.

34 Sec. 13. NEW SECTION. CREDIT NOT ALLOWED. The

35 provisions of this Act shall not apply to any person
 36 occupying property which is used exclusively for
 37 essential public purposes and the property occupied
 38 as a household is exempt from all taxes and special
 39 assessments of the state or a political subdivision
 40 of the state.

41 Sec. 14. NEW SECTION. ADMINISTRATION. The

42 director of revenue shall make available suitable
 43 forms with instructions for claimants and shall be
 44 included in the booklet distributed by the director
 45 which contains the state income tax returns and the
 46 instructions for filing the returns. The claim shall
 47 be in such form as the director may prescribe and
 48 shall be filed with the claimant's state individual
 49 income tax return. The director may also devise a
 50 tax reimbursement table, with amounts rounded to the

1 nearest whole dollar. Reimbursements in the amount
 2 of less than one dollar shall not be paid.

3 Sec. 15. NEW SECTION. PROOF OF CLAIM. Every
4 claimant shall give the department of revenue, in
5 support of his claim reasonable proof of:

6 1. Rent constituting property taxes paid, including
7 the portion of gross rent paid for providing utilities,
8 services, furniture, furnishings, and personal property
9 appliances, and the name and address of the owner
10 or manager of the property rented and a statement
11 whether the claimant is related by blood, marriage
12 or adoption to the owner or manager of the property
13 rented;

14 2. Changes of homestead;

15 3. Household membership;

16 4. Household income;

17 5. Size and nature of property claimed as the
18 homestead; and

19 The director may require any additional proof
20 necessary to support a claim.

21 Sec. 16. NEW SECTION. AUDIT OF CLAIM. If on
22 the audit of any claim for reimbursement under this
23 Act, the director determines the amount of the claim
24 to have been incorrectly calculated or that the claim
25 is not allowable, he shall recalculate the claim and
26 notify the claimant of the recalculation or denial
27 and his reasons for it. The director shall not adjust
28 any claim after three years from April thirtieth of
29 the year in which the claim is filed. If the claim
30 for reimbursement has been paid, the amount may be
31 recovered by assessment in the same manner that in-
32 come taxes are assessed under sections four hundred
33 twenty-two point twenty-six (422.26) and four hundred
34 twenty-two point thirty (422.30) of the Code. The
35 recalculation of the claim shall be final unless
36 appealed as provided in section four hundred twenty-
37 five point thirty-one (425.31) of the Code. The
38 provisions of section four hundred twenty-two point
39 seventy (422.70) of the Code shall be applicable with
40 respect to this Act.

41 Sec. 17. NEW SECTION. FALSE CLAIM—PENALTY.

42 Any person making a false affidavit for the purpose
43 of obtaining reimbursement provided for in this
44 division or who knowingly receives the reimbursement
45 credit without being legally entitled to it shall
46 be guilty of a misdemeanor, and upon conviction shall
47 be fined not more than one hundred dollars or
48 imprisoned in the county jail for not more than thirty
49 days or be subject to both such fine and imprisonment.
50 An action under this section shall be brought in Polk

Page 6

1 county. The claim for reimbursement shall be
2 disallowed in full and if the claim has been paid
3 the amount may be recovered by assessment in the
4 manner that income taxes are assessed pursuant to
5 sections four hundred twenty-two point twenty-six
6 (422.26) and four hundred twenty-two point thirty
7 (422.30) of the Code. The director of revenue shall
8 send a notice of disallowance of the claim.

9 Sec. 18. NEW SECTION. NOTICES. Section four
10 hundred twenty-two point fifty-seven (422.57),
11 subsection one (1) of the Code, shall apply to all
12 notices under this Act.

13 Sec. 19. NEW SECTION. APPEALS. Any person
14 aggrieved by an act or decision of the director of
15 revenue or the department of revenue under this Act
16 shall have the same rights of appeal and review as
17 provided in sections four hundred twenty-one point
18 one (421.1) and four hundred twenty-two point fifty-
19 five (422.55) of the Code and the rules of the
20 department of revenue.

21 Sec. 20. NEW SECTION. DISALLOWANCE OF CERTAIN
22 CLAIMS. A claim for reimbursement shall be disallowed
23 if the department finds that the claimant or a person
24 of his household received title to his homestead
25 primarily for the purpose of receiving benefits under
26 this Act.

27 Sec. 21. NEW SECTION. RULES. The director of
28 revenue shall adopt rules in accordance with chapter
29 seventeen A (17A) of the Code for the interpretation
30 and proper administration of this Act, including rules
31 to prevent and disallow duplication of benefits and
32 to prevent any unreasonable hardship or advantage
33 to any person."

34 2. Page 2, by inserting after line 5 the following:

35 " Page 4, line 23, by striking the word "forty-
36 two" and inserting in lieu thereof the word "thirty-
37 two,""

38 3. Renumber sections and correct internal
39 references as necessary in accordance with this
40 amendment.

41 4. Page 7, line 16 by inserting after the word
42 "property," the words "providing for a credit for
43 renters".

Roll call was requested by Bina of Scott and Walter of
Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H-4293, to the Senate amendment H-4176, be adopted?"

The ayes were, 44:

Bina	Brandt	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Dieleman	Doyle
Dyrland	Fitzgerald	Garrison	Gentleman
Gilloon	Griffee	Hargrave	Harvey
Higgins	Hines	Horn	Jesse
Jochum	Koogler	Krewson	Lipsky
Miller, O.L.	Monroe	O'Halloran	Patchett
Pavich	Poncy	Rinas	Small
Smalley	Spear	Tauke	Thompson
Walter	Wells	Woods	Wulff

The nays were, 52:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Brockett	Cochran
Crabb	Daggett	Danker	Davitt
Den Herder	Dunton	Egenes	Evans
Gilson	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Krause	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Nielsen	Norland	Oxley	Pellett
Pelton	Perkins	Scheelhaase	Schnekloth
Schroeder	Shimanek	Spencer	Stephens
Stromer	Svoboda	Tofte	Varley
Welden	West	Wyckoff	Mr. Speaker (Brunow)

Absent or not voting, 3:

Halvorson	Junker	Newhard
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Amendment H-4293 lost.

Speaker Cochran in the chair at 5:44 p.m.

Hargrave of Johnson asked and received unanimous consent that action on House File 332 be deferred.

REREFERRED TO COMMITTEE ON BUDGET

(Senate File 351)

Fitzgerald of Webster asked and received unanimous consent that Senate File 351, previously referred to the committee on agriculture, be rereferred to the committee on budget.

CONFERENCE COMMITTEE APPOINTED

(Senate File 337)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 337: Horn of Linn, chair; Jochum of Dubuque, Koogler of Mahaska, Branstad of Winnebago and Smalley of Polk.

HOUSE INSISTS

(Senate File 137)

Chiodo of Polk called up for consideration Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEE APPOINTED

(Senate File 137)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 137: Chiodo of Polk, chair; Small of Johnson, Hines of Story, Tauke of Dubuque and Brockett of Marshall.

The House resumed consideration of House File 332, to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the act retroactive, and the Senate amendment H-4176, as amended.

Rinas of Linn offered the following amendment H-4273, to the Senate amendment H-4176, filed by Rinas, et al., and moved its adoption:

H-4273

- 1 Amend Senate amendment H-4176 to House File 332,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 6 through 30 and
- 5 inserting in lieu thereof the following:
- 6 "2. Page 4, line 17, by inserting after the word
- 7 "LAND" the words "AND RESIDENTIAL PROPERTY".
- 8 3. Page 4, line 19, by inserting after the word
- 9 "land" the words "and residential property".
- 10 4. Page 4, by inserting after line 34 the following
- 11 new section:
- 12 "Sec. . Section four hundred twenty-six point
- 13 two (426.2), Code 1977, is amended by adding the
- 14 following new unnumbered paragraph:
- 15 NEW UNNUMBERED PARAGRAPH. "Residential property"
- 16 as used in this chapter shall mean and include all
- 17 tracts of land on which any person applies for and
- 18 receives a homestead tax credit as provided for in
- 19 chapter four hundred twenty-five (425) of the Code."
- 20 5. Page 5, line 2, by inserting after the word
- 21 "land" the words "and residential property".
- 22 6. Page 5, line 5, by inserting after the word
- 23 "lands" the words "and residential property".
- 24 7. Page 5, line 14, by inserting after the word
- 25 "land" the words "and residential property".
- 26 8. Page 5, by inserting after line 21 the following
- 27 new sections:
- 28 "Sec. . Section four hundred twenty-six point
- 29 six (426.6), unnumbered paragraph one (1), Code 1977,
- 30 is amended to read as follows:
- 31 The agricultural land and residential property
- 32 tax credit allowed each year shall be computed as
- 33 follows: On or before the first of June the county

34 auditor shall list by school districts all tracts
35 of agricultural lands and residential property which
36 they are entitled to credit hereunder, together with
37 the taxable value for the previous year, together
38 with the budget from each school district for the
39 previous year, and the tax rate determined for the
40 general fund of the district in the manner prescribed
41 in section 444.3 for the previous year, and if such
42 tax rate is in excess of five dollars and forty cents
43 per thousand dollars of assessed value he or she shall
44 multiply the tax levy which is in excess of five
45 dollars and forty cents per thousand dollars of
46 assessed value by the total taxable value of the
47 agricultural lands and residential property entitled
48 to credit hereunder in the district, and on or before
49 the first of June certify the amount thereof to the
50 state comptroller.

Page 2

1 Sec. . Section four hundred twenty-six point
2 seven (426.7), Code 1977, is amended to read as
3 follows:
4 426.7 WARRANTS DRAWN BY COMPTROLLER. After
5 receiving from the several county auditors of the
6 state the certifications provided for in section
7 426.6, and on or before September-15 fifteenth of
8 the following year, the state comptroller shall draw
9 warrants on the agricultural land and residential
10 property credits fund created by this chapter, payable
11 to the county treasurers of the several counties of
12 the state in the total amount certified by the county
13 auditors of the respective counties and mail said
14 warrants to the county auditors of said counties,
15 provided that in the event the agricultural land and
16 residential property credits fund is insufficient
17 to pay in full the total of the amounts certified
18 to the state comptroller on the first of June, he
19 or she shall prorate the fund to the several county
20 treasurers and notify the several county auditors
21 of the pro rata percentage on or before August 1-
22 first.
23 Sec. . Section four hundred twenty-six point
24 eight (426.8), Code 1977, is amended to read as
25 follows:
26 426.8 APPORTIONMENT BY AUDITOR. Upon receiving
27 the pro rata percentage from the state comptroller,
28 the county auditor shall determine the amount thereof
29 to be credited to each tract of agricultural land

30 and residential property, and shall enter upon tax
 31 lists as a credit against the tax levied on each tract
 32 of agricultural land on which there has been made
 33 an allowance of credit before delivering said tax
 34 lists to the county treasurer. Upon receipt of the
 35 comptroller's warrant by the county auditor, he or
 36 she shall deliver said warrant to the county treasurer
 37 for apportionment. The county treasurer shall show
 38 on each tax receipt the amount of tax credit for each
 39 tract of agricultural land. In case of change of
 40 ownership the credit shall follow the title."
 41 9. Page 5, line 25, by inserting after the word
 42 "land" the words "and residential property"."
 43 2. By renumbering the amendment to conform to
 44 this amendment.

Roll call was requested by Rinas of Linn and Bina of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-4273, to the Senate amendment H-4176, be adopted?"

The ayes were, 39:

Bina	Brandt	Byerly	Chiodo
Clark, B.J.	Connors	Crawford	Cusack
Dieleman	Doyle	Garrison	Gentleman
Griffee	Hargrave	Harvey	Higgins
Hines	Horn	Jesse	Jochum
Koogler	Krause	Krewson	Lipsky
Lonergan	Monroe	O'Halloran	Pavich
Pelton	Rinas	Small	Smalley
Spear	Tauke	Thompson	Walter
Wells	Woods	Wulff	

The nays were, 56:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Brockett	Brunow
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Davitt	Den Herder	Dunton
Dyrland	Egenes	Evans	Gilloon
Gilson	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Lageschulte	Lindeen	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Newhard

Nielsen	Norland	Oxley	Pellett
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Shimanek	Spencer	Stephens
Stromer	Svoboda	Tofte	Varley
Welden	West	Wyckoff	Mr. Speaker

Absent or not voting, 4:

Fitzgerald	Halvorson	Junker	Patchett
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Amendment H-4273 lost.

Howell of Floyd offered amendment H-4291, to the Senate amendment H-4176, filed by O'Halloran, Anderson, Doyle, Pellett, Griffiee, Binneboese, Howell, Varley, Bina, Crawford and Jochum from the floor.

Norland of Worth rose on a point of order that amendment H-4291 was not germane.

The Speaker ruled the point well taken and amendment H-4291 not germane.

Clark of Lee moved that the rules governing germaneness be suspended for the consideration of amendment H-4291.

Roll call was requested by Harvey of Scott and Clark of Lee.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4291, to the Senate amendment H-4176?"

The ayes were, 50:

Bina	Binneboese	Branstad	Brockett
Byerly	Chiado	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Doyle	Egenes	Evans
Griffiee	Harvey	Higgins	Hines
Hoffmann	Horn	Howell	Jesse
Jochum	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	O'Halloran	Patchett	Pavich

Pellett	Pelton	Rinas	ShimaneK
Small	Smalley	Stephens	Stromer
Svoboda	Thompson	Tofte	Varley
Woods	Wulff		

The nays were, 43:

Anderson	Avenson	Baker	Bennett
Brandt	Brunow	Cusack	Danker
Davitt	Den Herder	Dieleman	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Hansen	Harbor	Hargrave	Hinkhouse
Hullinger	Husak	Koogler	Loneran
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	Oxley	Perkins
Poncy	Scheelhaase	Schneklloth	Schroeder
Spear	Spencer	Welden	Wells
West	Wyckoff	Mr. Speaker	

Absent or not voting, 6:

Dunton	Gentleman	Halvorson	Junker
Tauke	Walter		

The motion, having failed to receive a constitutional majority, lost.

Lipsky of Linn offered the following amendment H-4226, to the Senate amendment H-4176, filed by her and moved its adoption:

H-4226

- 1 Amend the Senate amendment, H-4176, to House File
- 2 332, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, line 44, by striking the words
- 5 "agricultural and".
- 6 2. Page 4, line 19, by striking the words
- 7 "agricultural and".
- 8 3. Page 4, line 44, by striking the words
- 9 "agricultural and".
- 10 4. Page 5, lines 24 and 25, by striking the words
- 11 "and agricultural".
- 12 5. Page 5, line 28, by striking the words
- 13 "agricultural and".

Roll call was requested by Lipsky of Linn and Bina of Scott.

On the question "Shall amendment H-4226, to the Senate amendment H-4176, be adopted?"

The ayes were, 32:

Bina	Brandt	Brockett	Byerly
Clark, B.J.	Connors	Cusack	Doyle
Dyrland	Garrison	Gentleman	Hargrave
Harvey	Higgins	Hines	Horn
Jesse	Jochum	Koogler	Krewson
Lipsky	O'Halloran	Pavich	Rinas
Small	Smalley	Thompson	Walter
Welden	Wells	Woods	Wulff

The nays were, 62:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Brunow	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Davitt	Den Herder	Dieleman
Egenes	Evans	Fitzgerald	Gilloon
Gilson	Griffee	Hansen	Harbor
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Lageschulte	Lindeen	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Tofte	Varley	West
Wyckoff	Mr. Speaker		

Absent or not voting, 5:

Chiodo	Dunton	Halvorson	Junker
Krause			

Amendment H-4226 lost.

Rinas of Linn moved to suspend the rules for the consideration of amendment H-4291.

Roll call was requested by Tauke of Dubuque and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4291?"

The ayes were, 47:

Bina	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Doyle	Egenes	Garrison
Gentleman	Gilloon	Griffee	Harvey
Higgins	Hines	Hoffmann	Horn
Howell	Jesse	Jochum	Krause
Krewson	Lindeen	Middleswart	Millen
Monroe	O'Halloran	Patchett	Pavich
Pellett	Pelton	Rinas	Shimanek
Small	Smalley	Spear	Stephens
Svoboda	Tauke	Thompson	Varley
Walter	Wells	Woods	

The nays were, 47:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Brunow	Crabb	Daggett	Danker
Davitt	Den Herder	Dieleman	Dyrland
Evans	Fitzgerald	Gilson	Hansen
Harbor	Hargrave	Hinkhouse	Hullinger
Husak	Koogler	Lageschulte	Loneragan
Menke	Miller, K.D.	Miller, O.L.	Newhard
Nielsen	Norland	Oxley	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Spencer	Stromer	Tofte	Welden
West	Wyckoff	Mr. Speaker	

Absent or not voting, 5:

Dunton	Halvorson	Junker	Lipsky
Wulff			

The motion lost.

Miller of Buchanan asked and received unanimous consent that action on amendment H-4295 be deferred.

The Speaker ruled out of order amendment H-4271, to the Senate amendment H-4176, filed by Small, et al., on May 18, 1977.

Bina of Scott offered amendment H-4247, to the Senate amendment H-4176 filed by Bina, et al.

Anderson of Jasper rose on a point of order that amendment H-4247 was not germane.

The Speaker ruled the point well taken and amendment H-4247 not germane.

Bina of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-4247.

Roll call was requested by Bina of Scott and Walter of Pottawattamie.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4247?"

The ayes were, 46:

Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Crabb	Crawford	Cusack	Dyrland
Egenes	Garrison	Gentleman	Gilloon
Harbor	Hargrave	Harvey	Higgins
Hines	Hoffmann	Horn	Jesse
Jochum	Junker	Koogler	Krewson
Lipsky	Monroe	O'Halloran	Patchett
Pavich	Pelton	Perkins	Rinas
Shimanek	Small	Spear	Tauke
Thompson	Tofte	Varley	Walter
Wells	Woods		

The nays were, 48:

Anderson	Avenson	Bennett	Branstad
Brockett	Conlon	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Evans	Fitzgerald	Gilson	Hansen
Hinkhouse	Howell	Hullinger	Husak
Krause	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Newhard	Nielsen	Norland
Oxley	Pellett	Poncy	Scheelhaase
Schnekloth	Schroeder	Smalley	Spencer
Stephens	Stromer	Svoboda	Welden
West	Wulff	Wyckoff	Mr. Speaker

Absent or not voting, 5:

Baker	Connors	Dunton	Griffee
Halvorson			

The motion lost.

West of Marshall offered the following amendment H-4274, to the Senate amendment H-4176, filed by him and Norland of Worth:

H-4274

- 1 Amend the Senate amendment, H-4176, to House File
- 2 332, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by inserting after line 6 the follow-
- 5 ing new section:
- 6 "Sec. . The legislative council is directed
- 7 to create a ten-member study committee which shall
- 8 include members of the standing committees on ways
- 9 and means of the senate and house of representatives
- 10 representing both political parties, which committee
- 11 shall conduct during the 1977 legislative interim
- 12 a comprehensive study of the present taxing system
- 13 in this state. The study shall include, but not be
- 14 limited to, the following:
- 15 1. The present system of state and local taxes
- 16 to determine the relative burden of the present tax
- 17 structure on the various segments of the state's
- 18 populace.
- 19 2. How different types and classes of property

20 should be valued and equalized for property tax
21 assessment purposes.

22 3. Whether budget limitations should be imposed
23 permanently on the political subdivisions of this
24 state.

25 4. Which taxes may presently bear too great a
26 burden of the taxes and which taxes may bear too small
27 a burden.

28 The study committee may employ consultants with
29 the approval of the legislative council, to assist
30 it in carrying out its duties and may request the
31 assistance of any state agency to obtain such data
32 and other information which the task force deems
33 necessary to carry out its duties. Expenses of the
34 study committee, including the cost for employing
35 persons or business firms to assist the committee
36 in its study shall be paid from funds available under
37 section two point twelve (2.12) of the Code.

38 The study committee shall transmit copies of its
39 final report to the governor and the members of the
40 Sixty-seventh General Assembly, 1978 Session, not
41 later than January 30, 1978. The final report shall
42 include findings of fact and its recommendations."

43 2. Renumber sections and correct internal
44 references as may be necessary in accordance with
45 this amendment.

46 3. Amend the title, line 16, by inserting after
47 the word "property," the words "creating a legislative
48 study committee to study the present tax structure,".

Byerly of Polk rose on a point of order that amendment
H-4274 was not germane.

The Speaker ruled the point not well taken and amendment
H-4274 germane.

Brunow of Appanoose in the chair at 7:02 p.m.

West of Marshall moved the adoption of amendment H-4274,
to the Senate amendment H-4176.

A non-record roll call was requested.

The ayes were 45, nays 26.

Amendment H-4274 was adopted.

Connors of Polk asked and received unanimous consent to withdraw amendment H-4203 filed by him on May 16, 1977.

Krause of Kossuth offered amendment H-4253, to the Senate amendment H-4176, filed by him.

Anderson of Jasper rose on a point of order that amendment H-4253 was not germane.

The Speaker ruled the point well taken and amendment H-4253 not germane.

Byerly of Polk offered amendment H-4283, to the Senate amendment H-4176, filed by Byerly, et al., from the floor.

Byerly of Polk requested a ruling as to the germaneness of amendment H-4283.

The Speaker ruled amendment H-4283 not germane.

Woods of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H-4283.

Roll call was requested by Bina of Scott and Walter of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-4283?"

The ayes were, 36:

Bina	Brandt	Byerly	Chiodo
Clark, B. J.	Conlon	Connors	Crawford
Cusack	Dunton	Dyrland	Egenes
Garrison	Gentleman	Hargrave	Harvey
Higgins	Hines	Horn	Jochum
Junker	Koogler	Lipsky	O'Halloran
Pavich	Poncy	Rinas	Shimanek
Small	Svoboda	Tauke	Thompson

Varley	Walter	Wells	Woods
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The nays were, 49:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Crabb	Daggett
Danker	Davitt	Den Herder	Dieleman
Evans	Gilloon	Gilson	Griffee
Hansen	Harbor	Hinkhouse	Hoffmann
Howell	Husak	Krause	Krewson
Lageschulte	Lindeen	Loneragan	Menke
Millen	Miller, K. D.	Miller, O. L.	Monroe
Newhard	Nielsen	Norland	Oxley
Pellett	Pelton	Scheelhaase	Schnekloth
Schroeder	Spear	Spencer	Stephens
Stromer	West	Wulff	Wyckoff
			Mr. Speaker (Brunow)

Absent or not voting, 14:

Brockett	Clark, J. H.	Cochran	Doyle
Fitzgerald	Halvorson	Hullinger	Jesse
Middleswart	Patchett	Perkins	Smalley
Tofte	Weiden		

The motion lost.

Krause of Kossuth offered amendment H-4292 filed by him and Cusack of Scott from the floor.

Schroeder of Pottawattamie rose on a point of order that amendment H-4292 was not germane.

The Speaker ruled the point well taken and amendment H-4292 not germane.

Cusack of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-4292.

A non-record roll call was requested.

The ayes were 29, nays 50.

The motion lost.

Miller of Buchanan offered amendment H-4295 filed by him from the floor and requested division as follows:

H-4295

- 1 Amend the Senate amendment, H-4176, to House File
- 2 332, as amended, passed, and reprinted by the House,
- 3 as follows:

H-4295A

- 4 1. Page 3, by inserting after line 49 the following
- 5 sections:
- 6 "Sec. . Section four hundred forty—one point
- 7 twenty—one (441.21), subsection one (1), unnumbered
- 8 paragraph five (5), Code 1977, is amended to read
- 9 as follows:
- 10 In assessing and determining the actual value of
- 11 agricultural property ~~fifty percent consideration~~
- 12 ~~shall be given to each of the following factors :-~~
- 13 ~~a. The productivity and net earning capacity~~
- 14 ~~determined on the basis of the use for agricultural~~
- 15 ~~purposes the value shall be determined on the basis~~
- 16 ~~of its income producing ability~~ capitalized at a rate
- 17 representing a fair return on the investment, such
- 18 rate to be established by the state board of tax
- 19 review and applied uniformly among counties and among
- 20 classes of property.
- 21 ~~b. The fair and reasonable market value of such~~
- 22 ~~property as defined herein but such market value shall~~
- 23 ~~be based only on its current use and not on its~~
- 24 ~~potential value for other uses.~~
- 25 Sec. . Section four hundred forty—one point
- 26 twenty—one (441.21), subsection one (1), Code 1977,
- 27 is amended by inserting after unnumbered paragraph
- 28 five (5) the following new unnumbered paragraph :
- 29 NEW UNNUMBERED PARAGRAPH. Beginning with valuations
- 30 established as of January 1, 1980, the actual value
- 31 of agricultural land shall be computed on the basis
- 32 of its income producing ability capitalized at a rate
- 33 representing a fair return on the investment, such
- 34 rate to be established by the state board of tax
- 35 review and applied uniformly among counties and among

36 classes of property. Structures located on
37 agricultural land shall be valued at their market
38 value as defined in this subsection."

H-4295B

39 2. Page 4, by striking lines 9 through 11 and
40 inserting in lieu thereof the words "on the basis
41 of its income producing ability capitalized at a rate
42 of".

H-4295C

43 3. Page 6, by inserting after line 6 the following
44 section:
45 "Sec. . Chapter four hundred forty-five (445),
46 Code 1977, is amended by adding the following new
47 section:
48 NEW SECTION. Notwithstanding any other provision
49 to the contrary, upon the sale of any real property
50 to the state or any political subdivision, the seller

Page 2

1 shall be liable for and shall pay all taxes due and
2 owing on such property as of the date on which the
3 state or political subdivision acquires legal title."

Miller of Buchanan asked and received unanimous consent to
withdraw amendment H-4295A.

By unanimous consent the following amendment H-4308, to
amendment H-4295B, (to the Senate amendment H-4176) filed
by Miller of Buchanan from the floor was adopted:

H-4308

1 Amend amendment H-4295 to Senate amendment
2 H-4176 to page 1 of House File 332 as amended,
3 passed and reprinted by the House as follows:
4 1. Page 1, line 41, by inserting after the
5 word "ability" the words "determined on its
6 use for agricultural purposes".

.On motion by Miller of Buchanan, amendment H-4295B, as
amended, was adopted.

Schroeder of Pottawattamie rose on a point of order that amendment H-4295C was not germane.

The Speaker ruled the point not well taken and amendment H-4295C germane.

Miller of Buchanan moved the adoption of amendment H-4295C.

Roll call was requested by Byerly of Polk and Woods of Polk.

On the question "Shall amendment H-4295C be adopted?"

The ayes were, 42:

Baker	Bina	Brockett	Byerly
Chiodo	Crawford	Cusack	Daggett
Egenes	Evans	Garrison	Gilson
Hansen	Harbor	Harvey	Higgins
Hines	Horn	Jesse	Jochum
Junker	Koogler	Lageschulte	Lindeen
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Smalley	Spear
Stephens	Svoboda	Tauke	Tofte
Walter	Woods		

The nays were, 49:

Anderson	Avenson	Bennett	Binneboese
Brandt	Branstad	Clark, B. J.	Clark, J. H.
Conlon	Crabb	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Gentleman	Gilloon	Griffee	Hargrave
Hinkhouse	Hoffmann	Howell	Husak
Krause	Krewson	Lipsky	Lonergan
Menke	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Spencer	Stromer	Thompson
Varley	West	Wulff	Wyckoff
			Mr. Speaker
			(Brunow)

Absent or not voting, 8:

Cochran	Connors	Dyrland	Fitzgerald
Halvorson	Hullinger	Welden	Wells

Amendment 4295C lost.

The House resumed consideration of amendment H-4290E.

On motion by Norland of Worth, amendment H-4290E was adopted:

Cusack of Scott moved that the rules be suspended for the consideration of amendment H-4307 to the Senate amendment H-4176.

Roll call was requested by Lipsky of Linn and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4307, to the Senate amendment H-4176?"

The ayes were, 34:

Bina	Brandt	Brockett	Byerly
Chiodo	Crabb	Crawford	Cusack
Doyle	Garrison	Gentleman	Harvey
Higgins	Hines	Horn	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lipsky	O'Halloran	Patchett
Pavich	Rinas	Small	Smalley
Spear	Svoboda	Tauke	Walter
Woods	Wulff		

The nays were, 59:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Clark, J. H.	Cochran
Conlon	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Dyrland
Egenes	Evans	Gilloon	Gilson
Griffie	Hansen	Harbor	Hargrave
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Lageschulte	Loneragan	Menke
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Monroe	Newhard	Nielsen	Norland

Oxley	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Shimaneck	Spencer	Stephens	Stromer
Thompson	Tofte	Varley	Welden
West	Wyckoff	Mr. Speaker (Brunow)	

Absent or not voting, 6:

Clark, B.J.	Connors	Fitzgerald	Halvorson
Lindeen	Wells		

The motion lost.

Higgins of Scott asked for unanimous consent to consider amendment H-4299.

Objection was raised.

Cusack of Scott moved that the rules be suspended to consider amendment H-4299, to the Senate amendment H-4176.

Roll call was requested by Higgins of Scott and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4299, to the Senate amendment H-4176?"

The ayes were, 30:

Bina	Brandt	Byerly	Chiodo
Crawford	Cusack	Garrison	Gentleman
Gilloon	Hargrave	Harvey	Higgins
Hines	Horn	Jesse	Jochum
Junker	Krewson	Lipsky	O'Halloran
Patchett	Pavich	Rinas	Small
Spear	Svoboda	Walter	Wells
Woods	Wulff		

The nays were, 64:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Brockett	Clark, J.H.

Cochran	Conlon	Crabb	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Gilson	Griffie	Hansen
Harbor	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Koogler	Krause
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K. D.	Miller, O. L.
Monroe	Newhard	Nielsen	Norland
Oxley	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Shimanek	Smalley	Spencer	Stephens
Tauke	Thompson	Tofte	Varley
Welden	West	Wyckoff	Mr. Speaker (Brunow)

Absent or not voting, 5:

Clark, B. J.	Connors	Fitzgerald	Halvorson
Stromer			

The motion lost.

Speaker Cochran in the chair at 7:54 p.m.

Norland of Worth moved to reconsider the vote by which amendment H-4295B, as amended, was adopted by the House on May 19, 1977.

A non-record roll call was requested.

The ayes were 62, nays 12.

The motion prevailed and the House reconsidered amendment H-4295B, as amended.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H-4295B, as amended.

Bina of Scott moved to suspend the rules for the consideration of amendment H-4247, to Senate amendment H-4176, filed by Bina, et al.

Roll call was requested by Pelton of Clinton and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4247, to the Senate amendment H-4176?"

The ayes were, 46:

Bina	Byerly	Clark, B. J.	Clark, J. H.
Connors	Crawford	Cusack	Dieleman
Doyle	Dunton	Dyrland	Garrison
Gentleman	Gilloon	Griffie	Harbor
Hargrave	Harvey	Higgins	Hines
Hoffmann	Horn	Howell	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lindeen	Lipsky	Millen
Patchett	Pavich	Pelton	Poncy
Rinas	Shimaneck	Small	Spear
Svoboda	Tauke	Thompson	Walter
Wells	Woods		

The nays were, 50:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Conlon	Crabb
Daggett	Danker	Davitt	Den Herder
Egenes	Evans	Gilson	Hansen
Hinkhouse	Husak	Lageschulte	Loneragan
Menke	Middleswart	Miller, K. D.	Miller, O. L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pellett	Perkins
Scheelhaase	Schnekloth	Schroeder	Smalley
Spencer	Stephens	Stromer	Tofte
Varley	Welden	West	Wulff
Wyckoff	Mr. Speaker		

Absent or not voting, 3:

Fitzgerald	Halvorson	Hullinger
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The motion lost.

Rinas of Linn moved to suspend the rules for the consideration of amendment H-4309, to the Senate amendment H-4176, filed by Junker of Woodbury and Rinas of Linn from the floor.

A non-record roll call was requested.

The ayes were 37, nays 50.

The motion lost.

Norland of Worth moved that the House concur in the Senate amendment H-4176, as amended.

Roll call was requested by Higgins of Scott and Walter of Pottawattamie.

On the question "Shall the House concur in the Senate amendment H-4176, as amended?"

The ayes were, 72:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brunow
Byerly	Clark, B. J.	Clark, J. H.	Conlon
Crabb	Crawford	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hansen	Harbor	Hines	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Koogler	Krause	Lageschulte	Lindeen
Lonergan	Middleswart	Millen	Miller, K. D.
Miller, O. L.	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Poncy	Schnekloth
Schroeder	Shimanek	Small	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Tofte	Varley	Welden
West	Wulff	Wyckoff	Mr. Speaker

The nays were, 26:

Bina	Brockett	Chiodo	Connors
Cusack	Doyle	Gentleman	Hargrave
Harvey	Higgins	Horn	Jesse
Jochum	Junker	Krewson	Lipsky
Menke	Monroe	Pavich	Rinas
Scheelhaase	Smalley	Thompson	Walter
Wells	Woods		

Absent or not voting, 1:

Halvorson

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

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 332)

The ayes were, 80:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Koogler	Krause
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy

Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Welden
West	Wulff	Wyckoff	Mr. Speaker

The nays were, 18:

Brandt	Brockett	Chiodo	Connors
Cusack	Doyle	Harvey	Higgins
Horn	Jesse	Jochum	Junker
Krewson	Lipsky	Rinas	Thompson
Wells	Woods		

Absent or not voting, 1:

Halvorson

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

IMMEDIATE MESSAGE

(House File 332)

Anderson of Jasper asked and received unanimous consent that House File 332 be immediately messaged to the Senate.

RULE 2 SUSPENDED

Fitzgerald of Webster moved that Rule 2 be suspended to continue session beyond 10:00 p.m. for the consideration of the following bills: Senate File 393, Senate File 355, House File 616, Senate File 185, Senate File 163, House File 85, House File 595 and House File 57.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 53, nays 38.

The motion prevailed.

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the committee on budget meeting.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer for the remainder of the evening and Friday morning on request of Millen of Van Buren; Junker of Woodbury for the remainder of the evening on request of Wyckoff of Benton.

Senate File 393, a bill for an act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements, was taken up for consideration.

Daggett of Adams asked and received unanimous consent to withdraw amendment H-4287 filed by him from the floor.

Speaker pro tempore Nielsen in the chair at 10:24 p.m.

Daggett of Adams offered the following amendment H-4284 filed by him from the floor and moved its adoption:

H-4284

- 1 Amend Senate File 393, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 26, by inserting before the word
- 4 "three" the word and number "two (2),".
- 5 2. Page 1, by inserting after line 27 the follow-
- 6 ing:
- 7 "2. If a majority of the votes cast on the first
- 8 question is in the negative, the public employees
- 9 shall not be represented by an employee organization.
- 10 If a majority of the votes cast on the first question
- 11 is in the affirmative, then the employee organization
- 12 receiving a majority of the votes cast on the second
- 13 question shall represent the public employees in an
- 14 appropriate bargaining unit. If a majority of the
- 15 votes cast on the first question is in the affirmative
- 16 but the majority is not more than twenty-five percent

17 of the public employees who could vote on the question,
 18 the question shall fail. Also, if a majority of the
 19 votes cast for an employee organization under this
 20 subsection or subsection three (3) of this section
 21 does not exceed twenty-five percent of the votes which
 22 could be cast by public employees eligible for the
 23 election, the employee organization shall not be
 24 certified under subsection five (5) of this section."

Roll call was requested by Daggett of Adams and Evans Grundy.

On the question "Shall amendment H-4284 be adopted?"

The ayes were, 34:

Bennett	Branstad	Brockett	Conlon
Crabb	Daggett	Danker	Egenes
Evans	Hansen	Harbor	Harvey
Hoffmann	Howell	Lindeen	Lipsky
Menke	Millen	Miller, K.D.	Miller, O.L.
Pellett	Pelton	Schnekloth	Schroeder
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wyckoff		

The nays were, 57:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Crawford	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Hargrave	Higgins	Hines	Hinkhouse
Horn	Hullinger	Jesse	Jochum
Koogler	Krause	Krewson	Lonerган
Middleswart	Monroe	Newhard	Norland
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Shimanek
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Wulff
			Mr. Speaker
			(Nielsen)

Absent or not voting, 8:

Cochran	Den Herder	Griffee	Halvorson
Husak	Junker	Lageschulte	O'Halloran

Amendment H-4284 lost.

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

On the question "Shall the bill pass?" (S.F. 393)

The ayes were, 69:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lipsky
Lonergan	Middlewart	Miller, K.D.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Wells	Woods	Wulff
			Mr. Speaker
			(Nielsen)

The nays were, 24:

Bennett	Branstad	Brockett	Conlon
Crabb	Daggett	Danker	Evans
Hansen	Harbor	Harvey	Lindeen
Menke	Millen	Miller, O.L.	Pellett
Pelton	Perkins	Schroeder	Stephens
Varley	Welden	West	Wyckoff

Absent or not voting, 6:

Den Herder	Griffie	Halvorson	Higgins
Junker	Lageschulte		

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee on the part of the Senate on Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits, appointed May 19, 1977, are: The Senator from Black Hawk, Mr. Nolting, Chair; the Senator from Sioux, Mr. DeKoster; the Senator from Cedar, Mr. Hulse; the Senator from Guthrie, Mr. Hutchins; and the Senator from Linn, Mr. Robinson.

Also: That the Senate has on May 19, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 594, a bill for an act providing for an Iowa department of substance abuse and prescribing the duties of the department.

Also: That the Senate has on May 19, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 409, a bill for an act providing for an appropriation to the office of the Code editor.

Also: That the Senate has on May 19, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 25, providing for an amendment to the joint rules of the Sixty—seventh General Assembly.

Also: That the Senate has on May 19, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 26, providing for the business of any extraordinary session occurring before the convening of the 1978 Session of the Sixty—seventh General Assembly.

Also: That the Senate has on May 19, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 27, providing for adjournment of the general assembly on calendar day it actually occurs; provides for committees to initially determine own agenda of interim work and adjournment sine die.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 594

H-4300

1 Amend House File 594 as amended, passed and
2 reprinted by the House as follows:

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

5 "Section 1. NEW SECTION. DECLARATION OF POLICY.

6 It is the policy of this state:

7 1. That substance abusers and persons suffering
8 from chemical dependency be afforded the opportunity
9 to receive quality treatment and directed into
10 rehabilitation services which will help them resume
11 a socially acceptable and productive role in society.

12 2. To encourage substance abuse education and
13 prevention efforts and to insure that such efforts
14 are coordinated to provide a high quality of services
15 without unnecessary duplication.

16 3. To insure that substance abuse programs are
17 being operated by individuals who are qualified in
18 their field whether through formal education or through
19 employment or personal experience.

20 This section is effective January 1, 1978."

21 2. Page 4, line 5, by inserting after the word
22 "governor" the words "for a four-year term".

23 3. Page 9, line 21, by inserting after the word
24 "treatment" the words "and rehabilitation".

25 4. Page 9, line 22, by inserting after the word
26 "Prevention" the words "and education".

27 5. Page 10, line 32, by striking the words "drug
28 dependent persons" and inserting in lieu thereof the
29 words "substance abusers".

30 6. Page 11, by inserting after line 2, the
31 following:

32 "e. Alcoholics anonymous."

33 7. Page 12, lines 30 and 31, by striking the words
34 "may be sought".

35 8. Page 15, line 28, by inserting after the word
36 "rehabilitation" the words "and who is either addicted
37 or dependent on a chemical substance".

38 9. Page 17, lines 25 and 26, by striking the words
39 "to protect himself or herself" and inserting in lieu
40 thereof the words "to protect himself for self-
41 protection".

42 10. Page 18, lines 2 and 3, by striking the words

43 "physically injure himself or herself or" and inserting
44 in lieu thereof the words "inflict physical self harm
45 or inflict physical harm on".

46 11. Page 18, line 19, by striking the words "harm
47 on himself or herself or" and inserting in lieu thereof
48 the words "self harm on-himself or threatened,
49 attempted or inflicted physical harm on".

50 12. Page 18, lines 20 and 21, by striking the

Page 2

1 words "harm on himself or herself or" and inserting
2 in lieu thereof the words "self harm on-himself or
3 is likely to physically harm".

4 13. Page 19, line 4, by striking the words "harm
5 on himself or herself or" and inserting in lieu thereof
6 the words "self harm on-himself or inflict physical
7 harm on".

8 14. Page 20, by inserting after line 34 the
9 following:

10 "Sec. . Section one hundred twenty-five point
11 twenty (125.20), Code 1977, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. Notwithstanding the provisions
14 of subsection one (1) of this section a patient's
15 records may be disclosed to medical personnel in a
16 medical emergency with or without the patient's
17 consent. "

18 15. Page 27, by inserting after line 1, the
19 following section:

20 "Sec. . Chapter one hundred twenty-five (125),
21 Code 1977, is amended by adding the following new
22 sections after section one hundred twenty-five point
23 thirty-six (125.36):

24 NEW SECTION. USE OF FUNDS. The director shall
25 not be required to distribute or guarantee funds:

26 1. To any program which does not meet licensing
27 standards,

28 2. To any program providing unnecessary,
29 duplicative or overlapping services within the same
30 geographical area, or

31 3. To any program which has adequate resources
32 at its disposal.

33 This section is effective January 1, 1978.

34 NEW SECTION. AUDITS. All licensed substance abuse
35 programs shall be subject to regular audit by the
36 auditor of state or to special audits requested by
37 the director.

38 This section is effective January 1, 1978.

39 **NEW SECTION. FUTURE STATUS OF DEPARTMENT.** The
40 provisions of chapter one hundred twenty-five (125)
41 of the Code are repealed effective July 1, 1982.

42 The first session of the Sixty-ninth General Assembly
43 meeting in the year 1981 shall review the activities
44 and performance of the department and shall not later
45 than July 1, 1981 make a determination concerning
46 the status and duties of the department.

47 This section is effective January 1, 1978."

48 16. Page 28, by inserting after line 12 the follow-
49 ing:

50 "Sec. . . The governor may by executive order

Page 3

1 delay the implementation of sections thirty-four (34)
2 through forty-one (41) of this Act until July 1, 1978
3 if the governor finds that delayed implementation
4 of sections thirty-four (34) through forty-one (41)
5 of this Act would allow the state and local substance
6 abuse programs the opportunity to solve any
7 administrative and fiscal problems which may occur
8 as the result of implementation of the funding formula
9 for substance abuse programs contained in sections
10 thirty-four (34) through forty-one (41) of this Act.
11 If the implementation of sections thirty-four (34)
12 through forty-one (41) of this Act is delayed pursuant
13 to this section, the provisions of sections one hundred
14 twenty-five point twenty-six (125.26) through one
15 hundred twenty-five point thirty-four (125.34) of
16 the Code shall continue to be in force as they existed
17 prior to January 1, 1978 until sections thirty-four
18 (34) through forty-one (41) of this Act are implemented
19 by the governor on July 1, 1978."

20 17. By renumbering and correcting internal refer-
21 ences as necessary to conform with this amendment
22 and to any amendments previously adopted prior to
23 the reprinting of House File 594 as amended.

SENATE CONCURRENT RESOLUTION 25

By Rules and Administration Committee

1 *Be It Resolved by the Senate, the House of Representatives*
2 *Concurring, That Rule 3 of the Joint Rules of the Senate and*
3 *House of Representatives shall be amended to read as follows:*

Rule 3

5 Sessions of a General Assembly

6 The election of officers, organization, hiring and compen-
7 sation of employees, and standing committees in each house

8 of the general assembly and action taken by each house shall
9 carry over from the first to the second regular session and
10 to any extraordinary session of the same general assembly.
11 The status of each bill and resolution shall be the same at
12 the beginning of the second-regular each session as it was
13 immediately before adjournment of the first previous regular
14 or extraordinary session; however the rules of either house
15 may provide for re-referral of some or all bills and
16 resolutions to standing committees upon adjournment of the
17 first each session or at the beginning of the second a
18 subsequent regular or extraordinary session, except those
19 which have been adopted by both houses in different forms.
20 Upon final adoption of a concurrent resolution at any
21 extraordinary session affecting that session, or at a regular
22 session affecting any extraordinary session which may be held
23 before the next regular session, the creation of any calendar
24 by either house shall be suspended and the business of the
25 session shall consist solely of those bills or subject matters
26 stated in the resolution adopted. Bills named in the
27 resolution, or bills containing the subject matter provided
28 for in the resolution, may, at any time, be called up for
29 debate in either house by the majority leader of that house.

Laid over under Rule 25.

SENATE CONCURRENT RESOLUTION 26

By Rules and Administration Committee

1 *Be It Resolved by the Senate, the House of Representa—*
2 *tives Concurring, That as provided by Joint Rule 3, the*
3 *business of any extraordinary session occurring before the*
4 *convening of the 1978 Session of the Sixty—seventh General*
5 *Assembly shall consist solely of the compensation of state*
6 *employees including the state budget certification date for*
7 *purposes of state collective bargaining, and, if any portion*
8 *of the laws of Iowa relating to the taxation of corporations*
9 *is declared void, unconstitutional or ineffective, the business*
10 *of any extraordinary session may also be the taxation of*
11 *corporations.*

Laid over under Rule 25.

SENATE CONCURRENT RESOLUTION 27

By Rules and Administration

1 *Whereas, the 1977 Session of the Sixty—seventh General*
2 *Assembly will on May 20, 1977 complete its business; and*
3 *Whereas, it will require fifteen working days for the staff*
4 *of the Senate and House of Representatives to enroll all bills*

5 finally adopted by the General Assembly and to attend to other
6 details for the closing of the session; and

7 *Whereas*, no expenses of office or expenses of travel will
8 be incurred by the members of the Senate and House of Repre-
9 sentatives during the time when bills are being enrolled and other
10 details of closing the session are arranged; and

11 *Whereas*, it is necessary to fix the date for adjournment
12 of this session of the General Assembly and on that date
13 present bills passed by the General Assembly to the Governor
14 for his approval in accordance with Article III, Section 16
15 of the Constitution of Iowa; and

16 *Whereas*, it is desirable to change the past practice,
17 necessitated by the physical impossibility of physically
18 delivering all adopted bills to the Governor on the last
19 session day, of delivering bills after the General Assembly
20 had adjourned and back dating their delivery to the last
21 session day; and

22 *Whereas*, it is also necessary to provide an earlier orga-
23 nization and more efficient operation of the interim business
24 of the General Assembly; and

25 *Whereas*, it is necessary to establish a more organized
26 preparation of the legislative agenda for the 1978 Session
27 of the General Assembly; *Now Therefore*,

28 *Be It Resolved by the Senate, the House of Representatives*
29 *Concurring, That:*

30 Division I

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1 1. Upon the adjournment on May 20, 1977, the Senate and
2 House of Representatives shall sit upon their adjournment
3 at 10:00 a.m. on June 13, 1977.

4 2. The Secretary of the Senate and Chief Clerk of the
5 House are directed to enroll all bills finally passed by the
6 Senate and House of Representatives which have not been
7 submitted to the Governor for his approval during the last
8 three days of the session prior to the adjournment of May
9 20, 1977 and they be made ready to present to the Governor
10 by a delegation from the Senate and from the House of
11 Representatives on June 13, 1977.

12 3. The Lieutenant Governor and the Secretary of the Senate
13 and the Speaker and Chief Clerk of the House are directed
14 neither to authorize nor sign warrants for expenses of office
15 or travel for members of the Senate and House of
16 Representatives pursuant to paragraph one (1) of section two
17 point ten (2.10) of the Code for the period from May 21, 1977
18 through June 12, 1977. Nothing in this resolution shall
19 preclude either the payment for expenses of office or travel

20 pursuant to paragraph one (1) of section two point ten (2.10)
21 of the Code on June 13, 1977, nor the payment of per diem
22 and expenses pursuant to section two point forty-four (2.44)
23 of the Code of Iowa for the period from May 21, 1977 to June
24 12, 1977 nor the period after June 12, 1977. Nothing in this
25 resolution shall preclude either the authorization of payment
26 at any time of compensation, expenses or travel pursuant to
27 paragraph two (2) through seven (7) of section two point ten
28 (2.10) of the Code.

29 4. After the adjournment on May 20, 1977, the Secretary
30 of the Senate and Chief Clerk of the House are directed to
31 refuse to receive for filing any item, excepting only messages
32 from the other body and messages from the Governor.

33 5. The adjournment of the Senate and House of
34 Representatives on June 13, 1977 shall constitute the sine
35 die adjournment of the 1977 Session of the Sixty-seventh

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1 General Assembly. The 1978 Session of the Sixty-seventh
2 General Assembly shall convene, as provided by the
3 Constitution, on January 9, 1978.

4 Division II

5 1. Each standing committee and budget subcommittee of
6 the Senate and House of Representatives shall meet once prior
7 to July 15, 1977. The meeting dates shall be scheduled by
8 the Majority Leader of the Senate and the Speaker of the House
9 of Representatives. The meeting dates shall be published
10 by the Secretary of the Senate and Chief Clerk of the House
11 of Representatives.

12 2. At the meeting provided for in paragraph one (1) of
13 this division of this resolution, each committee and budget
14 subcommittee shall prepare and approve a "Plan of Interim
15 Work" which shall be submitted to the Legislative Council.

16 The Plan shall consist of:

17 a. A statement of the scope and purpose of special studies
18 or investigations which the committee proposes to conduct,
19 or to have conducted by a subcommittee with a named membership,
20 during the interim. The date upon which such study or investi-
21 gation shall be completed by filing a final report with the
22 Legislative Council shall be stated.

23 b. A statement of the number of meetings and the general
24 agenda which the committee proposes to hold for general com-
25 mittee business including the consideration and action upon
26 bills and resolutions referred to the committee.

27 c. A statement of the number of subcommittee meetings
28 which the committee proposes to authorize for the consideration
29 and action upon bills and resolutions referred to the

30 subcommittees. Each subcommittee shall be identified by the
31 bill which it is considering.

32 d. A statement of the amount of staff assistance which
33 will be required from the staff of the Senate and House of
34 Representatives, the Legislative Service Bureau and the
35 Legislative Fiscal Bureau. If special consultants or other

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1 extraordinary assistance is required, the committee shall
2 state the nature and cost of assistance needed.

3 3. The Secretary of the Senate and Chief Clerk of the
4 House are authorized to create, at such times during the
5 interim as it may be warranted, a Senate Calendar and a House
6 Calendar. Such calendars shall be organized as the rules
7 of each house otherwise provide. Each calendar shall list
8 bills which, under the rules of each house, remain on their
9 calendar at the end of each session and those bills reported
10 by a committee during the interim. Any dates upon which each
11 bill is eligible for debate shall be calculated from January
12 9, 1978.

13 4. The Legislative Council shall consider the Plan of
14 Interim Work which is submitted by each committee or budget
15 subcommittee. The Council may amend any plan. Each committee
16 and budget subcommittee may at any time propose to the
17 Legislative Council changes in its Plan. The Legislative
18 Council may request any committee or budget subcommittee to
19 submit a progress report to the Council. Joint meetings of
20 the committees or subcommittees from each house are authorized.
21 All meetings shall be scheduled by the Majority Leader of
22 the Senate and the Speaker of the House of Representatives.
23 Meeting schedules shall be published periodically by the
24 Secretary of the Senate and Chief Clerk of the House of
25 Representatives.

26 5. As provided by section two point sixteen (2.16), Code
27 1977, any Senator or committee may prefile a legislative bill
28 as provided by this paragraph of this resolution. Individually
29 sponsored bills and resolutions shall be numbered, printed
30 and distributed by the Secretary of the Senate and Chief Clerk
31 of the House of Representatives but not referred or otherwise
32 acted upon until the General Assembly is again in session.
33 Nothing, however, shall prevent a standing committee from
34 considering a bill with an identical subject matter provided
35 such consideration shall be part of an approved Plan of Interim

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1 Work. Committee sponsored bills and resolutions shall be

2 numbered, printed, distributed and placed on the calendar
3 as otherwise provided by this resolution. The Secretary of
4 the Senate and Chief Clerk of the House of Representatives
5 are authorized to receive, number, print and distribute
6 amendments to any introduced bill. Nothing herein shall
7 require immediate distribution of any bill, resolution or
8 amendments if, the Secretary of the Senate and Chief Clerk
9 of the House of Representatives determine that it is more
10 efficient or economical to delay or consolidate distributions.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 48

By Horn and Byerly

1 *Whereas*, the personnel of agriculture, business
2 and industry, and the youth and adults of Iowa call
3 for increased commitment of educational agencies to
4 provide assistance in preparing for work in an in-
5 creasingly complex society; and
6 *Whereas*, the present legislative provisions
7 that fund vocational and career education programs,
8 services, and activities for merged area schools
9 need further delineation and study; and
10 *Whereas*, the legislative provisions for sup-
11 porting and implementing these programs, services,
12 and activities do not provide adequate funding for
13 merged area schools; and
14 *Whereas*, the present funding formula provisions
15 for supporting and implementing these programs, ser-
16 vices, and activities provide for differing pro-
17 gramatic and resource requirements; *Now Therefore*,
18 *Be It Resolved by the House of Representatives*,
19 *the Senate Concurring*, that the legislative council
20 is urged to establish a study committee consisting of
21 members of the Budget Subcommittees on Education of the
22 House and Senate, along with cooperation with the de-
23 partment of public instruction, to conduct a study
24 to begin to determine specific action required to
25 satisfactorily implement this educational effort

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1 The study will include a review of existing legis-
2 lative provisions and the extent to which these ex-
3 isting provisions do not provide adequate support
4 for educational programs, services, and activities
5 that prepare individuals for productive satisfying

- 6 work roles; and
 7 *Be It Further Resolved*, That the study will give
 8 specific attention to provisions that need to be made
 9 to assure adequate and equitable allocation of
 10 resources to the cost centers of the merged area.
 11 schools in order to provide vocational or career
 12 education programs, services, and activities and
 13 *Be It Further Resolved*, That the study identify
 14 specific recommendations for improvement and include
 15 necessary bill drafts to implement recommendations
 16 in the report to be submitted to the legislative
 17 council and to the members of the Sixty-seventh
 18 General Assembly, 1978 session.

Laid over under Rule 25.

SENATE MESSAGE CONSIDERED

SENATE FILE 409, a bill for an act appropriating funds to the office of the Code editor.

Read first time and referred to committee on BUDGET.

Senate File 355, a bill for an act changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 355)

The ayes were, 87:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Hansen
Harbor	Hargrave	Harvey	Hines

Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 5:

Baker	Daggett	Poncy	Smalley
Stephens			

Absent or not voting, 7:

Brockett	Den Herder	Griffie	Halvorson
Higgins	Junker	Lageschulte	

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

House File 616, a bill for an act amending the criminal code revision to define "incendiary device," was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 616)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle

Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellet
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, none.

Absent or not voting, 8:

Brockett	Den Herder	Griffee	Halvorson
Higgins	Howell	Junker	Lageschulte

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 17, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 85, a bill for an act relating to the number of times a person may change his or her name.

Also: That the Senate has on May 19, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 595, a bill for an act relating to unemployment compensation law changes providing for amendments to the law and to assure federal funding of the administration of the unemployment compensation program.

Also: That the Senate has on May 19, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 185, a bill for an act providing for an appropriation to the department of justice.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT CONSIDERED

Wyckoff of Benton called up for consideration Senate File 185, a bill for an act making appropriations to the department of justice, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4306 to the House amendment:

H-4306

- 1 Amend the House amendment, S-3692, to Senate
- 2 File 185 as follows:
- 3 1. Page 1, by striking lines 2 through 9.

The motion prevailed and the House concurred in the Senate amendment H-4306 to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 185)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn

Howell	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimaneck	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 1:

Hines

Absent or not voting, 10:

Brockett	Den Herder	Griffie	Halvorson
Higgins	Hullinger	Junker	Lageschulte
Newhard	Perkins		

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

SENATE AMENDMENT CONSIDERED

Connors of Polk called up for consideration House File 595, a bill for an act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program, amended by the Senate as follows:

H-4282

- 1 Amend House File 595, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 26, by striking the words
- 4 "subsection two".

5 2. Page 1, line 27, by striking the figure and
6 word "(2) of".

7 3. Page 3, by striking lines 7 through 9 and
8 inserting in lieu thereof the following:

9 "d. With respect to any services performed after
10 July 1, 1977, in any capacity for an educational
11 institution other than an institution of higher
12 education, compensation".

13 4. Page 3, by inserting after line 17 the
14 following:

15 "e. With respect to services performed after July
16 1, 1977, in an instructional, research, or principal
17 administrative capacity in an institution of higher
18 education, compensation payable on the basis of such
19 services shall be denied to any individual for any
20 week which commences during an established and
21 customary vacation period or holiday recess if such
22 individual performs such services in the period
23 immediately before such vacation period or holiday
24 recess, and there is a reasonable assurance that such
25 individual will perform such services in the period
26 immediately following such vacation period or holiday
27 recess."

28 5. Page 3, by inserting after line 17 the
29 following:

30 "Sec. . Section ninety-six point five (96.5),
31 subsection one (1), paragraph g, unnumbered paragraph
32 one (1), Code 1977, is amended to read as follows:

33 g. In the case where he or she left his or her
34 work voluntarily without good cause attributable to
35 his or her employer under circumstances which did
36 or would disqualify him or her for benefits, except
37 as provided in subsection 1, paragraph "a", under
38 this subsection he or she, subsequent to such leaving,
39 worked in and was paid wages for twenty hours of
40 insured work in each week for not less than six
41 consecutive weeks, provided he or she is otherwise
42 eligible."

43 6. Page 11, by inserting after line 14, the
44 following:

45 "Sec. 15. Section ninety-six point nineteen
46 (96.19), subsection seven (7), paragraph a,
47 subparagraph one (1), Code 1977, is amended to read
48 as follows:

49 (1) Any officer of a corporation; Provided that
50 the term "employment" shall not include such

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1 if the officer is a majority stockholder and the

- 2 officer shall not be considered an employee of the
3 corporation unless such services are subject to a
4 tax to be paid under any federal law imposing a tax
5 against which credit may be taken for contributions
6 required to be paid into a state unemployment fund
7 or such services are required to be covered under
8 this chapter of the Code, as a condition to receipt
9 of a full tax credit against the tax imposed by the
10 Federal Unemployment Tax Act (26 U.S.C. 3301-3309),
11 or”.
12 7. Renumber the sections as necessary.

Connors of Polk offered amendment H-4314, to the Senate amendment H-4282, filed by Connors, Byerly and Jochum from the floor. Division was requested as follows:

H-4314

- 1 Amend Senate amendment H-4282, to House File
2 595, as passed by the House and reprinted, as
3 follows:

H-4314A

- 4 1. Page 1, lines 15 and 16, by striking the
5 following: "July 1, 1977" and inserting in lieu
6 thereof the following: "December 31, 1977".

H-4314B

- 7 2. Page 1, by striking lines 28 through 42.

On motion by Connors of Polk, amendment H-4314A was adopted.

Connors of Polk moved the adoption of amendment H-4314B, to the Senate amendment H-4282.

Roll call was requested by Branstad of Winnebago and Conlon of Muscatine.

On the question "Shall amendment H-4314B, to the Senate amendment H-4282, be adopted?"

The ayes were, 47:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Fitzgerald	Garrison	Gilloon	Gilson
Hargrave	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Monroe
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Spear	Spencer	Svoboda	Walter
Wells	Woods	Mr. Speaker (Nielsen)	

The nays were, 41:

Bennett	Branstad	Clark, B. J.	Clark, J. H.
Conlon	Crabb	Crawford	Daggett
Danker	Dunton	Egenes	Evans
Gentleman	Hansen	Harbor	Harvey
Hoffmann	Krewson	Lindeen	Lipsky
Menke	Millen	Miller, K. D.	Miller, O. L.
Pellett	Pelton	Perkins	Schnekloth
Schroeder	Shimanek	Small	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	West	Wulff
Wyckoff			

Absent or not voting, 11:

Brockett	Den Herder	Griffiee	Halvorson
Higgins	Hullinger	Junker	Lageschulte
Middleswart	Newhard	Varley	

Amendment H-4314B was adopted.

On motion by Connors of Polk, the House concurred in the Senate amendment H-4282, as amended.

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

On the question "Shall the bill pass?" (H.F. 595)

The ayes were, 58:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gentleman	Giloon
Gilson	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Lipsky	Lonergan	Middleswart	Monroe
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Tauke	Walter	Wells	Woods
Wulff	Mr. Speaker (Nielsen)		

The nays were, 33:

Bennett	Branstad	Conlon	Crabb
Daggett	Danker	Egenes	Evans
Hansen	Harbor	Harvey	Hoffmann
Krewson	Lindeen	Menke	Millen
Miller, K.D.	Miller, O.L.	Pellett	Pelton
Perkins	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Thompson
Tofte	Varley	Welden	West
Wyckoff			

Absent or not voting, 8:

Brockett	Den Herder	Griffee	Halvorson
Higgins	Junker	Lageschulte	Newhard

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

IMMEDIATE MESSAGE

(House File 595)

Connors of Polk asked and received unanimous consent that House File 595 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Doyle of Woodbury called up for consideration House File 85, a bill for an act relating to the number of times a person may change his or her name, amended by the Senate, as follows:

H-4279

1 Amend House File 85 as follows:

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

4 "Section 1. Chapter five hundred ninety-five
5 (595), Code 1977, is amended by adding the follow-
6 ing new section:

7 NEW SECTION. Upon marriage either party may request
8 a name change to that of the other party or to some
9 other surname mutually agreed upon by the parties.
10 The names used on the marriage license shall become
11 the legal names of the parties to the marriage. The
12 marriage license shall contain a statement that when
13 a name change is requested and affixed to the marriage
14 license, the new name is the legal name of the
15 requesting party. If the parties requesting a name
16 change, the parties shall submit to the court the
17 information required by section six hundred seventy-
18 four point two (674.2) of the Code, and upon
19 solemnization of the marriage, the clerk of court
20 shall send a certified copy of the marriage license
21 to the recorder's office in every county in this state
22 where real property is owned by either of the parties.
23 An individual can, however, have only one legal name
24 at any one time.

25 Sec. Section six hundred seventy-four point
26 six (674.6), Code 1977, is amended to read as follows:

27 674.6 SPOUSE MUST JOIN. If the petitioner is
28 married, ~~his or her~~ the spouse must join in the
29 petition or file ~~his or her~~ written consent with the
30 petition.

31 If the petitioner has a minor child, the petition
32 shall state this fact and shall state all the informa-
33 tion about the child that is required of a petitioner
34 in section 674.2. If the minor child is fourteen
35 years of age or older ~~he shall file his~~, the child's
36 written consent to the change of name of that child
37 is required.

38 If the petitioner includes a minor child under
39 fourteen in the petition filed in accordance with

40 this chapter, both parents as stated on the birth
 41 certificate of the minor child shall file their written
 42 consent for the name change. If both parents do not
 43 file their consent, the court shall decide the appro-
 44 priateness of the change of the minor child's name.

45 Sec. . Section six hundred seventy-four point
 46 seven (674.7), Code 1977, is amended to read as
 47 follows:

48 674.7 COPY TO STATE DEPARTMENT. When the court
 49 grants a decree of change of name, the clerk of the
 50 court shall ~~mail a certified copy to the state regis-~~

Page 2

1 ~~trar of vital statistics of the state department of~~
 2 ~~health and furnish the petitioner with a certified~~
 3 ~~copy of the decree and mail an abstract of a decree~~
 4 ~~requiring a name change to be reflected on a birth~~
 5 ~~certificate to the state registrar of vital statis-~~
 6 ~~tics of the state department of health on a form pro-~~
 7 ~~vided by the state registrar."~~

8 2. Page 1, by striking lines 3 through 7, and
 9 inserting in lieu thereof the following:

10 "674.13 FURTHER CHANGE BARRED. No person shall
 11 change his or her name more than once under the
 12 provisions of this chapter unless just cause is shown.
 13 However, a person may change his or her name back
 14 to the name appearing on his or her original birth
 15 certificate after each decree dissolving a marriage
 16 is entered, or a person may request a name change
 17 to a legal name previously acquired in a former
 18 marriage."

19 3. Page 1, by inserting after line 7 the following:

20 "Sec. . Chapter six hundred seventy-four (674),
 21 Code 1977, is amended by adding the following new
 22 section:

23 **NEW SECTION. FILING OF NAME CHANGE.** Except as
 24 provided for in section six hundred seventy-four point
 25 seven (674.7), Code 1977, any individual who changes
 26 his or her name pursuant to any law of this state
 27 shall, within thirty days after having effected such
 28 name change, file with the division of vital statistics
 29 of the department of health an affidavit attesting
 30 to the fact that the individual's name has been
 31 changed. The division of vital statistics of the
 32 department of health shall maintain a record of such
 33 name change. A person who fails to file his or her
 34 name change pursuant to this section shall be guilty

35 of a simple misdemeanor.

36 All such records maintained by the division of
37 vital statistics of the department of health regarding
38 effected name changes shall be available for inspection
39 by the public."

40 4. Page 1, by inserting after line 7 the follow--
41 ing section:

42 "Sec. . . . Section six hundred seventy-four point
43 twelve (674.12), Code 1977, is repealed."

44 5. By renumbering sections of the bill and correct--
45 ing internal references as necessary.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Welden of Hardin for the remainder of the evening on request of Speaker Cochran of Webster.

Jesse of Polk offered the following amendment H-4310, to the Senate amendment H-4279, filed by him from the floor and moved its adoption:

H-4310

1 Amend Senate amendment H-4279 to House File 85

2 as follows:

3 1. Page 2, by striking lines 19 through 39.

Amendment H-4310 was adopted.

Spencer of Clay moved that action on House File 85 be deferred and retained.

A non-record roll call was requested.

The ayes were 22, nays 60.

The motion lost.

Doyle of Woodbury moved that the House concur in the Senate amendment H-4279, as amended.

The motion prevailed and the House concurred in the Senate

amendment H-4279, as amended.

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

On the question "Shall the bill pass?" (H.F. 85)

The ayes were, 64:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crawford	Cusack	Davitt	Doyle
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilloon	Hansen	Hargrave
Harvey	Hines	Hoffmann	Horn
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Norland
O'Halloran	Pavich	Pelton	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	Wulff	Mr. Speaker (Nielsen)

The nays were, 22:

Baker	Bennett	Branstad	Chiodo
Daggett	Danker	Dieleman	Dunton
Garrison	Gilson	Harbor	Howell
Hullinger	Oxley	Pellett	Perkins
Poncy	Spencer	Stephens	Stromer
Woods	Wyckoff		

Absent or not voting, 13:

Brockett	Crabb	Den Herder	Griffiee
Halvorson	Higgins	Hinkhouse	Junker
Lageschulte	Newhard	Patchett	Welden
West			

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

MOTION TO RECONSIDER LOST

(House File 85)

Doyle of Woodbury asked and received unanimous consent that House File 85 be immediately messaged to the Senate.

Objection was raised.

Doyle of Woodbury moved to reconsider the vote by which House File 85 passed the House on May 19, 1977.

A non-record roll call was requested.

The ayes were 12, nays 53.

The motion lost.

HOUSE FILES 458 and 591 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 458 and 591 from further consideration by the House.

HOUSE FILE 565 WITHDRAWN

Norland of Worth asked and received unanimous consent to withdraw House File 565 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 18, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 57, a bill for an act requiring competitive bid specifications of state agencies and governmental subdivisions and setting forth bidding procedures for purchase of goods.

Also: That the Senate has on May 19, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 63, a bill for an act relating to the maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973.

STEVEN C. CROSS, Secretary

H-4280

- 1 Amend House File 57 as amended, passed and reprinted
- 2 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. NEW SECTION. STATEMENT OF INTENT.
- 6 It is the intent of this Act that there be made
- 7 available within the state correctional institutions
- 8 opportunities for employment of inmates in meaningful
- 9 jobs at wages commensurate with those paid persons
- 10 employed in similar jobs outside the correctional
- 11 institutions, with the following objectives:
- 12 1. To develop within those inmates willing to
- 13 accept and persevere in such employment:
- 14 a. Positive attitudes which will enable them to
- 15 eventually function as law-abiding, self-supporting
- 16 members of the community;
- 17 b. Good work habits that will assist them in
- 18 eventually securing and holding gainful employment
- 19 outside the correctional system; and
- 20 c. To the extent feasible, marketable skills that
- 21 can lead directly to gainful employment upon release
- 22 from a correctional institution.
- 23 2. To enable those inmates willing to accept and
- 24 persevere in such employment to:
- 25 a. Provide or assist in providing for their
- 26 dependents, thus tending to strengthen the inmates'
- 27 family ties while reducing the likelihood that inmates'
- 28 families will have to rely upon public assistance
- 29 for subsistence;
- 30 b. Make restitution, as the opportunity to do
- 31 so becomes available, to the victims of the offenses
- 32 for which the inmates were incarcerated, so as to
- 33 assist the inmates in accepting responsibility for
- 34 the consequences of their acts;

35 c. Make it feasible to require that such inmates
36 pay some portion of the cost of board and maintenance
37 in a correctional institution, in a manner similar
38 to what would be necessary if they were employed in
39 the community; and

40 d. Accumulate savings so that such inmates will
41 have funds for necessities upon their eventual return
42 to the community.

43 Sec. 2. NEW SECTION. DEFINITIONS. As used in
44 this division:

45 1. "Industries board" means the state prison
46 industries advisory board.

47 2. "Iowa state industries" means prison industries
48 that are established and maintained by the division
49 of adult corrections, in consultation with the
50 industries board, at or adjacent to the state's adult

Page 2

1 correctional institutions.

2 3. "State director" means the director of the
3 division of adult corrections of the department of
4 social services, or that director's designee.

5 Sec. 3. NEW SECTION. PRISON INDUSTRIES ADVISORY
6 BOARD.

7 1. There is established a state prison industries
8 advisory board, consisting of seven members selected
9 as prescribed by this subsection.

10 a. Five members shall be appointed by the governor
11 for terms of four years beginning July first of the
12 year of appointment. They shall be chosen as follows:

13 (1) Three members shall represent agriculture
14 and the manufacturing and construction industries,
15 respectively, with particular reference to the roles
16 of their constituencies as potential employers of
17 inmates and former inmates of the state's correctional
18 institutions.

19 (2) One member shall represent labor organizations,
20 membership in which may be helpful to former inmates
21 of the state's correctional institutions who seek
22 to train for and obtain gainful employment.

23 (3) One member shall represent agencies, groups
24 and individuals in this state which plan and maintain
25 programs of vocational and technical education oriented
26 to development of marketable skills.

27 b. One member each shall be designated by and
28 shall serve at the pleasure of the state director
29 and the state board of parole, respectively.

30 c. Upon the resignation, death or removal of any

31 member appointed under paragraph a of this subsection,
32 the vacancy shall be filled by the governor for the
33 balance of the unexpired term. In making the initial
34 appointments under that paragraph, the governor shall
35 designate two appointees to serve terms of two years
36 and three to serve terms of four years from July 1,
37 1977.

38 2. Biennially, the industries board shall organize
39 by election of a chairperson and a vice chairperson,
40 as soon as reasonably possible after the new appointees
41 have been named. Other meetings shall be held at
42 the call of the chairperson or of any three members,
43 as necessary to enable the industries board to
44 discharge its duties. Board members shall be
45 reimbursed for expenses actually and necessarily
46 incurred in the discharge of their duties, and those
47 members not state employees shall also be entitled
48 to forty dollars per diem for each day they are so
49 engaged.

50 3. The state director shall provide such

Page 3

1 administrative and technical assistance as is necessary
2 to enable the industries board to discharge its duties.
3 The industries board shall be provided necessary
4 office and meeting space at the seat of government.

5 **Sec. 4. NEW SECTION. DUTIES OF INDUSTRIES BOARD.**
6 The industries board's principal duties shall be to
7 promulgate and adopt rules and to advise the state
8 director regarding the management of Iowa state
9 industries so as to further the intent stated by
10 section one (1) of this Act.

11 **Sec. 5. NEW SECTION. DUTIES OF STATE DIRECTOR.**
12 The state director, with the advice of the industries
13 board, shall:

14 1. Conduct market studies and consult with public
15 bodies and officers who are subject to section seven
16 (7) of this Act, and with other potential purchasers,
17 for the purpose of determining items needed and design
18 features desired or required by potential purchasers
19 of Iowa state industries products.

20 2. Receive, investigate and take appropriate
21 action upon any complaints from potential purchasers
22 of Iowa state industries products regarding lack of
23 cooperation by Iowa state industries with public
24 bodies and officers who are subject to and are seeking
25 to comply with section seven (7) of this Act, and
26 with other potential purchasers.

27 3. Establish, transfer and close industrial
28 operations at state correctional institutions, as
29 deemed advisable to maximize opportunities for gainful
30 employment of inmates and to adjust to actual or
31 potential market demand for particular products.

32 4. Establish and from time to time adjust, as
33 necessary, levels of pay for inmates employed by Iowa
34 state industries.

35 5. Coordinate Iowa state industries, and other
36 opportunities for gainful employment available to
37 inmates of adult correctional institutions, with
38 vocational and technical training opportunities and
39 apprenticeship programs, to the greatest extent
40 feasible.

41 6. Promote, plan, and when deemed advisable,
42 assist in the location of privately owned and operated
43 industrial enterprises on the grounds of adult
44 correctional institutions, pursuant to section ten
45 (10) of this Act.

46 **Sec. 6. NEW SECTION AUTHORITY OF STATE DIRECTOR**
47 **NOT IMPAIRED.** Nothing in this Act shall be construed
48 to impair the authority of the state director over
49 the adult correctional institutions of this state,
50 nor over the inmates thereof. It is, however, the

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1 duty of the state director to obtain the advice of
2 the industries board to further the intent stated
3 by section one (1) of this Act.

4 **Sec. 7. NEW SECTION. PRICE LISTS TO PUBLIC**
5 **OFFICIALS.** The state director shall cause to be
6 prepared from time to time classified and itemized
7 price lists of the products manufactured by Iowa state
8 industries. Such lists shall be furnished to all
9 boards of supervisors, boards of directors of school
10 corporations, city councils, township trustees, and
11 all other state, county, city and school departments
12 and officials empowered to purchase supplies and
13 equipment for public purposes.

14 **Sec. 8. NEW SECTION. PURCHASE MANDATORY.**
15 No articles or supplies so listed, except in case
16 of emergency, shall be purchased for public use by
17 the aforesaid public officials, bodies, and de-
18 partments from any private source unless the state
19 director is unable to promptly furnish such articles
20 or supplies. Any public officer who willfully refuses
21 or willfully neglects to comply with this section
22 shall be punished by a fine of not more than one

23 hundred dollars.

24 **Sec. 9. NEW SECTION. INDUSTRIES REVOLVING FUND—**
25 **—USES.**

26 1. There is established in the treasury of the
27 state a permanent Iowa state industries revolving
28 fund. This revolving fund shall be created by the
29 transfer thereto of all moneys in the revolving fund
30 formerly established under section two hundred forty—
31 six point twenty—six (246.26) as that section appeared
32 in the Code of 1977 and prior editions, and shall
33 be maintained by depositing therein all receipts from
34 the sale of products manufactured by Iowa state
35 industries, and from sale of any property of Iowa
36 state industries found by the state director to be
37 obsolete or unneeded.

38 2. The Iowa state industries revolving fund shall
39 be used only for the following purposes:

40 a. Establishment, maintenance, transfer or closure
41 of industrial operations, or vocational, technical
42 and related training facilities and services for
43 inmates, at adult correctional institutions, as
44 authorized by the state director in consultation with
45 the industries board.

46 b. Payment of all costs incurred by the industries
47 board, including but not limited to per diem and
48 expenses of its members, and of salaries, support
49 and maintenance of Iowa state industries. Payments
50 from the revolving fund authorized by this subsection

Page 5

1 shall be made in the same manner as payments from
2 appropriations for salaries, support and maintenance
3 of the institutions under the jurisdiction of the
4 state director.

5 3. The Iowa state industries revolving fund shall
6 not be used for the operation of farms at any adult
7 correctional institution unless such farms are operated
8 directly by Iowa state industries.

9 4. The fund established by this section shall
10 not revert to the general fund of the state at the
11 end of any annual or biennial period.

12 **Sec. 10. NEW SECTION. PRIVATE INDUSTRY ON GROUNDS**
13 **OF CORRECTIONAL INSTITUTIONS.**

14 1. Any other provision of the Code to the contrary
15 notwithstanding, the state director may, after
16 obtaining the advice of the industries board, lease
17 one or more buildings or portions thereof on the
18 grounds of any state adult correctional institution,

19 together with the real estate needed for reasonable
20 access to and egress from the leased buildings, for
21 a term not to exceed twenty years, to a private
22 corporation for the purpose of establishing and
23 operating a factory for the manufacture and processing
24 of products, or any other commercial enterprise deemed
25 by the state director to be consistent with the intent
26 stated in section one (1) of this Act.

27 2. Each lease negotiated and concluded under
28 subsection one (1) of this section shall include,
29 and shall be valid only so long as the lessee adheres
30 to, the following provisions:

31 a. All persons employed in the factory or other
32 commercial enterprise operated in the leased property,
33 except the lessee's supervisory employees and necessary
34 training personnel approved by the industries board,
35 shall be inmates of the institution where the leased
36 property is located who are approved for such employ-
37 ment by the state director and the lessee.

38 b. The factory or other commercial enterprise
39 operated in the leased property shall observe at all
40 times such practices and procedures regarding security
41 as the lease may specify, or as the state director
42 may temporarily stipulate during periods of emergency.

43 c. The factory or other commercial enterprise
44 operated in the leased property shall be deemed a
45 private enterprise and subject to all the laws and
46 lawfully adopted rules of this state governing the
47 operation of similar business enterprises elsewhere.

48 3. Except as prohibited by applicable provisions
49 of the United States Code, inmates of adult
50 correctional institutions of this state may be employed

Page 6

1 in the manufacture and processing of products for
2 introduction into interstate commerce, so long as
3 they are paid no less than the prevailing minimum
4 wage.

5 **Sec. 11. NEW SECTION. INMATE MAINTENANCE**
6 **EMPLOYEES' PAY SUPPLEMENT REVOLVING FUND.** There is
7 established in the treasury of the state a permanent
8 adult correctional institutions inmate maintenance
9 employees' pay supplement revolving fund, consisting
10 solely of money paid as board and maintenance by
11 inmates employed by Iowa state industries, or employed
12 pursuant to section ten (10) of this Act. The fund
13 established by this section shall be used only to
14 supplement the pay of inmates who perform maintenance
15 work within and about the adult correctional

16 institutions. Payments made from such fund shall
17 supplement and not replace all or any part of the
18 pay otherwise received by, and shall be equably
19 distributed among such inmates. The employment of
20 inmates to perform such maintenance functions shall,
21 to the greatest extent feasible, be in accord with
22 the intent stated in section one (1) of this Act.

23 Sec. 12. Effective July 1, 1978, and
24 notwithstanding any other provisions of this Act,
25 goods made available by Iowa State Industries shall
26 be restricted to items, materials, supplies and
27 equipment which are formulated and/or manufactured
28 by Iowa State Industries and shall not include goods,
29 materials, supplies or equipment which are merely
30 purchased by Iowa State Industries for repacking or
31 resale.

32 Sec. 13. Chapter two hundred sixteen (216) and
33 sections two hundred forty-six point twenty-one
34 (246.21), two hundred forty-six point twenty-four
35 (246.24), two hundred forty-six point twenty-six
36 (246.26), two hundred forty-six point twenty-seven
37 (246.27) and two hundred forty-six point twenty-eight
38 (246.28), Code 1977, are repealed.

39 Sec. 14. This Act is effective January 1, 1978"

40 2. Title, line 1, by inserting after the word
41 "Act" the words "to revise the statutes governing
42 Iowa state industries, to establish a state prison
43 industries advisory board, and to authorize the
44 director of the division of adult corrections to lease
45 facilities on the grounds of any state adult
46 correctional institution to a private corporation
47 for the purpose of operating a venture employing
48 inmates of that institution, and".

49 3. Title, by inserting a period at the end of
50 line 3, and striking lines 4 and 5.

SENATE AMENDMENT TO HOUSE FILE 63

H-4298

1 Amend House File 63 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 seven hundred fifty point seven
6 (750.7), Code 1977, is amended by striking the section

7 and inserting in lieu thereof the following:
8 750.7 COMMUNICATION WITH LOCAL AGENCIES. The
9 department of public safety shall maintain law enforce-
10 ment communications with local enforcement agencies."

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the votes were taken on Senate Files 259 and 299. Had I been present I would have voted "aye" on both of those bills.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber, Wednesday evening for a very short time. Had I been present I would have voted "aye" on Senate Files 167, 233 and 383 and "nay" on House File 207.

TOFTE of Winneshiek

On amendment H-4176 I mistakenly pressed my "aye" button rather than my "nay" button when I voted. I did not notice the mistake until the machine was closed and the vote was recorded. A "nay" vote reflects my position on the amendment which would have cost an estimated \$12 million, dollars which are not now available in the general fund and which are not included in the budgets of either the Governor or the Legislature.

SMALL of Johnson

PRESENTATION OF VISITORS

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

Twenty-five sixth grade students from Colo Elementary School, Colo, Iowa, accompanied by Mrs. Meimann. By Hines of Story.

Sixty eighth grade students from Guthrie Center Junior High School, Guthrie Center, Iowa, accompanied by Richard Friedrich, Rich Hanson and Dale Menning. By Gilson of Guthrie.

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:30 a.m., May 18, 1977

Convened: 8:50 a.m.

Adjourned: 9:40 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Krewson, Monroe, Spear and Thompson.

Absent: Gilloon, Lonergan, Miller of Buchanan and Tofte.

Approved LSB 1654.

AMENDMENTS FILED

H-4285

H.F. 593

Monroe of Des Moines
Varley of Adair
Patchett of Johnson
Tauke of Dubuque
Walter of Pottawattamie
Crawford of Story
Daggett of Adams
Hansen of O'Brien
Halvorson of Clayton
Byerly of Polk
Daggett of Adams
Halvorson of Clayton
Horn of Linn

H-4286

S.F. 213

		Nielsen of Polk
		Harbor of Mills
		Schroeder of Pottawattamie
		Chiodo of Polk
H-4288	S.F. 407	Brockett of Marshall
H-4289	S.F. 407	Brockett of Marshall
H-4301	S.F. 31	Monroe of Des Moines
		West of Marshall
H-4302	S.F. 275	Newhard of Jones
H-4303	H.F. 57	Welden of Hardin
H-4304	S.F. 267	Monroe of Des Moines
H-4305	S.F. 376	Higgins of Scott
H-4311	H.F. 57	Junker of Woodbury
		Monroe of Des Moines
		Spear of Lee
H-4313	S.F. 275	Newhard of Jones

On motion by Fitzgerald of Webster the House adjourned at 11:50 p.m., until 9:00 a.m., Friday, May 20, 1977.

JOURNAL OF THE HOUSE

One Hundred Thirty—first Calendar Day--Ninety—first Session Day

Hall of the House of Representatives,
Des Moines, Iowa, Friday, May 20, 1977

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

Prayer was offered by the Honorable Rollin Howell, State Representative from Floyd County.

The Journal of Thursday, May 19, 1977 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. U. Broers, Schleswig, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion on request of Howell of Floyd.

SPECIAL PRESENTATION

Poncy of Wapello presented to the House the Honorable Donald Gettings, Representative— elect from Wapello County.

PRESENTATION OF VISITORS

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

Twenty junior high students from Riverside United Methodist Church, Fort Dodge, Iowa, accompanied by Edward Osborn. By Cochran of Webster and Fitzgerald of Webster.

Seventy—five sixth grade students from Prairie Community School, Callender, Iowa, accompanied by Mrs. Schrieber, Mrs. Van

Roekel and Mrs. Isom. By Fitzgerald of Webster.

Sixteen eighth grade students from St. Michaels Grade School, Whittemore, Iowa, accompanied by Sister Mary Hermann. By Krause of Kossuth.

Eighty seniors from Fort Madison High School, Fort Madison, Iowa, accompanied by Larry Miller. By Clark of Lee and Spear of Lee.

Fifteen eighth grade students from Wesley St. Benedict School, Wesley, Iowa, accompanied by Mary Bellinghausen. By Branstad of Winnebago.

Twenty-five sixth grade students from Dows Elementary School, Dows, Iowa, accompanied by Chip Roberts. By Stromer of Hancock.

Ninety elementary students from J. C. Hoglan Elementary School, Marshalltown, Iowa, accompanied by Mrs. Eckhardt, Mr. Winkleblack and Mrs. Adams. By Brockett of Marshall.

Twenty-seven eighth grade students from Carroll High School, Carroll, Iowa, accompanied by Father Seuntzens and Jerry Spielen. By Perkins of Greene.

PETITIONS FILED

The following petitions were received and placed on file:

By Brandt of Black Hawk from twenty-two citizens of Iowa, Connors of Polk from seventy Iowa residents and Wulff of Black Hawk from twenty-two constituents all opposing House File 535 and Senate File 336, relating to hotel-motel room tax.

INTRODUCTION OF BILLS

HOUSE FILE 630, by committee on budget, a bill for an act to appropriate funds to the department of health to be used to discharge the responsibilities of the department under House File

three hundred fifty-four (354), Acts of the Sixty-seventh General Assembly, 1977 Session, and to establish the salaries of members of the state health facilities council established by that Act.

Read first time and placed on BUDGET CALENDAR.

HOUSE FILE 631, by Branstad and Conlon, a bill for an act relating to the taxation of mobile homes and extending the homestead tax credit and military service tax credit to certain mobile homes.

Read first time and referred to committee on WAYS AND MEANS.

HOUSE FILE 632, by Halvorson, a bill for an act relating to the sale and control of beer containing more than four percent of alcohol by weight and changing the name of the Iowa beer and liquor control department.

Read first time and referred to committee on STATE GOVERNMENT.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 18, 1977, adopted the conference committee report and passed: House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Also: That the Senate has on May 18, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 358, a bill for an act to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral.

Also: That the Senate has on May 18, 1977, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 573, a bill for an act providing for an appropriation to the Iowa state university of science and technology for coal research.

Also: That the Senate has on May 18, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 597, a bill for an act to appropriate funds to the department of health for the purpose of extending health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons.

Also: That the members of the conference committee on Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of credit unions, on the part of the Senate, appointed May 20, 1977, are: The Senator from Linn, Mr. Rush, Chair; the Senator from Harrison, Mr. Culver; the Senator from Muscatine, Mr. Drake; the Senator from Story, Mr. Murray; and the Senator from Linn, Mr. Robinson.

Also: That the Senate has on May 18, 1977, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 318, a bill for an act making technical changes of a corrective nature to the criminal code revision.

Also: That the Senate has on May 18, 1977, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 363, a bill for an act making technical corrections and clarifying language in the adoption laws and the termination of parental rights.

STEVEN C. CROSS, Secretary

QUORUM CALL

Roll call was requested by Junker of Woodbury and Schroeder of Pottawattamie to determine that a quorum was present. The vote revealed:

Present: 69:

Avenson
Binneboese
Clark, B.J.
Danker

Baker
Brandt
Conlon
Davitt

Bennett
Brockett
Crabb
Den Herder

Bina
Brunow
Crawford
Doyle

Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Junker	Koogler	Krewson	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Nielsen	Norland
Oxley	Pavich	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Small	Smalley	Spear	Spencer
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

Absent: 30

Anderson	Branstad	Byerly	Chiodo
Clark, J.H.	Connors	Cusack	Daggett
Dieleman	Egenes	Griffee	Hargrave
Harvey	Higgins	Hines	Horn
Jesse	Jochum	Krause	Lageschulte
Lonergan	Monroe	Newhard	O'Halloran
Patchett	Pellett	Rinas	Shimanek
Stephens	Svoboda		

**CONSIDERATION OF BILLS
SIFTING COMMITTEE NONCONTROVERSIAL
15-MINUTE CALENDAR**

Senate File 118, a bill for an act declaring the multiflora rose to be a noxious weed, with report of committee recommending passage was taken up for consideration.

Evans of Grundy offered the following amendment H-4140 filed by Evans, et al.:

H-4140

- 1 Amend Senate File 118 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "gardens" the words ", or in any county whose board
- 5 of supervisors has by resolution declared it not to
- 6 be a noxious weed".

Spear of Lee offered the following amendment H-4171, to amendment H-4140, filed by him and moved its adoption:

H-4171

- 1 Amend amendment H-4140 to Senate File 118 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 6, by inserting after the word
- 5 "weed" the words, "or by resolution permits it in
- 6 hedges or indesignated townships or sections of
- 7 townships".

A non-record roll call was requested.

The ayes were 21, nays 48.

Amendment H-4171 lost.

Evans of Grundy moved the adoption of amendment H-4140.

Amendment H-4140 was adopted.

Horn of Linn offered the following amendment H-4225 filed by him:

H-4225

- 1 Amend Senate File 118, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 1, line 13, by inserting after the
- 4 word "biennial" the following: "ragweed (genus
- 5 Ambrosia) perennial".

Scheelhaase of Woodbury rose on a point of order that amendment H-4225 was not germane.

The Speaker ruled the point not well taken and amendment H-4225 germane.

By unanimous consent the following amendment H-4318, to amendment H-4225, filed by Smalley of Polk from the floor was adopted:

H-4318

- 1 Amend amendment H-4225 to page 1 of Senate
- 2 File 118, as follows:
- 3 1. Page 1, line 5, by striking the word
- 4 "perennial" and inserting in lieu thereof the
- 5 word "annual".

Horn of Linn moved the adoption of amendment H-4225, as amended.

A non-record roll call was requested.

The ayes were 27, nays 45.

Amendment H-4225 lost.

Debate having exceeded the allowed time, Harvey of Scott asked for unanimous consent to suspend the rules to continue debate.

Objection was raised.

Avenson of Fayette moved that the rules be suspended to continue debate on Senate File 118.

A non-record roll call was requested.

The ayes were 64, nays 12.

The motion prevailed.

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

On the question "Shall the bill pass?" (S.F. 118)

The ayes were, 72:

Anderson
Binneboese

Avenson
Brandt

Baker
Branstad

Bennett
Clark, B.J.

Conlon	Crabb	Crawford	Cusack
Davitt	Den Herder	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Harbor	Higgins
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Shimanek	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 12:

Bina	Clark, J.H.	Daggett	Harvey
Horn	Patchett	Pavich	Small
Smalley	Walter	Welden	Wulff

Absent or not voting, 15:

Brockett	Brunow	Byerly	Chiodo
Connors	Danker	Dieleman	Griffie
Hargrave	Hines	Jesse	Junker
Lageschulte	Monroe	Rinas	

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

Senate File 280, a bill for an act relating to the disposition of a decedent's property, with report of committee recommending passage was taken up for consideration.

Nielsen of Polk offered the following amendment H-4196 filed by him and moved its adoption:

H-4196

1 Amend Senate File 280 as amended and passed by
2 the Senate as follows:

3 1. Page 4, line 3 by inserting after the word
4 "report" the words ", and if compliance with the

- 5 provisions of sections four hundred twenty—two point
 6 twenty—seven (422.27), four hundred fifty point
 7 fifty—eight (450.58), and six hundred thirty—three
 8 point four hundred seventy—four (633.474), of the
 9 Code, have been fulfilled and receipts and certi—
 10 ficates are on file”.

Amendment H—4196 was adopted.

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

On the question “Shall the bill pass?” (S.F. 280)

The ayes were, 82:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Davitt	Den Herder	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Newhard
Norland	O'Halloran	Patchett	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 17:

Brockett	Byerly	Connors	Cusack
Danker	Dieleman	Doyle	Garrison
Griffee	Hines	Koogler	Lageschulte
Monroe	Nielsen	Oxley	Pavich
Rinas			

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

Senate File 362, a bill for an act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 362)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller, K.D.	Miller, O.L.	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Schneklloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Howell

Absent or not voting, 11:

Brockett
Griffie
Monroe

Byerly
Hines
Rinas

Connors
Lageschulte
Scheelhaase

Dieleman
Millen

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

House File 291, a bill for an act relating to the service records of deceased veterans, with report of committee recommending passage was taken up for consideration.

West of Marshall offered the following amendment H-4162 filed by Perkins, et al.:

H-4162

- 1 Amend House File 291 as follows:
- 2 1. Page 1, by striking line 6 and inserting
- 3 in lieu thereof the words "every person having a
- 4 service record of service who is buried interred
- 5 in that".
- 6 2. Page 1, line 7, by striking the word
- 7 "undertaker" and inserting in lieu thereof the
- 8 words "undertaker funeral director".
- 9 3. Page 1, line 8, by striking the word
- 10 "burial" and inserting in lieu thereof the words
- 11 "burial interment".
- 12 4. Page 1, line 10, by striking the word
- 13 "burial" and inserting in lieu thereof the words
- 14 "burial interment".
- 15 5. Page 1, by striking lines 14 through 19
- 16 and inserting in lieu thereof the words "the com-
- 17 mission. When the funeral director in charge of
- 18 the interment has knowledge that the person interred
- 19 is a veteran, the funeral director shall inform the
- 20 adjutant general and the commission of veteran
- 21 affairs of the county where the veteran is interred,
- 22 on forms provided by the adjutant general's office."

Junker of Woodbury offered the following amendment H-4315, to amendment H-4162, filed by him from the floor and moved its adoption:

H-4315

- 1 Amend amendment H-4162 to House File 291 as
- 2 follows:
- 3 1. Page 1, line 17, by striking the word
- 4 "When" and inserting in lieu thereof the word "If".

Amendment H-4315 was adopted.

On motion by West of Marshall, amendment H-4162, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F 291)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 1:

Doyle

Absent or not voting, 11:

Byerly	Connors	Dieleman	Gilloon
Griffee	Hines	Lageschulte	Millen
Nielsen	O'Halloran	Svoboda	

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

SENATE AMENDMENT CONSIDERED

Doyle of Woodbury called up for consideration House File 57, a bill for an act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding procedures for purchase of goods from Iowa state industries, amended by the Senate amendment H-4280 as found on pages 2498 through 2504 of the House Journal.

Welden of Hardin offered the following amendment H-4303, to the Senate amendment H-4280, filed by him:

H-4303

- 1 Amend the Senate amendment H-4280 to House File
- 2 57 as amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking lines 14 through 23 and
- 5 inserting in lieu thereof the following:
- 6 "Sec. 8. NEW SECTION. State agencies and gov-
- 7 ernmental subdivisions of the state, as defined by
- 8 section eighteen point one (18.1), subsections three
- 9 (3) and seven (7), Code 1977, shall submit bid doc-
- 10 uments to the Iowa state industries on each occasion
- 11 when goods are purchased which require competitive
- 12 bids and such goods are available from the Iowa state
- 13 industries."

Brunow of Appanoose in the chair at 10:34 a.m.

Welden of Hardin offered the following amendment H-4317, to amendment H-4303 (to the Senate amendment H-4280) filed by him from the floor and moved its adoption:

H-4317

1 Amend amendment H-4303, to Senate amendment
 2 H-4280, to House File 57 as passed by the House and
 3 reprinted, as follows:
 4 1. Page 1, by inserting after line 13 the
 5 following:
 6 "The department of social services and any ad-
 7 ditional state departments as may be designated by
 8 the governor to the extent delivery requirements can
 9 be met, shall purchase items included in the lists
 10 published under section seven (7) of this Act from
 11 Iowa state industries. Items for use of the depart-
 12 ment of social services need not go through the pro-
 13 cedures of the central purchasing agency of the de-
 14 partment of general services."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 45, nays 45.

Amendment H-4317 lost.

Welden of Hardin moved the adoption of amendment H-4303, to the Senate amendment H-4280.

Roll call was requested by Schroeder of Pottawattamie and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall amendment H-4303, to the Senate amendment H-4280, be adopted?"

The ayes were, 45:

Baker
 Brockett
 Crawford

Bennett
 Byerly
 Daggett

Brandt
 Clark, B.J.
 Danker

Branstad
 Conlon
 Davitt

Den Herder	Dunton	Egenes	Evans
Gilson	Halvorson	Harbor	Harvey
Hinkhouse	Hoffmann	Lindeen	Lipsky
Menke	Millen	Miller, K.D.	Oxley
Pellett	Pelton	Perkins	Schnekloth
Schroeder	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Woods	Wulff
Wyckoff			

The nays were, 45:

Anderson	Avenson	Bina	Binneboese
Chiodo	Clark, J.H.	Cochran	Connors
Crabb	Cusack	Doyle	Dyrland
Fitzgerald	Garrison	Gentleman	Gilloon
Hansen	Higgins	Hines	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Loneran
Monroe	Newhard	Nielsen	O'Halloran
Patchett	Pavich	Poncy	Rinas
Scheelhaase	Shimanek	Small	Spear
Spencer	Svoboda	Walter	Wells
			Mr. Speaker (Brunow)

Absent or not voting, 9:

Dieleman	Griffie	Hargrave	Hullinger
Jesse	Lageschulte	Middleswart	Miller, O.L.
Norland			

Amendment H-4303 lost.

Junker of Woodbury offered the following amendment H-4311, to the Senate amendment H-4280, filed by Junker, et al.:

H-4311

- 1 Amend Senate amendment H-4280, to House File
- 2 57, as passed by the House and reprinted, as follows:
- 3 1. Page 4, by striking lines 14 through 23 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. . NEW SECTION. PURCHASES MANDATORY.
- 6 1. No product appearing in the price lists
- 7 prepared pursuant to section seven (7) of this Act
- 8 shall be purchased by any public body or officer

9 referred to in that section from any other source,
10 except:

11 a. When the purchase is made under emergency
12 circumstances, which shall be explained in writing
13 by the public body or officer who made or authorized
14 the purchase if the state director so requests; or

15 b. When Iowa state industries is unable to
16 furnish needed articles, comparable in both quality
17 and price to those available from alternative sources,
18 within a reasonable length of time. Any disputes
19 arising between a purchasing authority and Iowa state
20 industries regarding similarity of articles or
21 comparability of quality or price shall be referred
22 to the director of the department of general services,
23 whose decision shall be subject to appeal as provided
24 in section eighteen point seven (18.7) of the Code.

25 2. The state director shall adopt and update as
26 necessary rules setting specific delivery schedules
27 for each of the products manufactured by Iowa state
28 industries. These delivery schedules shall define
29 what constitutes a reasonable length of time for
30 purposes of subsection one (1), paragraph b of this
31 section, except where a different delivery schedule
32 is specifically negotiated by Iowa state industries
33 and a particular purchaser.

34 3. Any other provision of the Code to the con-
35 trary notwithstanding, bids need not be taken for
36 the purchase of products manufactured by Iowa state
37 industries."

Fitzgerald of Webster asked and received unanimous consent for the previous question on House File 57, with respect to the filing of amendments only.

Fitzgerald of Webster asked and received unanimous consent that action on House File 57 be deferred and retained.

(Amendment H-4311, to the Senate amendment H-4280, pending.)

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 31.

Senate File 31, a bill for an act to create an alcoholism rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics, was taken up for consideration.

Monroe of Des Moines offered the following amendment H-4301 filed by him and West of Marshall and moved its adoption:

H-4301

- 1 Amend Senate File 31 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, lines 2 and 3, by striking the word
- 4 "alcoholism" and inserting in lieu thereof the words
- 5 "substance abuse".
- 6 2. Page 1, line 3, by striking the words "The
- 7 alcoholism" and inserting in lieu thereof the words
- 8 "The substance abuse".
- 9 3. Page 1, line 5, by striking the word
- 10 "alcoholism" and inserting in lieu thereof the words
- 11 "substance abuse".
- 12 4. Page 1, line 9, by striking the word
- 13 "alcoholism" and inserting in lieu thereof the words
- 14 "substance abuse".
- 15 5. Page 1, line 22, by striking the word
- 16 "alcoholism" and inserting in lieu thereof the words
- 17 "substance abuse".
- 18 6. Page 1, line 24, by striking the word
- 19 "alcoholism" and inserting in lieu thereof the words
- 20 "substance abuse".
- 21 7. Page 2, lines 6 and 7, by striking the word
- 22 "alcoholism" and inserting in lieu thereof the words
- 23 "substance abuse".
- 24 8. Page 2, line 9, by striking the word
- 25 "alcoholism" and inserting in lieu thereof the words
- 26 "substance abuse".
- 27 9. Page 2, line 11, by striking the word "section"
- 28 and inserting in lieu thereof the word "sections".
- 29 10. Page 2, line 12, by inserting after the figure
- 30 "(2)" the words and figure "and three (3)".
- 31 11. Page 2, lines 12 and 13, by striking the words
- 32 "division on alcoholism" and inserting in lieu thereof
- 33 the words "department of substance abuse".
- 34 12. Page 2, line 14, by striking the word "section"

- 35 and inserting in lieu thereof the word "sections".
36 13. Page 2, line 15, by inserting after the figure
37 "(2)" the words and figure "and three (3)".
38 14. Page 2, by striking lines 19 through 21.
39 15. Page 2, line 22, by striking the word
40 "alcoholism" and inserting in lieu thereof the words
41 "substance abuse".
42 16. Page 2, line 34, by striking the words
43 "division on alcoholism" and inserting in lieu thereof
44 the words "department of substance abuse".
45 17. Page 2, line 35, by striking the word
46 "alcoholics" and inserting in lieu thereof the words
47 "substance abusers".
48 18. Page 3, line 2, by striking the word
49 "alcoholic" and inserting in lieu thereof the words
50 "substance abuser".

Page 2

- 1 19. Page 3, lines 5 and 6, by striking the words
2 "alcoholics by the Iowa division on alcoholism" and
3 inserting in lieu thereof the words "substance abusers
4 by the Iowa department of substance abuse".
5 20. Page 3, line 10, by striking the word
6 "alcoholism" and inserting in lieu thereof the words
7 "substance abuse".
8 21. Amend the title, line 1, by striking the word
9 "alcoholism" and inserting in lieu thereof the words
10 "substance abuse".
11 22. Amend the title, line 4, by striking the word
12 "alcoholics" and inserting in lieu thereof the words
13 "substance abusers".
14 23. By renumbering and correcting internal
15 references as necessary.

Amendment H-4301 was adopted.

Dyrland of Clayton offered the following amendment H-3932
filed by him and Halvorson of Clayton:

H-3932

- 1 Amend Senate File 31, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 1, by striking lines 32 through 35
4 and inserting in lieu thereof the following: "the
5 state. The tax".

6 2. Page 3, by inserting after line 12 the
7 following sections:
8 "Sec. . . Section one hundred twenty-three
9 point ninety-six (123.96), Code 1977, is amended
10 by striking subsections one (1) and two (2).
11 Sec. . . The director of the Iowa beer and
12 liquor control department shall increase the price
13 of every alcoholic beverage sold in state liquor
14 stores effective January 1, 1978, by marking up the
15 price being charged for each such beverage on Decem-
16 ber 31, 1977, by the percentage determined by the
17 director under this section. The director shall
18 determine the percentage of markup by dividing (a)
19 the gross revenue derived during the fiscal year
20 ending June 30, 1977 from the special tax imposed
21 by subsection one (1) of section one hundred twenty-
22 three point ninety-six (123.96) of the Code by (b)
23 the gross revenue derived during the fiscal year
24 ending June 30, 1977 from sales of alcoholic bever-
25 ages in state liquor stores, but not including any
26 revenue derived from the special tax imposed upon
27 such sales.
28 It is the purpose and intent of the general
29 assembly that the price increases for alcoholic
30 beverages that are required by this section shall
31 supplant the revenues previously derived from the
32 special tax. The beer and liquor control department
33 shall not cause any adjustments in the prices of
34 alcoholic liquors after January 1, 1978, if such
35 adjustments reasonably could be expected to decrease
36 the total revenue from the sale of alcoholic liquors."

Gentleman of Polk rose on a point of order that amendment H-3932 was not germane.

The Speaker ruled the point not well taken and amendment H-3932 germane.

Dyrland of Clayton moved the adoption of amendment H-3932.

A non-record roll call was requested.

The ayes were 47, nays 31.

Amendment H-3932 was adopted.

(Senate File 31 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Cusack of Scott and Brunow of Appanoose to determine that a quorum was present. Rules 69 and 70 were invoked. The vote revealed:

Present: 74

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Doyle	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Horn
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lindeen
Lonergan	Menke	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Oxley
Patchett	Pellett	Pelton	Perkins
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

Absent: 25

Binneboese	Brockett	Clark, B.J.	Clark, J.H.
Connors	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Garrison	Higgins
Hoffmann	Howell	Jesse	Krewson
Lipsky	Millen	Newhard	Norland

O'Halloran
Tofte

Pavich

Poncy

Stromer

SENATE FILE 31 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that action on Senate File 31 be deferred.

CONSIDERATION OF BILLS SIFTING COMMITTEE NONCONTROVERSIAL 5-MINUTE CALENDAR

Senate File 251, a bill for an act amending the criminal code revision to allow museums to possess offensive weapons solely as relics, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 251)

The ayes were, 80:

Anderson	Avenson	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Doyle	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley

Walter Woods	Welden Wulff	Wells Wyckoff	West Mr. Speaker
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The nays were, none.

Absent or not voting, 19:

Baker	Binneboese	Brockett	Clark, B.J.
Clark, J.H.	Danker	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Garrison
Hoffmann	Jesse	Lipsky	Newhard
Norland	Small	Tofte	

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

Senate File 42, a bill for an act relating to county health centers, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 42)

The ayes were, 83:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Doyle
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Miller, K.D.	Miller, O.L.	Monroe
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth

Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 16:

Baker	Clark, B.J.	Clark, J.H.	Den Herder
Dieleman	Dunton	Dyrland	Egenes
Garrison	Jesse	Lipsky	Millen
Newhard	Norland	Small	Welden

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

Senate File 238, a bill for an act relating to business corporations, with report of committee recommending passage was taken up for consideration.

Danker of Pottawattamie offered the following amendment H-4207 filed by him:

H-4207

1 Amend Senate File 238, as passed by the Senate
 2 as follows:
 3 1. Page 2, by inserting after line 4 the following:
 4 "Sec. . . . Section four hundred ninety—six A point
 5 forty—four (496A.44), Code 1977, is amended by adding
 6 the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The persons who serve
 8 as directors and officers of a coporation shall be
 9 jointly and severally liable as guarantors for all
 10 debts of the corporation or portions thereof which
 11 mature during the first year after the corporation
 12 commences business; provided that the liability of
 13 a person who serves as a director or officer shall
 14 be limited to those debts which are incurred while
 15 the person holds office. Solely for purposes of this
 16 paragraph, a corporation does not commence business
 17 until the date it begins the regular and continuous
 18 transaction of the business for which the corporation

19 is formed.”

20 2. By renumbering sections of the bill.

Debate having exceeded the allowed time, Hines of Story asked and received unanimous consent to suspend the rules for further consideration of Senate File 238.

Danker of Pottawattamie moved the adoption of amendment H-4207.

A non-record roll call was requested.

The ayes were 33, nays 40.

Amendment H-4207 lost.

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

On the question “Shall the bill pass?” (S.F. 238)

The ayes were, 81:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Danker	Davitt	Den Herder	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
Monroe	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Smalley	Spear
Spencer	Stevens	Stromer	Tauke
Tofte	Varley	Walter	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 1:

Daggett

Absent or not voting, 17:

Baker	Clark, B.J.	Crabb	Dieleman
Egenes	Garrison	Harvey	Hullinger
Lipsky	Millen	Newhard	Norland
Pellett	Small	Svoboda	Thompson
Welden			

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

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

The House resumed session, Speaker Cochran in the chair.

RULES SUSPENDED FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked for unanimous consent for the immediate consideration of House File 112, Senate File 290 and Senate File 31.

Objection was raised.

Fitzgerald of Webster moved to suspend the rules for the immediate consideration of House File 112, Senate File 290 and Senate File 31.

Roll call was requested by Krewson of Polk and Walter of Pottawattamie.

On the question "Shall the rules be suspended?"

The ayes were, 67:

Anderson	Avenson	Bina	Binneboese
Branstad	Brockett	Brunow	Chiodo
Clark, B.J.	Conlon	Crabb	Cusack
Danker	Davitt	Den Herder	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Gilloon	Gilson	Halvorson	Hansen

Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Howell	Husak
Jesse	Jochum	Koogler	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, O.L.	Monroe
Nielsen	Oxley	Pavich	Pellet
Pelton	Poncy	Schneklath	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 8:

Bennett	Byerly	Clark, J.H.	Crawford
Gentleman	Krewson	Small	Walter

Absent or not voting, 24:

Baker	Brandt	Connors	Daggett
Dieleman	Doyle	Garrison	Griffie
Harbor	Horn	Hullinger	Junker
Krause	Miller, K.D.	Newhard	Norland
O'Halloran	Patchett	Perkins	Rinas
Scheelhaase	Stromer	Svoboda	Tauke

The motion prevailed and the rules were suspended.

CONSIDERATION OF BILLS

House File 112, a bill for an act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age, with report of committee recommending passage was taken up for consideration.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-3039 filed by him on February 7, 1977.

Dyrland of Clayton asked and received unanimous consent to withdraw amendment H-4013 filed by him on May 5, 1977.

Dyrland of Clayton offered the following amendment H-4327 filed by him from the floor:

H-4327

- 1 Amend House File 112 as follows:
- 2 1. Page 1, by inserting after line 5 the
- 3 following:
- 4 "Sec. . . . **NEW SECTION.** The legal age as
- 5 determined by section one (1) of this Act shall
- 6 also be the age of majority for the exercising of
- 7 all other rights of a state citizen."

Tauke of Dubuque rose on a point of order that amendment H-4327 was not germane.

The Speaker ruled the point well taken and amendment H-4327 not germane.

Dyrland of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H-4327.

Roll call was requested by Krewson of Polk and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H-4327?"

The ayes were, 53:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Connors
Cusack	Daggett	Davitt	Doyle
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hargrave	Harvey	Higgins
Hines	Horn	Husak	Jesse
Jochum	Koogler	Krewson	Lageschulte
Lipsky	Middleswart	Monroe	Nielsen
O'Halloran	Perkins	Scheelhaase	Schroeder
Smalley	Spear	Svoboda	Tauke
Thompson	Walter	West	Woods
			Mr. Speaker

The nays were, 37:

Bennett	Branstad	Clark, J.H.	Conlon
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Crabb	Crawford	Danker	Den Herder
Dunton	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Junker	Krause
Lindeen	Lonergan	Menke	Millen
Miller, K.D.	Miller, O.L.	Pavich	Pellett
Pelton	Poncy	Rinas	Schnekloth
Shimanek	Spencer	Stephens	Tofte
Varley	Welden	Wells	Wulff
Wyckoff			

Absent or not voting, 9:

Dieleman	Garrison	Hullinger	Newhard
Norland	Oxley	Patchett	Small
Stromer			

The motion prevailed and the rules were suspended.

Dyrland of Clayton moved the adoption of amendment H-4327.

Roll call was requested by Krewson of Polk and Bina of Scott.

On the question "Shall amendment H-4327 be adopted?"

The ayes were, 34:

Bina	Binneboese	Brandt	Byerly
Connors	Davitt	Doyle	Dunton
Dyrland	Gentleman	Gilloon	Gilson
Griffee	Hargrave	Higgins	Hines
Hinkhouse	Horn	Husak	Jesse
Jochum	Koogler	Krewson	Lonergan
Monroe	Patchett	Scheelhaase	Schroeder
Small	Smalley	Spear	Stromer
Walter	Wells		

The nays were, 55:

Anderson	Avenson	Baker	Bennett
Branstad	Brockett	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Den Herder
Egenes	Evans	Fitzgerald	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Howell	Junker	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller, K.D.

Miller, O.L.	Nielsen	O'Halloran	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Shimanek	Spencer
Stephens	Tauke	Thompson	Tofte
Varley	Welden	West	Woods
Wulff	Wyckoff	Mr. Speaker	

Absent or not voting, 10:

Danker	Dieleman	Garrison	Hullinger
Krause	Lipsky	Newhard	Norland
Oxley	Svoboda		

Amendment H-4327 lost.

Dyrland of Clayton asked and received unanimous consent to withdraw amendments H-4021 and H-4022 filed by him on May 5, 1977.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 112)

The ayes were, 63:

Anderson	Baker	Bennett	Binneboese
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Daggett	Danker	Davitt	Den Herder
Dunton	Egenes	Evans	Gilson
Griffie	Halvorson	Hansen	Harbor
Higgins	Hinkhouse	Hoffmann	Howell
Hullinger	Junker	Koogler	Krause
Lageschulte	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Pavich	Pellett	Pelton	Poncy
Scheelhaase	Schnekloth	Shimanek	Smalley
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 30:

Avenson	Bina	Brandt	Brunow
Clark, J.H.	Crawford	Cusack	Dyrland
Fitzgerald	Gentleman	Gilloon	Hargrave
Harvey	Hines	Horn	Husak
Jesse	Jochum	Krewson	Lonergan
Monroe	Newhard	Nielsen	O'Halloran
Patchett	Rinas	Schroeder	Small
Spear	Walter		

Absent or not voting, 6:

Dieleman	Doyle	Garrison	Norland
Oxley	Perkins		

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

Senate File 290, a bill for an act relating to the sale of beer on Sunday, with report of committee recommending passage was taken up for consideration.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 290)

The ayes were, 52:

Anderson	Avenson	Baker	Bina
Brandt	Brockett	Byerly	Chiodo
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Dyrland	Egenes	Fitzgerald
Gentleman	Gilloon	Gilson	Halvorson
Hargrave	Higgins	Hines	Horn
Husak	Jesse	Jochum	Krause
Krewson	Lipsky	Millen	Monroe
Newhard	Nielsen	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Schroeder	Shimanek	Small	Spear
Stromer	Svoboda	Tauke	Varley

Walter

Wells

Woods

Wulff

The nays were, 41:

Bennett	Binneboese	Branstad	Brunow
Clark, B.J.	Crabb	Daggett	Danker
Davitt	Den Herder	Dunton	Evans
Griffee	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Junker
Koogler	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Miller, K.D.	Miller, O.L.
O'Halloran	Oxley	Pellett	Scheelhaase
Schneklath	Smalley	Spencer	Stephens
Thompson	Welden	West	Wyckoff
			Mr. Speaker

Absent or not voting, 6:

Dieleman	Doyle	Garrison	Harvey
Norland	Tofte		

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

BUSINESS PENDING

The House resumed consideration of Senate File 31, a bill for an act to create an alcoholism rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

Bennett of Ida offered the following amendment H-4320 filed by him and Husak of Tama from the floor and moved its adoption:

H-4320

- 1 Amend Senate File 31, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 3, line 8 by inserting after the
- 4 word "Act" the words "except those moneys specified
- 5 in section four, subsection 2 of this Act,".

Amendment H-4320 was adopted.

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

On the question "Shall the bill pass?" (S.F. 31)

The ayes were, 85:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 3:

Doyle	Lipsky	Schroeder
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Absent or not voting, 11:

Avenson	Brockett	Dieleman	Garrison
Harvey	Jesse	Junker	Nielsen
Norland	Rinas	Small	

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

SENATE AMENDMENT CONSIDERED

Hansen of O'Brien called up for consideration House File 594, a bill for an act relating to substance abuse by changing the name of the division on alcoholism of the state department of health to the division on substance abuse, expanding the powers and duties of the division to reflect jurisdiction over programs relating to all forms of substance abuse, applying the funding formula for alcoholism in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the division, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance; and repealing chapter two hundred twenty-four B (224B) of the Code, amended by the Senate, and moved that the House concur in the Senate amendment as found on pages 2475 through 2477 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-4300.

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

On the question "Shall the bill pass?" (H.F. 594)

The ayes were, 90:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler

Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	ShimaneK
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 9:

Dieleman	Doyle	Garrison	Jesse
Nielsen	Norland	Oxley	Rinas
Small			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk for a portion of the afternoon on request of Dunton of Keokuk.

HOUSE INSISTS (Senate File 197)

Griffie of Chickasaw called up for consideration Senate File 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments and moved that the House insist on its amendments.

A non-record roll call was requested.

The ayes were 52, nays 27.

The motion prevailed and the House insists on its amendments.

(Senate File 234)

Griffie of Chickasaw called up for consideration Senate File 234, a bill for an act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, and moved that the House insist on its amendment.

A non-record roll call was requested.

The ayes were 59, nays 13.

The motion prevailed and the House insists on its amendment.

CONSIDERATION OF BILLS

House File 593, a bill for an act relating to procedures for nomination of candidates and for preparing for, conducting and canvassing elections, and prescribing penalties, was taken up for consideration.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H-4163 filed by Monroe, et al., on May 13, 1977, placing the following amendments out of order:

H-4195 filed by Welden of Hardin on May 16, 1977.

H-4218 filed by Tauke of Dubuque and Monroe of Des Moines on May 17, 1977.

Fitzgerald of Webster moved the previous question on House File 593, with respect to the filing of amendments only.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 39.

The motion prevailed.

Monroe of Des Moines offered the following amendment H-4316 filed by Monroe, Tauke, Crawford, Walter and Patchett from the floor:

H-4316

1 Amend House File 593 as follows:

2 1. Page 1, by striking line 1 and inserting in
3 lieu thereof the following:

4 "Section 1. Section thirty-nine point three (39.3),
5 Code 1977, is amended by striking subsections thirteen
6 (13) and fourteen (14) and inserting in lieu thereof
7 the following new subsections:

8 NEW SUBSECTION. "Department" means the state
9 department of elections.

10 NEW SUBSECTION. "Council" means the state elections
11 council.

12 Sec. 2. Section forty-three point eighteen
13 (43.18),".

14 2. Page 4, by inserting after line 30 the follow-
15 ing new sections:

16 "Sec. 12. Section forty-seven point one (47.1),
17 Code 1977, is amended by striking the section and
18 inserting in lieu thereof the following:

19 47.1 DEPARTMENT OF ELECTIONS--ELECTIONS COUNCIL-
20 -STATE COMMISSIONER.

21 1. There is established the state department of
22 elections, which shall be responsible for administer-
23 ing or overseeing the administration of the laws of
24 this state governing the registration of voters and
25 preparations for, conducting and canvassing of elec-
26 tions, shall administer the campaign disclosure--
27 income tax checkoff Act, and shall have such other
28 duties as are imposed on it by law.

29 2. There is established, as the policy-making
30 body of the department, a state elections council
31 consisting of three members who shall be selected
32 and shall receive compensation as prescribed by section
33 sixteen (16) of item two (2) of the amendment. The
34 council shall adopt rules, pursuant to chapter
35 seventeen A (17A) of the Code, which it deems necessary
36 to implement the election laws of this state.

37 3. The chief administrative officer of the depart-
38 ment shall be the state commissioner of elections,
39 who shall be appointed by and shall serve at the
40 pleasure of the council. The state commissioner shall
41 devote full-time to the duties of that office, shall
42 hold no other public office, and shall not engage

43 in any political activity, accept or solicit directly
44 or indirectly any political contributions, nor use
45 the office to support the candidacy of any person
46 for elective or appointive office. The state
47 commissioner shall receive a salary at a rate fixed
48 by the council.

49 Sec. 13. Section forty-seven point three (47.3),
50 unnumbered paragraph five (5), Code 1977, is amended

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1 to read as follows:

2 The cost of maintenance of voter registration
3 records and of preparation of election registers and
4 any other voter registration lists required by the
5 commissioner in the discharge of the duties of that
6 office shall be paid by the county. Administrative
7 and clerical costs, incurred by the ~~registrar state~~
8 ~~commissioner~~ in discharging the duties of that office
9 shall be paid by the state.

10 Sec. 14. Section forty-seven point five (47.5),
11 subsections one (1), two (2) and three (3), Code 1977,
12 is amended to read as follows:

13 1. The commissioner shall take bids for goods
14 and services which are needed in connection with
15 registration of voters or preparation for or
16 administration of elections and which will be performed
17 or provided by persons who are not employees of the
18 commissioner under the following circumstances:

19 a. In any case where it is proposed to purchase
20 data processing services. The commissioner shall
21 give the ~~registrar state commissioner~~ written notice
22 in advance on each occasion when it is proposed to
23 have data processing services, necessary in connection
24 with the administration of elections, performed by
25 any person other than ~~the registrar or an employee~~
26 of the county ~~or of the state~~. Such notice shall
27 be made at least thirty days prior to publication
28 of the specifications.

29 b. In the case of arrangements for printing of
30 ballots, where the cost of the printing will exceed
31 five thousand dollars.

32 c. In all other cases, where the cost of the goods
33 or services to be purchased will exceed one thousand
34 dollars.

35 d. No bids shall be required for legal services.

36 2. When it is proposed to purchase any goods or
37 services, ~~other than data processing services,~~ in

38 connection with administration of elections, the
39 commissioner shall publish notice to bidders, includ-
40 ing specifications regarding the goods or services
41 to be purchased or a description of the nature and
42 object of the services to be retained, in a newspaper
43 of general circulation in the county not less than
44 fifteen days before the final date for submission
45 of bids. The commissioner shall also file a copy
46 of the bid specifications in the office of the state
47 commissioner for a period of not less than twenty
48 days prior to such final date. When competitive
49 bidding procedures are used, the purchase of goods
50 or services shall be made from the lowest responsible

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1 bidder which meets the specifications or description
2 of the services needed or the commissioner may reject
3 all bids and readvertise. In determining the lowest
4 responsible bidder, various factors may be considered,
5 including but not limited to the past performance
6 of the bidder relative to quality of product or
7 service, the past experience of the purchaser in
8 relation to the product or service, the relative
9 quality of products or services, the proposed terms
10 of delivery and the best interest of the county.

11 ~~3. The procedure for purchasing data processing~~
12 ~~services in connection with administration of elections~~
13 ~~shall be the same as prescribed in subsection 2,~~
14 ~~except that the required copy of the bid specifications~~
15 ~~shall be filed with the registrar rather than the~~
16 ~~state commissioner.~~ The specifications for data
17 processing contracts relative to voter registration
18 records shall be specified by the registration
19 commission council. The registrar state commissioner
20 shall, not later than the final date for submission
21 of bids, inform the commissioner in writing whether
22 the state comptroller's data processing facilities
23 are currently capable of furnishing the services the
24 county proposes to purchase, and if so the cost to
25 the county of so obtaining the services as determined
26 in accordance with the standard charges therefor
27 adopted by the registration commission council. The
28 commissioner, with approval of the board of
29 supervisors, may reject all bids and enter into an
30 arrangement with the registrar state commissioner
31 for the services to be furnished by the state. The
32 commissioner may recommend and the board of supervisors

33 may approve purchasing the needed services from the
 34 lowest responsible bidder, however, if the needed
 35 services could be obtained through the ~~registrar~~ state
 36 commissioner at a lower cost, the board shall publish
 37 notice twice in a newspaper of general circulation
 38 in the county of its intent to accept such a bid and
 39 of the difference in the amount of the bid and the
 40 cost of purchasing the needed services from the state
 41 comptroller's data processing facilities through the
 42 registrar state commissioner. Each contract for the
 43 furnishing of data processing services, necessary
 44 in connection with the administration of elections,
 45 by any person other than ~~the registrar~~ or an employee
 46 of the county or of the state shall be executed with
 47 the contractor by the board of supervisors of the
 48 county purchasing the services, but only after the
 49 contract has been reviewed and approved by the
 50 registration commission council. Such contract shall

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1 be of not more than one year's duration. Each county
 2 exercising the option to purchase such data processing
 3 services ~~from a provider in a manner~~ other than the
 4 registrar as provided by section forty-seven point
 5 seven (47.7), subsection two (2), of the Code shall
 6 provide the registrar state commissioner, at the
 7 county's expense, original and updated voter regis-
 8 tration lists in a form, format and at times prescribed
 9 by rules promulgated by the registration commission
 10 council.

11 Sec. 15. Section forty-seven point seven (47.7),
 12 Code 1977, is amended to read as follows:

13 47.7 STATE REGISTRAR OF VOTERS VOTER REGISTRA-
 14 TION RECORDS.

15 1. The senior administrator of data processing
 16 services in the office of the state comptroller is
 17 ~~designated the state registrar of voters; and shall~~
 18 regulate shall assist the state commissioner and shall
 19 to the greatest extent possible furnish the services
 20 required by the department in implementing the
 21 requirements of law respecting the preparation,
 22 preservation and maintenance of voter registration
 23 records, the preparation of precinct election regis-
 24 ters for all elections administered by the commissioner
 25 of any county, and the preparation of other data on
 26 voter registration and participation in elections
 27 as shall be requested and purchased at actual cost
 28 of preparation and production by a political party
 29 or any resident of this state, except as otherwise

30 provided by section 48.5, subsection 2, paragraph
31 "d". ~~The registrar shall maintain a log, which shall~~
32 ~~be a public record, showing all lists and reports~~
33 ~~which have been requested or generated or which are~~
34 ~~capable of being generated by existing programs of~~
35 ~~the data processing services in the office of the~~
36 ~~state comptroller.~~

37 2. The registrar state commissioner shall offer
38 to each county in the state the opportunity to arrange
39 for performance of all functions referred to in subsection
40 1 by the data processing facilities of the state
41 comptroller's office, commencing at the earliest practicable
42 time, at a cost to the county determined in
43 accordance with the standard charges for those services
44 adopted by the ~~registration commission council.~~
45 A county may accept this offer without taking bids
46 under section 47.5.

47 3. Any county may use its own data processing
48 facilities for voter registration record keeping and
49 utilization functions, if the system design and the
50 form in which the registration records are kept conform

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1 to specifications established by rules promulgated
2 by the ~~registration commission council.~~ Each county
3 exercising the option to maintain its own voter registration
4 records under this subsection shall provide
5 the registrar state commissioner, at the county's
6 expense, original and updated voter registration lists
7 in a form, format and at times prescribed by the
8 registrar state commissioner.

9 4. The council shall annually adopt a set of standard
10 charges to be made by the department for the
11 services which subsection two (2) of this section
12 requires the state commissioner to offer to the several
13 commissioners, and for furnishing of voter registration
14 records requested pursuant to section forty-eight
15 point five (48.5), subsection two (2), of the Code
16 by persons who are required by that subsection to
17 pay for such records. These charges shall be
18 established so that, as nearly as possible, they will
19 reimburse the state for the costs incurred by the
20 state under subsection two (2) of this section and
21 section forty-eight point five (48.5), subsection
22 two (2), of the Code which the state would not
23 otherwise incur, exclusive of those costs incurred
24 pursuant to paragraph d of section forty-eight point
25 five (48.5), subsection two (2), of the Code.
26

Sec. 16. Section forty-seven point eight (47.8),

27 Code 1977, is amended by striking the section and
28 inserting in lieu thereof the following:

29 47.8 STATE ELECTION COUNCIL MEMBERS—SELECTION
30 AND COMPENSATION:

31 1. During the month of February of each odd-
32 numbered year, two nominees for the state elections
33 council shall be chosen by the state central committee
34 of each of the two political parties whose candidates
35 for president of the United States or for governor,
36 as the case may be, received the largest and the next
37 largest number of votes at the most recent general
38 election. Each such nomination shall require an
39 affirmative vote of at least two-thirds of the total
40 membership of the respective state central committees.
41 The governor shall by March fifteenth of that year
42 appoint one person from each set of nominees of the
43 respective political parties for a term of two years,
44 or until that appointee's successor is chosen under
45 this subsection. A vacancy in the office of a council
46 member nominated by a political party state central
47 committee shall be filled by the same procedure.

48 2. The two council members appointed under
49 subsection one (1) of this section shall jointly
50 select the third member of the council, who shall

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1 act as the council chairperson. The chairperson shall
2 serve until a successor is selected under this
3 subsection. The chairperson shall be subject to
4 dismissal from office at any time upon the filing
5 with the state commissioner of a written notice of
6 dismissal signed by both of the other council members.
7 The chairperson's term of office shall terminate
8 automatically thirty days after the biennial
9 appointments of the other two council members are
10 completed as required by subsection one (1) of this
11 section, unless the two council members so appointed
12 act affirmatively to retain the chairperson in office.
13 If the other two commission members fail to agree
14 upon selection of a chairperson within thirty days
15 after a vacancy occurs in that office, the chief
16 justice of the supreme court shall select the
17 chairperson. A chairperson so appointed shall not
18 be subject to dismissal by the other members of the
19 council until the next succeeding biennial appointments
20 of new council members under subsection one (1) of
21 this section have been made.

22 3. Each member of the council shall receive forty
23 dollars per diem and shall be reimbursed for expenses
24 actually and necessarily incurred in attending meetings
25 of the commission, or in discharging any other duty
26 imposed upon that person in his or her capacity as
27 a member of the council.

28 Sec. 17. Chapter forty-seven (47), Code 1977,
29 is amended by adding the following new section:
30 NEW SECTION. POWERS AND DUTIES OF STATE
31 COMMISSIONER.

32 1. The state commissioner shall be the chief state
33 election officer, and shall exercise the powers
34 delegated and discharge the duties imposed by the
35 laws of the state. In furtherance of those
36 responsibilities, the state commissioner shall:

37 a. Employ the personnel necessary to staff the
38 department, upon approval of and at salaries
39 established by the council. Employment of and salaries
40 paid personnel of the department shall not be subject
41 to chapter nineteen A (19A) of the Code.

42 b. Serve as chief administrative officer of the
43 council in the discharge of its duties under chapters
44 fifty-two (52) and fifty-six (56) of the Code.

45 c. Supervise the activities of the county
46 commissioners of elections.

47 d. Propose rules which the state commissioner
48 considers necessary to implement the election laws
49 of the state, to be considered by the council for
50 adoption.

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1 e. Recommend to the general assembly, with approval
2 of the council, such revisions in the election laws
3 of the state as are deemed advisable.

4 2. It is the intent of the general assembly that,
5 to the extent permitted by federal law, the department
6 shall receive and review copies of all reports required
7 by federal law of political candidates and political
8 committees who are active in this state. If necessary
9 in order to permit implementation of this intent,
10 the governor shall designate the state commissioner
11 as the state officer to receive copies of all such
12 reports.

13 3. The state commissioner shall provide staff
14 assistance to the general assembly in carrying out
15 its constitutional duty to redraw the boundaries of
16 the congressional and legislative districts in the

17 state following each federal decennial census.
18 Accordingly, the department shall acquire and keep
19 on file all pertinent census data for the state, and
20 shall cooperate with the United States bureau of the
21 census in making preparations for each federal
22 decennial census so as to facilitate expeditious
23 receipt of the census data necessary for the required
24 redistricting.

25 4. Notwithstanding any contrary provision of
26 section forty—nine point one hundred four (49.104)
27 of the Code, the state commissioner or an employee
28 of the department designated by the state commissioner
29 may be present at any precinct polling place on the
30 day of any election for the purpose of observing the
31 conduct of the election, but shall not interfere with
32 nor impede the work of the precinct election officials
33 in any way. It is the intent of this subsection that
34 the state commissioner shall use the authority herein
35 granted only to obtain information about possible
36 need for changes in election procedures prescribed
37 by law or rule, and not for the purpose of evaluating
38 the work of precinct election officials or other
39 persons having responsibility for the conduct of
40 elections.

41 Sec. 18. Chapter forty—seven (47), Code 1977,
42 is amended by adding the following new section:

43 NEW SECTION. SPECIAL STATE ELECTIONS ATTORNEY.

44 A special state elections attorney shall be appointed
45 by the council to serve as legal counsel to the state
46 commissioner, the several commissioners and to the
47 electorate of Iowa. The special attorney shall issue
48 advisory opinions on all elections questions submitted
49 by the state commissioner, a candidate for public
50 office, and elected official or the chairperson of

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1 a state political party central committee. The special
2 attorney's advisory opinions shall be binding upon
3 all persons responsible for administration of the
4 laws of this state governing the registration of
5 voters and preparations for, conducting and canvassing
6 of elections, and for administration of the campaign
7 disclosure--income tax checkoff Act, except when such
8 opinions are overturned or suspended by a decision
9 or order of a court of competent jurisdiction.
10 The special state elections attorney shall not
11 be a member of the attorney general's staff, shall

12 not engage in any political activity while serving
 13 in that office, shall not solicit nor accept directly
 14 or indirectly any political contributions, and shall
 15 not use the office to support the candidacy of any
 16 person for elective or appointive office. The special
 17 attorney shall serve at the pleasure of the council,
 18 and shall receive compensation on an hourly basis.

19 Sec. 19. Chapter forty—seven (47), Code 1977,
 20 is amended by adding the following new section:

21 **NEW SECTION. COUNTY COMMISSIONERS ADVISORY**
 22 **COMMITTEE.** There is established the county
 23 commissioners advisory committee, for the purpose
 24 of providing the state commissioner liaison and advise
 25 concerning implementation of the state's laws and
 26 rules governing elections, and of the campaign
 27 disclosure--income tax checkoff Act, at the local
 28 level. The county commissioners advisory committee
 29 shall consist of six county commissioners, one chosen
 30 by and serving at the pleasure of the council from
 31 each of the districts in the state defined by the
 32 Iowa state association of counties. The commissioners
 33 so designated may be reimbursed from funds of the
 34 department for travel and other actual and necessary
 35 expenses incurred in attending not more than three
 36 meetings of the advisory committee each fiscal year.

37 Sec. 20. Section forty—eight point five (48.5),
 38 Code 1977, is amended to read as follows:

39 **48.5 REGISTRATION RECORDS.**

40 1. The county commissioner of registration shall
 41 maintain the registration records of all qualified
 42 electors in the county in accordance with rules
 43 promulgated by the ~~registration commission~~ council.
 44 Registration records shall not be removed from that
 45 office or other designated locations except upon court
 46 order, and shall be open to inspection by the public
 47 at reasonable times.

48 2. Any person may request of the ~~registrar~~ state
 49 commissioner and shall receive, upon payment of the
 50 cost of preparation, a list of qualified electors

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1 and other data on registration and participation in
 2 elections, in accordance with the following
 3 requirements and limitations:

4 a. Each list shall be produced in the order and
 5 form specified by the requester, so long as that order
 6 and form are within the capacity of the record
 7 maintenance system used by the registrar state

8 commissioner. Lists requested in an order or form
9 not previously developed by the state commissioner
10 shall be prepared in accordance with a schedule
11 established by the council in consultation with the
12 senior administrator of data processing in the office
13 of the state comptroller.

14 b. Each list shall reflect all additions, changes
15 and deletions made prior to the fifth day before the
16 list was prepared.

17 c. The ~~registrar~~ state commissioner shall not
18 be required to provide lists or data during the fifteen
19 days prior to the date of the primary election, the
20 general election, the regular city election held
21 pursuant to section 376.1, or the annual school
22 election in any order or form other than that utilized
23 to conduct the election, if the preparation of a list
24 in any other order or form requested would impede
25 the preparation of the election registers for that
26 election.

27 d. The county chairperson of each political party,
28 as defined in section 48.4 and the chairperson of
29 each state political party central committee may each
30 request and shall receive without charge three lists
31 or reports during the two-year period prior to each
32 general election, in the order and form requested.
33 The lists or data requested by the county chairperson
34 shall pertain only to qualified electors of that
35 county. The lists or reports requested under this
36 paragraph shall be delivered on or before the date
37 specified by the requester, if the requester gives
38 at least thirty days advance notice of that date and
39 the timing of the request and the order and form
40 specified do not conflict with the restrictions of
41 paragraph "c" of this subsection.

42 e. A periodic updating of the registration lists
43 showing all additions, changes and deletions since
44 the previous updating shall be provided at least once
45 each fourteen days except during the two weeks prior
46 to the close of registration before any election,
47 when it shall be provided daily if requested. Each
48 requester under this paragraph shall receive the
49 updating data at the same time, which shall be
50 determined by the ~~registrar~~ state commissioner, but

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- 1 in an order and form specified by the requester.
- 2 Each requester, except those who obtained the initial

3 list of qualified electors under paragraph "d" of
4 this subsection, shall pay the cost of duplicating
5 the updating data before receiving a copy thereof.

6 3. Neither the duplicate registration records
7 open to public inspection nor any list obtained under
8 subsection 2 shall be used for any purpose of any
9 kind or nature, other than to request a registrant's
10 vote or any other bona fide political purpose. The
11 commissioner or ~~registrar~~ state commissioner shall
12 keep a list of the name, address, telephone number,
13 and social security number of each person who copies
14 or obtains copies of the registration lists. Any
15 person that uses such lists in violation of this section
16 shall, upon conviction, be imprisoned in the county
17 jail, not to exceed one year, or be fined not to
18 exceed one thousand dollars, or may be punished by
19 both such fine and imprisonment for each violation.

20 4. Beginning not later than January 1, 1977, every
21 voter registration record shall be maintained in
22 computer readable form according to the specifications
23 of the ~~registrar-state commissioner~~.

24 5. The state commissioner shall maintain a log,
25 which shall be a public record, showing all lists
26 and all reports which have been requested or generated,
27 or which the council deems it feasible to generate,
28 by existing programs of the data processing services
29 in the office of the state comptroller."

30 3. Page 12, by inserting after line 12 the
31 following new section:

32 "Sec. 29. Section fifty-two point four (52.4),
33 Code 1977, is amended by striking the section and
34 inserting in lieu thereof the following:

35 52.4 COUNCIL TO ACT AS BOARD OF EXAMINERS. The
36 state elections council shall serve ex officio as
37 the board of examiners for voting machines and
38 electronic voting systems, referred to in this
39 chapter."

40 4. Page 13, by inserting after line 2 the following
41 new section:

42 "Sec. 31. Section fifty-six point two (56.2),
43 Code 1977, is amended by striking subsection ten (10)
44 and inserting in lieu thereof the following:

45 "10. "Commission" shall be considered a reference
46 to the state elections council.""

47 5. Page 20, by inserting after line 20 the
48 following new sections.

49 "Sec. 45. Section thirteen point seven (13.7),
50 Code 1977, is amended to read as follows:

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1 13.7 SPECIAL COUNSEL. No compensation shall be
2 allowed to any person for services as an attorney
3 or counselor to any executive department of the state
4 government, or the head thereof, or to any state board
5 or commission, but the executive council may employ
6 legal assistance, at a reasonable compensation, in
7 any pending action or proceeding to protect the
8 interests of the state, but only upon a sufficient
9 showing, in writing, made by the attorney general,
10 that the department of justice cannot for reasons
11 stated by the attorney general perform said service,
12 which reasons and action of the council shall be
13 entered upon its records. When the attorney general
14 determines that the department of justice cannot
15 perform legal service in an action or proceeding,
16 the executive council shall request the department
17 involved in the action or proceeding to recommend
18 legal counsel to represent the department. If the
19 attorney general concurs with the department that
20 the person recommended is qualified and suitable to
21 represent the department, the person recommended shall
22 be employed. If the attorney general does not concur
23 in the recommendation, the department shall submit
24 a new recommendation. This section shall not affect
25 the office of the commerce counsel, the transportation
26 regulation board counsel, the special state elections
27 attorney appointed by the state elections council
28 or the legal counsel of the Iowa department of job
29 service.

30 "Sec. 46. Section fifty-six point nine (56.9),
31 Code 1977, is repealed.

32 Sec. 47.

33 1. Section one (1) of item one (1), sections
34 twelve (12) through twenty (20) of item two (2),
35 section twenty-nine (29) of item three (3), section
36 thirty-one (31) of item four (4) and sections forty-
37 five (45) and forty-six (46) of item five (5) of this
38 amendment are effective January 1, 1978. On that
39 date, all supplies and equipment, except data pro-
40 cessing supplies and equipment, presently in use by
41 and all records maintained by the campaign finance
42 disclosure commission, the state voter registration
43 commission, the state registrar of voters, and the
44 secretary of state in that officer's capacity as state
45 commissioner of elections, and all appropriations
46 to the campaign finance disclosure commission, the
47 state voter registration commission, the state

48 registrar of voters, and to the secretary of state
49 for use in discharging the duties of that officer
50 as state commissioner of elections, shall be

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1 transferred to the department of elections established
2 by this Act.

3 2. Notwithstanding subsection one (1) of this
4 section, the first state elections council shall be
5 appointed not later than September 1, 1977 and shall
6 promptly designate a person to become state
7 commissioner of elections. The state commissioner—
8 designate so chosen and such staff as that person
9 may employ with approval of the council shall be
10 entitled to salary and benefits as state employees
11 during any period of time prior to January 1, 1978
12 while they are actually devoting their full time to
13 preparations for the department of elections to as—
14 sume its functions under this Act. The council members
15 shall receive per diem and expenses for attending
16 meetings during that period, as if section sixteen
17 (16) of item two (2) of this amendment were in effect.

18 3. On or before the date of the convening of the
19 1980 Session of the Sixty—eighth General Assembly,
20 the state commissioner of elections shall recommend
21 to the general assembly a comprehensive recodification
22 of the existing elections laws of this state. It
23 is the intent of this subsection that the recommended
24 recodification have as its primary objective the
25 arrangement of the existing election laws in a more
26 logical and consistent manner, and not the revision
27 of the substance of those laws.”

28 6. Title, line 2, by inserting after the word
29 “elections,” the words “establishing a state elections
30 council and a state department of elections, separating
31 the office of state commissioner of elections from
32 that of the secretary of state.”.

Monroe of Des Moines offered the following amendment
H-4331, to amendment H-4316, filed by Monroe, Tauke, Walter,
Crawford and Patchett from the floor and moved its adoption:

H-4331

1 Amend the Monroe, et l amendment H-4316 to House
2 File 593 as follows:

3 1. Page 10, by striking lines 42 through 46 and
4 inserting in lieu thereof the following:

5 "Sec. 31. Section fifty-six point nine (56.9),
6 Code 1977, is amended by striking the section and
7 inserting in lieu thereof the following:

8 56.9 CAMPAIGN FINANCE DISCLOSURE COMMISSION
9 CREATED—MEMBERSHIP—CERTAIN POWERS RESERVED TO
10 FULL COMMISSION

11 1. There is created a campaign finance disclosure
12 commission. The full commission shall consist of
13 five members, three of whom shall be the members of
14 the state elections council. The two remaining members
15 shall be appointed as provided by subsection two (2)
16 of this section. The chairperson of the state
17 elections council shall also be the chairperson of
18 the commission.

19 2. The two members of the commission who are not
20 members of the council shall be appointed by the
21 governor, subject to confirmation by two-thirds of
22 the members of the senate, and shall not be members
23 of the same political party. One such member shall
24 be appointed in each odd-numbered year for a term
25 of four years beginning July first of that year.
26 The members so appointed shall be entitled to forty
27 dollars per diem and reimbursement for their actual
28 and necessary expenses incurred in attending meetings
29 pursuant to subsection three (3) of this section.

30 3. The members of the state elections council
31 shall discharge all functions of the commission under
32 this chapter except those prescribed by section fifty-
33 six point eleven (56.11) of the Code. When it is
34 necessary for the commission to hold a hearing or
35 otherwise act under section fifty-six point eleven
36 (56.11) of the Code the members appointed under
37 subsection two (2) of this section shall be promptly
38 notified and a meeting or meetings of the full
39 commission shall be scheduled as necessary. The
40 members of the state elections council may, without
41 prior consultation with the other members of the
42 commission, direct that notice be given as required
43 by section fifty-six point eleven (56.11), subsection
44 one (1) of the Code within twenty-four hours after
45 receipt of a complaint, but the commission shall not
46 initiate action on its own motion under that subsection
47 until the matter has been considered at a meeting
48 of the full commission."

49 2. Page 11, by striking lines 30, 31 and 32 and
50 inserting in lieu thereof the following:

Page 2

1 "Sec. 46."

2 3. Page 11, lines 36 and 37, by striking the words
3 and figures "sections forty-five (45) and forty-six
4 (46)" and inserting in lieu thereof the words and
5 figure "section forty-five (45)".

6 4. Page 12, by inserting after line 17 the
7 following:

8 "3. Notwithstanding subsection two (2) of section
9 thirty-one (31) of item four (4) of this amendment,
10 the initial appointments of members of the campaign
11 finance disclosure commission who are not members
12 of the state elections council shall be made by the
13 governor not later than December 31, 1977. In making
14 the appointments, the governor shall designate one
15 of the appointees to serve until June 30, 1979 and
16 one to serve until June 30, 1981. The persons so
17 appointed shall take office on January 3, 1978 and
18 shall serve in an interim capacity until their
19 appointments are acted upon by the senate."

20 5. Page 12, line 18, by striking the figure "3"
21 and inserting in lieu thereof the figure "4".

Amendment H-4331 was adopted.

Monroe of Des Moines moved the adoption of amendment
H-4316, as amended.

A non-record roll call was requested.

The ayes were 43, nays 22.

Amendment H-4316, as amended, was adopted.

Small of Johnson in the chair at 4:45 p.m.

Newhard of Jones offered the following amendment H-4193
filed by him:

H-4193

1 Amend House File 593 as follows:

2 1. Page 2, by inserting after line 33, the
3 following:

4 "Sec. . Chapter forty-three (43), Code

5 1977, is amended by adding after section forty—
 6 three point sixty—nine (43.69), the following
 7 new section:
 8 NEW SECTION. NOMINATION OF HOLDOVER SENATORS
 9 TO CERTAIN OTHER OFFICES. Regardless of having met
 10 all other applicable requirements of this chapter,
 11 a candidate who is an incumbent senator in the
 12 general assembly serving a term which will extend
 13 more than sixty days beyond the forthcoming general
 14 election and who has been nominated in the primary
 15 election for an office established by the constitu—
 16 tion of the state of Iowa or the statutes of the
 17 state or of any of its political subdivisions,
 18 shall be entitled to have his or her name printed
 19 on the official ballot to be voted at the general
 20 election only if he or she submits to the governor
 21 his or her resignation from the senate effective
 22 not later than the first day of July next succeed—
 23 ing the primary election in which he or she was so
 24 nominated.”

Conlon of Muscatine rose on a point of order that amendment H—4193 was not germane.

The Speaker ruled the point not well taken and amendment H—4193 germane.

Newhard of Jones moved the adoption of amendment H—4193.

Roll call was requested by Newhard of Jones and Junker of Woodbury.

On the question “Shall amendment H—4193 be adopted?”

The ayes were, 48:

Bennett	Bina	Binneboese	Branstad
Byerly	Chiodo	Crabb	Daggett
Danker	Davitt	Den Herder	Doyle
Dunton	Dyrland	Gentleman	Gilloon
Gilson	Griffee	Hansen	Harvey
Hines	Hinkhouse	Husak	Jesse
Junker	Lageschulte	Lindeen	Lonergan
Menke	Millen	Miller, K.D.	Miller, O.L.
Newhard	Oxley	Patchett	Pellett
Pelton	Poncy	Schnekloth	Schroeder

Spear
WeldenSpencer
WestStephens
WoodsWalter
Wyckoff

The nays were, 35:

Baker
Clark, J.H.
Egenes
Higgins
Koogler
Monroe
Scheelhaase
Tauke
WellsBrockett
Conlon
Evans
Hoffmann
Krewson
Pavich
Shimanek
Thompson
WulffBrunow
Connors
Halvorson
Howell
Lipsky
Perkins
Smalley
Tofte
Mr. Speaker
(Small)Clark, B.J.
Crawford
Harbor
Jochum
Middleswart
Rinas
Stromer
Varley

Absent or not voting, 16:

Anderson
Cusack
Hargrave
NielsenAvenson
Dieleman
Horn
NorlandBrandt
Fitzgerald
Hullinger
O'HalloranCochran
Garrison
Krause
Svoboda

Amendment H-4193 was adopted.

Krause of Kossuth in the chair at 4:55 p.m.

Monroe of Des Moines offered the following amendment
H-4285 filed by Monroe, et al., and moved its adoption:

H-4285

- 1 Amend House File 593 as follows:
- 2 1. Page 3, by adding after line 6, the follow-
- 3 ing new section:
- 4 "Sec. . Section forty-three point seventy-
- 5 eight (43.78), subsection one (1), paragraph c, Code
- 6 1977, is amended to read as follows:
- 7 c. For senator or representative in the general
- 8 assembly, by the party precinct committee members
- 9 whose precincts lie within the senatorial or
- 10 representative district involved, who shall be con-
- 11 vened or reconvened as appropriate by the state
- 12 party chairperson. The party's state constitution
- 13 or bylaws ~~may allow shall provide that~~ the voting
- 14 strength of each precinct represented at such a
- 15 convention to be made proportionate to the vote

- 16 cast for the party's candidate for the office in
 17 question in the respective precincts at the last
 18 general election for that office."

Roll call was requested by Branstad of Winnebago and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall amendment H-4285 be adopted?"

The ayes were, 49:

Anderson	Bina	Binneboese	Brandt
Brockett	Byerly	Clark, B.J.	Clark, J.H.
Connors	Crawford	Davitt	Doyle
Dyrland	Egenes	Gentleman	Gilloon
Halvorson	Hansen	Higgins	Hines
Horn	Hullinger	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Monroe
Norland	O'Halloran	Patchett	Pavich
Pelton	Poncy	Rinas	Shimanek
Spear	Svoboda	Tauke	Thompson
Varley	Walter	Wells	Wulff
			Mr. Speaker
			(Krause)

The nays were, 34:

Baker	Bennett	Branstad	Brunow
Chiodo	Conlon	Crabb	Danker
Dunton	Evans	Gilson	Harbor
Harvey	Hoffmann	Howell	Lorgan
Miller, K.D.	Miller, O.L.	Newhard	Oxley
Pellett	Perkins	Scheelhaase	Schneklath
Schroeder	Smalley	Spencer	Stephens
Stromer	Tofte	Welden	West
Woods	Wyckoff		

Absent or not voting, 16:

Avenson	Cochran	Cusack	Daggett
Den Herder	Dieleman	Fitzgerald	Garrison
Griffie	Hargrave	Hinkhouse	Husak
Middleswart	Millen	Nielsen	Small

Amendment H-4285 was adopted.

Tauke of Dubuque offered the following amendment H-4325 filed by him and Monroe of Des Moines from the floor and moved its adoption:

H-4325

- 1 Amend House File 593 as follows:
- 2 1. Page 6, lines 31 and 32, by striking the
- 3 words "~~two dollars the current federal minimum wage~~
- 4 per hour" and inserting in lieu thereof the words
- 5 "compensation at an hourly rate established by the
- 6 board of supervisors, which shall not be less than
- 7 two dollars and thirty cents per hour."
- 8 2. Page 8, lines 15 and 16, by striking the
- 9 words "~~two dollars the current federal minimum~~
- 10 wage per hour" and inserting in lieu thereof the
- 11 words "two dollars per hour computed at the hourly
- 12 rate established pursuant to section forty-nine
- 13 point twenty (49.20) of the Code."
- 14 3. Page 18, line 25, by striking the words
- 15 "~~city regular~~" and inserting in lieu thereof the
- 16 word "city".
- 17 4. Page 18, line 28, by striking the word
- 18 "~~city~~" and inserting in lieu thereof the word
- 19 "city".
- 20 5. Page 18, by striking lines 29 and 30 and
- 21 inserting in lieu thereof the words "election or
- 22 at a special election called for that purpose prior
- 23 to the next regular city election. If a majority of".
- 24 6. Page 18, by striking lines 33, 34 and 35.

Amendment H-4325 was adopted.

Patchett of Johnson offered the following amendment H-4319 filed by him from the floor and moved its adoption:

H-4319

- 1 Amend House File 593 as follows:
- 2 1. Page 14, by inserting after line 12 the
- 3 following section:
- 4 "Sec. . Section two hundred seventy-seven point
- 5 two (277.2), Code 1977, is amended to read as follows:
- 6 277.2 SPECIAL ELECTION. The board of directors
- 7 in any school corporation may call a special election

- 8 at which election the voters shall have the powers
 9 exercised at the regular election with reference to
 10 the sale of school property and the application to
 11 be made of the proceeds, the authorization of seven
 12 members on the board of directors, the authorization
 13 to establish or change the boundaries of director
 14 districts, and the authorization of a schoolhouse
 15 tax or indebtedness, as provided by law, ~~for the~~
 16 ~~purchase of a site and the construction of a necessary~~
 17 ~~schoolhouse, and for obtaining roads thereto."~~
 18 2. By numbering and renumbering sections as
 19 necessary.

Amendment H-4319 was adopted.

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

On the question "Shall the bill pass?" (H.F. 593)

The ayes were, 59:

Anderson	Avenson	Bina	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crawford	Cusack	Doyle	Dyrland
Egenes	Gentleman	Gilloon	Griffee
Halvorson	Hargrave	Higgins	Hines
Horn	Howell	Husak	Jesse
Jochum	Koogler	Krewson	Lageschulte
Lindeen	Middleswart	Miller, K.D.	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Pelton	Poncy	Schroeder
Shimanek	Small	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
Woods	Wulff	Mr. Speaker (Krause)	

The nays were, 28:

Baker	Bennett	Branstad	Brockett
Crabb	Daggett	Danker	Davitt
Dunton	Gilson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Lipsky
Lonergan	Menke	Millen	Miller, O.L.

Pellett
Smalley

Perkins
Welden

Scheelhaase
West

Schneklath
Wyckoff

Absent or not voting, 12:

Binneboese
Fitzgerald
Nielsen

Den Herder
Garrison
Oxley

Dieleman
Hullinger
Rinas

Evans
Junker
Spencer

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

MOTION TO RECONSIDER LOST

Monroe of Des Moines asked for unanimous consent that House File 593 be immediately messaged to the Senate.

Objection was raised.

Monroe of Des Moines moved to reconsider the vote by which House File 593 passed the House on May 20, 1977.

Tauke of Dubuque moved to temporarily defer action on the motion to reconsider House File 593.

The motion lost.

Small of Johnson in the chair at 5:28.p.m.

On the motion to reconsider, a non-record roll call was requested.

Rule 70 was invoked.

The ayes were 43, nays 38.

The motion, having failed to receive a constitutional majority, lost.

BUDGET CALENDAR

Senate File 409, a bill for an act appropriating funds to the

office of the Code editor, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 409)

The ayes were, 88:

Anderson	Avenson	Bina	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Doyle	Dunton	Dyrland	Egenes
Fitzgerald	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Small)

The nays were, none.

Absent or not voting, 11:

Baker	Bennett	Binneboese	Den Herder
Dieleman	Evans	Garrison	Jesse
Junker	Norland	Rinas	

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

House File 630, a bill for an act to appropriate funds to the department of health to be used to discharge the responsibilities of the department under House File three hundred fifty-four (354), Acts of the Sixty-seventh General Assembly, 1977 Session, and to establish the salaries of the state health facilities council established by that act, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 630)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Harbor
Hargrave	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Schneklath	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Varley	Walter	Wells
Woods	Wulff	Wyckoff	Mr. Speaker (Small)

The nays were, 7:

Danker	Hansen	Harvey	Miller, O.L.
Scheelhaase	Tofte	Welden	

Absent or not voting, 8:

Binneboese	Den Herder	Dieleman	Evans
Garrison	Jesse	Junker	West

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

IMMEDIATE MESSAGE

Husak of Tama asked and received unanimous consent that House File 630 be immediately messaged to the Senate.

Senate Joint Resolution 11, a joint resolution to authorize an interim study of the public retirement systems in this state and to make an appropriation, with report of committee recommending passage was taken up for consideration.

Byerly of Polk moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (SJR-11)

The ayes were, 68:

Anderson	Avenson	Baker	Bina
Brandt	Branstad	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Doyle	Dunton	Dyrland	Egens
Fitzgerald	Gentleman	Gilloon	Halvorson
Harbor	Hargrave	Harvey	Higgins
Hines	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Middleswart
Millen	Miller, O.L.	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Scheelhaase	Shimanek
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Wells	Woods	Wyckoff	Mr. Speaker (Small)

The nays were, 16:

Bennett	Brockett	Byerly	Connors
Gilson	Hansen	Hinkhouse	Menke
Miller, K.D.	Pelton	Perkins	Schneklath
Stephens	Tofte	Welden	Wulff

Absent or not voting, 15:

Binneboese	Brunow	Danker	Den Herder
Dieleman	Evans	Garrison	Griffiee
Junker	Monroe	Pellett	Rinas
Schroeder	Smalley	West	

The joint resolution, having received a constitutional majority, was declared to have been adopted and agreed to by the House.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following bills: Senate Files 394, 195, 408 and 297 and House File 33.

Senate File 394, a bill for an act relating to the barrel tax rebate contained in chapter one hundred twenty-three (123) of the Code, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 394)

The ayes were, 83:

Anderson	Avenson	Baker	Bina
Brandt	Branstad	Brockett	Brunow
Byerly	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Danker	Davitt	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hoffmann

Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Krewson
Lindeen	Lipsky	Loneran	Menke
Middleswart	Millen	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Shimaneck	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Small)	

The nays were, 9:

Bennett	Clark, B.J.	Daggett	Hinkhouse
Koogler	Lageschulte	Miller, O.L.	Pellett
Smalley			

Absent or not voting, 7:

Binneboese	Chiodo	Den Herder	Dieleman
Garrison	Junker	Rinas	

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

Senate File 408, a bill for an act to legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 408)

The ayes were, 89:

Anderson	Avenson	Bennett	Bina
Brandt	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker

Davitt	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Small)

The nays were, 2:

Harvey Tofte

Absent or not voting, 8:

Baker	Binneboese	Den Herder	Dieleman
Garrison	Junker	Newhard	Oxley

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

HOUSE FILES 25 and 26 WITHDRAWN

Krause of Kossuth asked and received unanimous consent to withdraw House Files 25 and 26 from further consideration by the House.

Senate File 195, a bill for an act increasing fees for permits to carry weapons, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 195)

The ayes were, 69:

Anderson	Bina	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Davitt	Dyrland
Egenes	Evans	Fitzgerald	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Harvey	Higgins	Hines
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller, K.D.
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Poncy	Rinas	Schroeder	Spear
Spencer	Stephens	Stromer	Svoboda
Thompson	Tofte	Varley	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Small)

The nays were, 23:

Avenson	Bennett	Byerly	Clark, J.H.
Daggett	Danker	Doyle	Dunton
Gentleman	Hinkhouse	Husak	Lonergan
Miller, O.L.	Monroe	Pellett	Perkins
Scheelhaase	Schnekloth	Shimanek	Smalley
Tauke	Walter	Welden	

Absent or not voting, 7:

Baker	Binneboese	Den Herder	Dieleman
Garrison	Hargrave	Junker	

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

Speaker pro tempore Nielsen of Polk in the chair at 6:18 p.m.

Senate File 297, a bill for an act appropriating funds for the enforcement of welfare fraud laws, was taken up for consideration.

Brunow of Appanoose offered the following amendment H-4323 filed by the committee on budget and moved its adoption:

H-4323

- 1 Amend Senate File 297 as follows:
- 2 1. Page 1, by striking lines 14 and 15 and
- 3 inserting in lieu thereof the words "of enforcing
- 4 sections two hundred thirty-nine point fourteen
- 5 (239.14), two hundred forty-nine point eleven (249.11),
- 6 and two hundred forty-nine A point seven (249A.7)
- 7 of the Code in cooperation".
- 8 2. Page 1, lines 26 and 27, by striking the words
- 9 "relating to welfare fraud" and inserting in lieu
- 10 thereof the words "as provided for in subsection one
- 11 (1) of this section".
- 12 3. Page 1, line 30, by striking the words "welfare
- 13 fraud" and inserting in lieu thereof the words "aid
- 14 to dependent children, medical assistance, and
- 15 supplemental assistance".
- 16 4. Page 1, line 33, by inserting after the period
- 17 the words "It is the intent of the general assembly
- 18 that the first priority for investigation and
- 19 prosecution for which funds are provided by this Act
- 20 shall be for fraudulent claims or practices by health
- 21 care vendors and providers."
- 22 5. Title page, lines 1 and 2, by striking the
- 23 words "welfare fraud" and inserting in lieu thereof
- 24 the words "aid to dependent children, medical
- 25 assistance, and supplemental assistance".

Amendment H-4323 was adopted.

Newhard of Jones offered the following amendment H-4339 filed by him from the floor and moved its adoption:

H-4339

- 1 Amend Senate File 297 as follows:
- 2 1. Page 2, by inserting after line 1 the follow-
- 3 ing:
- 4 "Sec. 4. Chapter one thousand two hundred forty-
- 5 five (1245), Acts of the Sixty-sixth General Assembly,
- 6 1976 Session, chapter one (1), section one thousand
- 7 four hundred eight (1408), unnumbered paragraph
- 8 one (1), is amended to read as follows:

9 A person who does any of the following acts is
 10 guilty of a fraudulent practice. ~~A fraudulent prac-~~
 11 ~~tice is an aggravated misdemeanor.~~

12 Sec. 5. Chapter one thousand two hundred forty—
 13 five (1245), Acts of the Sixty—sixth General Assembly,
 14 1976 Session, chapter one (1), Division fourteen
 15 (XIV), is amended by adding the following new sections
 16 after section one thousand four hundred eight (1408):

17 Sec. 1409. NEW SECTION. FRAUDULENT PRACTICE
 18 IN THE FIRST DEGREE. Fraudulent practice in the first
 19 degree is a fraudulent practice where the amount of
 20 money or value of property or services involved
 21 exceeds five thousand dollars.

22 Fraudulent practice in the first degree is
 23 a class C felony.

24 Sec. 1410 NEW SECTION. FRAUDULENT PRACTICE
 25 IN THE SECOND DEGREE. Fraudulent practice in the
 26 second degree is the following:

27 1. A fraudulent practice where the amount of
 28 money or value of property or services involved
 29 exceeds five hundred dollars but does not exceed
 30 five thousand dollars.

31 2. A fraudulent practice where the amount of
 32 money or value of property or services involved
 33 does not exceed five hundred dollars by one who
 34 has been convicted of a fraudulent practice twice
 35 before.

36 Fraudulent practice in the second degree is
 37 a class D felony.

38 Sec. 1411. NEW SECTION. FRAUDULENT PRACTICE
 39 IN THE THIRD DEGREE. Fraudulent practice in the
 40 third degree is the following:

41 1. A fraudulent practice where the amount of
 42 money or value of property or services involved
 43 exceeds one hundred dollars but does not exceed
 44 five hundred dollars.

45 2. A fraudulent practice as set forth in sub—
 46 sections two (2), eight (8), and nine (9) of sec—
 47 tion one thousand four hundred eight (1408) of this
 48 chapter.

49 3. A fraudulent practice where it is not

Page 2

1 possible to determine an amount of money or value
 2 of property and service involved.

3 Fraudulent practice in the third degree is an
 4 aggravated misdemeanor.

5 Sec. 1412. NEW SECTION. FRAUDULENT PRACTICE

6 IN THE FOURTH DEGREE. Fraudulent practice in the
7 fourth degree is a fraudulent practice where the
8 amount of money or value of property or services
9 involved exceeds fifty dollars but does not
10 exceed one hundred dollars.

11 Fraudulent practice in the fourth degree is
12 a serious misdemeanor.

13 Sec. 1413. **NEW SECTION. FRAUDULENT PRACTICE**
14 **IN THE FIFTH DEGREE.** Fraudulent practice in the
15 fifth degree is a fraudulent practice where the
16 amount of money or value of property or services
17 involved does not exceed fifty dollars.

18 Fraudulent practice in the fifth degree is
19 a simple misdemeanor.

20 Sec. 1414. **NEW SECTION. VALUE OF PURPOSES**
21 **OF FRAUDULENT PRACTICES.** The value of property
22 or service is its normal market or exchange value,
23 if any, within the community at the time the fraud-
24 ulent practice is committed.

25 If money or property or service is obtained
26 by a series of acts from the same person or loca-
27 tion, or from different persons by a series of
28 acts which occur in approximately the same loca-
29 tion or time period so that the fraudulent prac-
30 tices are attributable to a single scheme, plan,
31 or conspiracy, such acts may be considered a single
32 fraudulent practice and the value may be the total
33 value of all money, property, and service involved.

34 Sec. 6. Chapter one thousand two hundred
35 forty-five (1245), Acts of the Sixty-sixth General
36 Assembly, 1976 Session, chapter four (4), section
37 two hundred fifty-six (256) amending section two
38 hundred forty-nine point eleven (249.11), Code
39 1975, is amended to read as follows:

40 **SEC. 256.** Section two hundred forty-nine
41 point eleven (249.11), Code 1975, is amended to
42 read as follows:

43 249.11 **FRAUD.** Any person who obtains
44 assistance under this chapter by misrepresentation
45 or by failure with fraudulent intent to bring forth
46 all of the facts required of an applicant for
47 assistance under this chapter, or any person who
48 shall knowingly make false statements concerning
49 an applicant's eligibility for assistance under

Page 3

1 this chapter, is guilty of a simple misdemeanor
2 fraudulent practice.

- 3 Sec. 7. Section two hundred forty-nine A
 4 point seven (249A.7), Code 1977, is amended to
 5 read as follows:
 6 249A.7 PENALTY. ~~Any A person who shall obtain~~
 7 obtains assistance or payments for medical
 8 assistance under this chapter by misrepresentation
 9 or failure, with fraudulent intent, to bring forth
 10 all the facts required of an applicant for aid
 11 under the provisions of this chapter and ~~any a~~
 12 person who shall knowingly ~~make~~ makes false state-
 13 ments concerning the applicant's eligibility for
 14 aid under this chapter shall be guilty of a
 15 ~~misdemeanor, punishable as such~~ fraudulent practice.
 16 Sec. 8. Sections four (4) through eight (8)
 17 of this Act are effective on the date set forth
 18 in chapter one thousand two hundred forty-five
 19 (1245), Acts of the Sixty-sixth General Assembly,
 20 1976 Session, chapter four (4), section five
 21 hundred twenty-nine (529)."
 22 2. By renumbering and correcting internal
 23 references.
 24 3. Amend the title, line 1, by inserting
 25 after the word "Act" the words "relating to
 26 fraudulent practices and".

Amendment H-4339 was adopted.

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

On the question "Shall the bill pass?" (S.F. 297)

The ayes were, 80:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Loneragan	Menke

Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Smalley
Spear	Spencer	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Wells	Woods	Wulff	Wyckoff

The nays were, 11:

Brandt	Brunow	Byerly	Garrison
Gentleman	Hargrave	Lipsky	Schneklath
Stephens	Welden	Mr. Speaker (Nielsen)	

Absent or not voting, 8:

Brockett	Cusack	Den Herder	Dieleman
Junker	Small	Svoboda	West

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

CONSIDERATION OF BILLS

House File 33, a bill for an act to require autopsies of children under the age of two years when the circumstances of death indicate that sudden infant death syndrome may be the cause of death, to require that the results of such autopsies be transmitted to a parent, to provide that the state shall pay for these autopsies, and making an appropriation, was taken up for consideration.

Rinas of Linn offered the following amendment H-4342 filed by Rinas, Lipsky, West, Krewson and Monroe from the floor and moved its adoption:

H-4342

- 1 Amend House File 33 as follows:
- 2 1. Page 1, by striking lines 1 through 11 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section three hundred thirty-nine
- 5 point six (339.6), Code 1977, is amended by adding

6 the following new numbered paragraph:

7 NEW PARAGRAPH. 10. Death of a child under the
8 age of two years when death results from an unknown
9 cause or when the circumstances surrounding the death
10 indicate that sudden infant death syndrome may be
11 the cause of death."

12 "Section 2. Section three hundred thirty-nine
13 point seven (339.7) Code, 1977, is amended as
14 follows:

15 339.7 Investigation by county examiner. The
16 county medical examiner shall investigate each
17 death occurring in the manner specified in
18 Section 339.6, and report each case to the state
19 medical examiner. The county medical examiner
20 shall conduct such investigation as may be
21 required by the state medical examiner and shall
22 determine whether or not the public interest
23 requires an autopsy or other special investigation.
24 However, if the death occurred in the manner
25 specified in Section 339.6(10) the county medical
26 examiner shall order an autopsy and shall be
27 reimbursed for expenses incurred by the department
28 of health. In his determination of the need for
29 an autopsy, the county medical examiner may
30 consider the request for an autopsy made by private
31 persons or public officials, except that the state
32 medical examiner or the county attorney of the
33 county where the death occurred may require an
34 autopsy."

35 2. Page 1, line 12, by striking the figure
36 "2" and inserting in lieu thereof the following:
37 "2 3".

38 3. Page 1, line 15, by striking the word
39 "Findings" and inserting in lieu thereof the words
40 "A summary of the findings".

41 4. Page 1, line 18, by striking the word "be"
42 and inserting in lieu thereof the words "have been".

43 5. Page 1, line 19, by striking the words
44 "to the parent," and inserting in lieu thereof
45 the following: "by the physician who performed
46 the autopsy to the county medical examiner for
47 forwarding to the parent, guardian or custodian of
48 the child via the infants' attending physician
49 or the county examiner or his or her designee."

50 6. Page 1, by striking line 20.

Page 2

- 1 7. Page 1, line 21, by striking the words
- 2 "the person performing the autopsy".
- 3 8. By renumbering the remaining sections accord—
- 4 ingly.

Amendment H—4342 was adopted.

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

On the question "Shall the bill pass?" (H.F. 33)

The ayes were, 77:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Cochran
Conlon	Connors	Crawford	Cusack
Daggett	Den Herder	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Higgins
Hines	Hoffmann	Horn	Howell
Hullinger	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Schnekloth	Shimanek	Smalley
Spear	Spencer	Strömer	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
			Mr. Speaker
			(Nielsen)

The nays were, 14:

Baker	Byerly	Clark, J.H.	Crabb
Danker	Garrison	Harvey	Hinkhouse
Husak	Pellett	Scheelhaase	Schroeder
Tauke	Wyckoff		

Absent or not voting, 8:

Davitt
Oxley

Dieleman
Small

Egenes
Stephens

Lindéen
Svoboda

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

IMMEDIATE MESSAGE
(House File 33)

Rinas of Linn asked and received unanimous consent that House File 33 be immediately messaged to the Senate.

Speaker Cochran in the chair at 7:10 p.m.

SENATE AMENDMENT CONSIDERED

Crawford of Story called up for consideration Senate File 312, a bill for an act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-4210 to the House amendment, as found on pages 2278 and 2279 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-4210.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw amendment H-4245 filed by Krause of Kossuth and him on May 17, 1977.

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

On the question "Shall the bill pass?" (S.F. 312)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Den Herder	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 2:

Conlon Gentleman

Absent or not voting, 6:

Davitt	Dieleman	Egenes	Junker
Nielsen	Pellett		

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

Senate File 407, a bill for an act appropriating funds to the state board of public instruction to plan for an addition to a building, with report of committee recommending amendment and passage was taken up for consideration.

Jesse of Polk offered the following amendment H-4324 filed by the committee on budget:

H-4324

1 Amend Senate File 407 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 to the capitol planning commission
6 the following amounts or so much thereof as may be
7 necessary:

8 1. For the preparation of
9 a full schematic architectural
10 and engineering design for an
11 addition of approximately thirty—
12 five thousand square feet floor
13 space to the existing vocational
14 rehabilitation center located
15 in the capitol complex, includ—
16 ing space programming, prede—
17 sign of structural, mechanical
18 and electrical systems, and
19 preparation of cost estimates
20 for the project \$ 25,000

21 2. For the preparation of
22 a full schematic architectural
23 and engineering design for
24 construction in the east capi—
25 tol courtyard area as a part
26 of the Capitol Mall project,
27 and for preliminary study of
28 an additional three hundred car
29 underground parking garage \$ 30,000

30 Sec. 2. The director of the department of general
31 services shall cooperate with the capitol planning
32 commission in the preparation of the plans for which
33 funds are appropriated by this Act. The capitol
34 planning commission shall make periodic reports to
35 the legislative council regarding the development
36 of such plans, and shall make a formal report on such
37 plans to the 1978 Session of the Sixty—seventh General
38 Assembly.

39 Sec. 3. The governor, the director of the
40 department of general services, the capitol planning
41 commission or the state comptroller are authorized
42 to obtain and accept federal funds available for use
43 in carrying out the projects authorized by this Act.

44 Sec. 4. The capitol planning commission may retain
45 architectural services or employ technical assistants,
46 or both, in order to carry out the provisions of this

- 47 Act.
48 Sec. 5. Any unobligated balance remaining on June
49 30, 1978 of the funds appropriated by this Act shall
50 revert to the general fund as provided by section

Page 2

- 1 eight point thirty-three (8.33) of the Code."
2 2. Title page, line 1, by striking all after
3 the word "to" and all of line 2 and inserting in lieu
4 thereof the words "the capitol planning commission
5 for the study and planning of certain projects."

Stromer of Hancock offered the following amendment H-4334, to the committee amendment H-4324, filed by him from the floor:

H-4334

- 1 Amend the Committee on Budget amendment H-4324
2 to Senate File 407 as amended, passed, and reprinted
3 by the Senate as follows:
4 1. Page 1, by striking lines 4 through 20 and
5 inserting in lieu thereof the following:
6 "Section 1. There is appropriated from the
7 general fund of the state to the department of public
8 instruction with consultation with the capital plan-
9 ning commission the following amounts or so much as
10 may be necessary:
11 1. For the construction of
12 an addition of approximately
13 thirty-five thousand square feet
14 floor space to the existing
15 vocational rehabilitation center
16 located in the capitol complex,
17 including space programming,
18 predesign of structural, mech-
19 anical and electrical systems \$2,000,000".

Jesse of Polk rose on a point of order that amendment H-4334 was not germane.

The Speaker ruled the point well taken and amendment H-4334 not germane.

Jesse of Polk moved the adoption of the committee amendment H-4324.

Amendment H-4324 was adopted placing the following amendments out of order:

H-4288 filed by Brockett of Marshall on May 19, 1977.

H-4289 filed by Brockett of Marshall on May 19, 1977.

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

On the question "Shall the bill pass?" (S.F. 407)

The ayes were 93:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting 6:

Dieleman
Pellett

Egenes
Rinas

Koogler

Nielsen

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

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of House File 57, a bill for an act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding procedures for purchase of goods from Iowa state industries, and amendment H-4311, to the Senate amendment H-4280.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H-4311, to the Senate amendment H-4280, filed by Junker, et al., on May 19, 1977.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the consideration of amendment H-4337.

Welden of Hardin offered the following amendment H-4337, to the Senate amendment H-4280, filed by Welden, Doyle, Junker, Monroe, Gentleman and Crabb from the floor and moved its adoption:

H-4337

1 Amend the Senate amendment H-4280 to House File
2 57 as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 10 the fol-
5 lowing:

6 "In addition, the industries board in consultation
7 with the state director shall submit to the 1978
8 Session of the Sixty-seventh General Assembly, on
9 or before the date it convenes, a report stating:

10 1. What types of industrial endeavors it is appro-
11 priate for Iowa state industries to maintain in order
12 to further the objectives stated in section one (1)
12 of this Act and to meet the needs of the state; and
14 2. Whether, and to what extent, it is necessary

15 to maintain the requirements of section eight (8)
16 of this Act regarding mandatory purchases from Iowa
17 state industries by the state and its political
18 subdivisions, in order for Iowa state industries to
19 achieve and maintain viability."

20 2. Page 3, line 15, by striking the words "subject
21 to" and inserting in lieu thereof the words "listed
22 in".

23 3. Page 3, lines 24 and 25, by striking the words
24 "subject to and are seeking to comply with" and insert—
25 ing in lieu thereof the words "listed in".

26 4. Page 4, line 10, by striking the words "town—
27 ship trustees,".

28 5. Page 4, by striking lines 14 through 23 and
29 inserting in lieu thereof the following:

30 "Sec. 8. NEW SECTION. PURCHASE OF PRODUCTS.

31 1. No product appearing in the price lists pre—
32 pared pursuant to section seven (7) of this Act shall
33 be purchased by any department or agency of state
34 government from any other source, except:

35 a. When the purchase is made under emergency cir—
36 cumstances, which shall be explained in writing by
37 the public body or officer who made or authorized
38 the purchase if the state director so requests; or

39 b. When Iowa state industries is unable to fur—
40 nish needed articles, comparable in both quality and
41 price to those available from alternative sources,
42 within a reasonable length of time. Any disputes
43 arising between a purchasing authority and Iowa state
44 industries regarding similarity of articles, or com—
45 parability of quality or price, or the availability
46 of the product shall be referred to the director of
47 the department of general services, whose decision
48 shall be subject to appeal as provided in section
49 eighteen point seven (18.7) of the Code.

50 2. The state director shall adopt and update as

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1 necessary rules setting specific delivery schedules
2 for each of the products manufactured by Iowa state
3 industries. These delivery schedules shall not ap—
4 ply where a different delivery schedule is specifi—
5 cally negotiated by Iowa state industries and a
6 particular purchaser."

7 6. Page 6, line 38, by inserting after the period
8 a closing quotation mark (").

9 7. Page 6, by striking line 39.

Amendment H—4337 was adopted.

Doyle of Woodbury moved that the House concur in the Senate amendment H—4280, as amended, which motion prevailed.

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

On the question "Shall the bill pass?" (H.F. 57)

The ayes were, 85:

Anderson	Baker	Bennett	Bina
Binneboese	Branstad	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, 4:

Daggett	Davitt	Harvey	Stromer
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Absent or not voting, 10:

Avenson	Brandt	Brockett	Chiodo
Den Herder	Dieleman	Egenes	Hullinger
Koogler	Pellett		

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

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

The House resumed session, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 85, a bill for an act relating to the number of times a person may change his or her name.

Also: That the Senate has on May 19, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 249, a bill for an act relating to interstate motor vehicle permits, providing for permanent and single trip interstate permits and revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders.

Also: That the Senate has on May 20, 1977, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 332, a bill for an act relating to property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit.

Also: That the Senate has on May 19, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 406, a bill for an act relating to the investment of police and fire retirement system funds.

Also: That the Senate has on May 19, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 569, a bill for an act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

Also: That the Senate has on May 19, 1977, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 584, a bill for an act providing for an appropriation to the department of general services and the executive council for capital improvements.

Also: That the Senate has on May 20, 1977, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 595, a bill for an act relating to unemployment compensation law changes.

Also: That the Senate has on May 20, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 112, a bill for an act requiring that each judicial district develop and maintain a community-based correctional program and providing for the administration, support and content of these programs.

Also: That the Senate has on May 20, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 259, a bill for an act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases.

Also: That the Senate has on May 20, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 280, a bill for an act relating to the disposition of a decedent's property.

Also: That the Senate has on May 10, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 289, a bill for an act proposing changes in the rules of criminal procedure.

Also: That the Senate has on May 20, 1977, adopted the conference committee report and passed:

Senate File 361, a bill for an act relating to rules of appellate procedure in the courts.

Also: That the Senate has on May 19, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 383, a bill for an act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive.

Also: That the Senate has on May 20, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 402, a bill for an act legalizing the organization and operation of the Missouri basin municipal electric cooperative association.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

Senate File 302, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

Read first time and referred to committee on BUDGET.

CONSIDERATION OF BILLS SIFTING COMMITTEE NONCONTROVERSIAL 5-MINUTE CALENDAR

Senate File 239, a bill for an act relating to nonprofit corporations, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 239)

The ayes were, 88:

Anderson
Bina

Avenson
Binneboese

Baker
Brandt

Bennett
Branstad

Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Horn	Howell
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were none:

Absent or not voting, 11:

Brockett	Clark, B.J.	Den Herder	Dieleman
Doyle	Hoffmann	Hullinger	Jesse
Middleswart	Spencer	Stephens	

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

Senate File 311, a bill for an act relating to the authority of the state conservation commission to provide fire protection for its property, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 311)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
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Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Harvey	Higgins	Hines	Hinkhouse
Hoffmann	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Brockett	Clark, B.J.	Cusack	Den Herder
Dieleman	Doyle	Hargrave	Horn
Hullinger	Spencer	Stephens	

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

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent that Rule 48 be suspended for the committee on budget meeting.

Senate File 5, a bill for an act to provide for board of directors meetings of non-profit corporations by conference telephone or similar communications equipment, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 5)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Davitt	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stromer	Svoboda	Tauke	Thompson
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Danker Harvey

Absent or not voting, 13:

Brockett	Clark, B.J.	Cusack	Den Herder
Dieleman	Doyle	Hargrave	Hullinger
Nielsen	Spencer	Stephens	Tofte
Wulff			

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

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate Files 395 and 379.

Senate File 395, a bill for an act relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 395)

The ayes were, 71:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Harvey	Higgins
Hines	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Poncy	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Wells
West	Wulff	Mr. Speaker	

The nays were, 13:

Bennett	Chiodo	Clark, J.H.	Danker
Hansen	Harbor	Hinkhouse	Junker
Pellett	Scheelhaase	Welden	Woods
Wyckoff			

Absent or not voting, 15:

Brockett	Clark, B.J.	Connors	Den Herder
Dieleman	Doyle	Hargrave	Hullinger
Monroe	Nielsen	Perkins	Rinas
Spencer	Stephens	Thompson	

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

REGULAR CALENDAR

Senate File 301, a bill for an act making appropriations to the Iowa braille and sightsaving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents, with report of committee recommending amendment and passage was taken up for consideration.

Cusack of Scott asked and received unanimous consent to withdraw amendment H-4231 filed by the committee on budget on May 17, found on page 2357 of the House Journal.

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

On the question "Shall the bill pass?" (S.F. 301)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Hálvorson	Hansen	Harbor	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleward	Millen	Miller, K.D.
Miller, O.L.	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker

The nays were, none.

Absent or not voting, 10:

Den Herder
Hullinger
Rinas

Dieleman
Jesse
Spencer

Doyle
Monroe

Hargrave
Nielsen

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

CONFERENCE COMMITTEES APPOINTED

(Senate File 234)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 234: Griffie of Chickasaw, chair; Svoboda of Iowa, Connors of Polk, West of Marshall and Wulff of Black Hawk.

(Senate File 197)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 197: Griffie of Chickasaw, chair; Wells of Linn, Horn of Linn, Crabb of Crawford and Halvorson of Clayton.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Jesse of Polk called up for consideration the following report of the conference committee on Senate File 361:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 361

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of

Representatives on Senate File 361, a bill for an act relating to rules of appellate procedure in the courts, respectfully make the following report:

1. That the House recede from its amendment S-3595 to Senate File 361 as amended, passed and reprinted by the Senate.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

GENE W. GLENN, chair
JAMES M. REDMOND
JOHN R. SCOTT
LUCAS J. DeKOSTER

NORMAN G. JESSE, chair
SCOTT D. NEWHARD
JULIA B. GENTLEMAN
DOUGLAS R. SMALLEY
DONALD V. DOYLE

Jesse of Polk moved the adoption of the conference committee report and the amendments contained therein.

The motion lost.

RULE 2 SUSPENDED

Fitzgerald of Webster asked for unanimous consent to suspend Rule 2.

Objection was raised.

Fitzgerald of Webster moved to suspend Rule 2 to continue session beyond 10:00 p.m.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 29.

The motion prevailed.

Senate File 379, a bill for an act relating to the platting of land, was taken up for consideration.

Harvey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 379)

The nays were, 72:

Anderson	Baker	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Doyle	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Jochum
Junker	Krewson	Lageschulte	Lindeen
Menke	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Walter
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Lonergan

Absent or not voting, 26:

Avenson	Bennett	Clark, B.J.	Cusack
Den Herder	Dieleman	Dunton	Griffee
Husak	Jesse	Koogler	Krause
Lipsky	Middleswart	Nielsen	Norland
O'Halloran	Perkins	Rinas	Small
Spencer	Svoboda	Varley	Welden
Wells	Wulff		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(Senate Joint Resolution 11)

Chiodo of Polk called up for consideration the motion to reconsider Senate Joint Resolution 11, filed on May 20, 1977, and moved to reconsider the vote by which Senate Joint

Resolution 11, a joint resolution to authorize an interim study of the public retirement systems in this state and to make an appropriation, was adopted and agreed to by the House on May 20, 1977.

A non-record roll call was requested.

The ayes were 77, nays 4.

The motion prevailed and the House reconsidered Senate Joint Resolution 11.

On motion by Chiodo of Polk, the House reconsidered the vote by which Senate Joint Resolution 11 was placed on its last reading.

Byerly of Polk offered the following amendment H-4349 filed by Byerly, Schroeder, Junker, Nielsen and Connors from the floor and moved its adoption:

H-4349

- 1 Amend Senate Joint Resolution 11 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following section:
- 4 "Sec. . . . Section ninety-seven B point fifty-
- 5 nine (97B.59), Code 1977, is amended to read as
- 6 follows:
- 7 97B.59 ACTUARY EMPLOYED. The department
- 8 legislative council shall employ an actuary as its
- 9 the department's technical advisor. The compensation
- 10 of the actuary and of other employees shall be fixed
- 11 by the department within the appropriations made
- 12 therefor."

Amendment H-4349 was adopted.

Connors of Polk offered the following amendment H-4345 filed by him and Smalley of Polk from the floor:

H-4345

- 1 Amend Senate Joint Resolution 11 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "Government" the words "and other members of the
- 4 General Assembly".

Amendment H-4345 was adopted.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 11)

The ayes were, 71:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, J.H.	Conlon	Crabb
Cusack	Daggett	Davitt	Den Herder
Doyle	Dunton	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lonergan	Millen
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Spear
Stromer	Tauke	Thompson	Varley
Walter	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker	

The nays were, 16:

Branstad	Brockett	Connors	Crawford
Danker	Evans	Hansen	Higgins
Jochum	Menke	Pellett	Pelton
Smalley	Stephens	Tofte	Welden

Absent or not voting, 12:

Avenson	Clark, B.J.	Dieleman	Hines
Krause	Lipsky	Middleswart	Newhard
Rinas	Small	Spencer	Svoboda

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

HOUSE RECEDES
(Senate File 163)

Wyckoff of Benton called up for consideration Senate File 163, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions, and moved that the House recede from its amendment.

The motion prevailed and the House recedes from its amendment.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 163)

The ayes were, 88:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Welden	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker

The nays were, 1:

Newhard

Absent or not voting, 10:

Avenson
Krause
Spencer

Clark, B.J.
Lipsky
Tofte

Connors
Oxley

Dieleman
Rinas

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 390, a bill for an act relating to the authority of public members of examining boards.

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 390)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hansen	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Brockett	Clark, B.J.	Dieleman	Gilloon
Harbor	Lageschulte	Lipsky	Nielsen
Perkins	Spencer	Wulff	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(House File 622)

Horn of Linn asked and received unanimous consent to withdraw his motion to reconsider House File 622 filed on May 13, 1977.

HOUSE FILE 488 WITHDRAWN

Egenes of Story asked and received unanimous consent to withdraw House File 488 from further consideration by the House.

REFERRED TO SIFTING COMMITTEE
(House File 488)

Connors of Polk moved to suspend the rules and rescind the action of withdrawing House File 488 and that House File 488 be referred to the sifting committee.

Roll call was requested by Higgins of Scott and Connors of Polk.

Rule 70 was invoked.

On the question "Shall the withdrawal of House File 488 be rescinded and the bill referred to the sifting committee?"

The ayes were, 57:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Fitzgerald

Garrison	Gilloon	Gilson	Griffee
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Svoboda	Tauke
Walter	Wells	Woods	Wyckoff
			Mr. Speaker

The nays were, 36:

Bennett	Branstad	Brockett	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Den Herder	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Hoffmann	Junker	Krewson	Lageschulte
Lindeen	Menke	Millen	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Thompson
Tofte	Varley	Welden	West

Absent or not voting, 6:

Clark, B.J.	Dieleman	Lipsky	Oxley
Spencer	Wulff		

The motion prevailed and House File 488 was referred to the sifting committee.

MOTION TO RECONSIDER LOST (House File 622)

Crawford of Story asked for unanimous consent to withdraw his motion to reconsider House File 622.

Objection was raised.

Crawford of Story moved to reconsider the vote by which House File 622 passed the House on May 13, 1977.

A non-record roll call was requested.

The ayes were 7, nays 76.

The motion lost, placing out of order amendment H-4352 filed by Baker, et al., on May 20, 1977.

ADOPTION OF CONFERENCE COMMITTEE REPORT

O'Halloran of Black Hawk called up for consideration the following report of the conference committee on House File 210:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 210

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 210, a bill for an act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, respectfully make the following report:

1. That the Senate recede from its amendment H-3931 to House File 210 as amended, passed and reprinted by the House.

2. That House File 210 as amended, passed and reprinted by the House be amended as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. NEW SECTION. LEGISLATIVE INTENT. It is the intent of the general assembly of the state of Iowa to provide for the development of land preservation policy recommendations for the consideration of the general assembly through a process that emphasizes the participation and recommendations of citizens and local governments. The general assembly intends to provide for the development of recommendations which will provide for the orderly use and development of land and related natural resources in Iowa, preserve private property rights, preserve the use of prime agricultural land for agricultural production, preserve, guide the development of critical areas, key facilities and large-scale development, and provide for the future housing, commercial, industrial and recreational needs of the state.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this act unless the context otherwise requires:

1. "State critical area" means an area where substantial evidence indicates that uncontrolled or incompatible development could result in damage to the environment, life or property, or an area where the long-term public interest is of more than local significance. Such areas shall include but are not limited to:

a. "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or aesthetic values or natural systems which are of more than local significance including shorelands of rivers, lakes, and streams, rare or valuable ecosystems and geological formations, significant wildlife habitats, and unique scenic or historic sites.

b. "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property including flood plains and areas frequently subject to weather disasters, and areas of unstable geological formations.

c. "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern including watershed lands, aquifers and aquifer recharge areas, and forest lands.

2. "Key facility" means a public facility which is expected to result in development and urbanization exceeding local impact, including but not limited to major airports, major highway interchanges including interchanges with frontage roads, access streets and other limited access highways, major recreational land and facilities and major facilities for the development, generation or transmission of energy.

3. "Large-scale development" means any private development which is likely to generate issues of more than local significance because of its magnitude or because of its location with respect to its surroundings.

4. "Local critical area" means any fragile or historic lands or sites, natural hazard lands, or renewable resource lands of local significance where substantial evidence indicates that the uncontrolled or incompatible development could result in damage to the environment, life or property or the long-term public interest.

5. "Land preservation policy" means a definite course of action selected after evaluation of alternative courses in order to effectuate wise and prudent decisions for the preservation of land.

Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND PRESERVATION POLICY COMMISSION CREATED.

1. There is created a temporary land preservation policy commission composed of the following members:

a. Three members appointed by and from the district soil conservation commissioners.

b. Three members appointed by and from the county board of supervisors.

c. Three members appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint two members of the members appointed under this paragraph.

However, if a city contains more than one-half of the population of a county which has a population exceeding fifty thousand persons, that city

shall not participate in the convention of mayors and councilpersons and the members appointed under subparagraph c of this subsection shall be three members appointed by and from the mayor and councilpersons of that city and three members appointed by and from the convention of mayors and councilpersons and the members appointed under subparagraph b of this subsection shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors.

2. The temporary county land preservation policy commission shall meet and organize by the election of a chairperson and vice chairperson from among its members within sixty days of the effective date of this act. A majority of the members of the temporary county land preservation commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary county land preservation policy commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the performance of the member's official duties. The reimbursement shall be made by the unit of government of which the temporary county land preservation policy commissioner is a member or which appointed the member.

3. The temporary county land preservation policy commission shall submit its recommendations to the state land preservation policy commission as to a state land preservation policy and a land preservation policy for that county within one year of the effective date of this act. The recommendation for the state land preservation policy should address the issues contained in the statement of legislative intent of this act. Within nine months of the effective date of this act, the temporary county land preservation policy commission shall hold at least three public hearings to receive testimony from citizens of the county as to what provisions shall be included in the recommendations to the state land preservation policy commission. The temporary county land preservation policy commission shall give public notice of the date, time and location of each public hearing in a newspaper having general circulation within the county not later than two weeks before the date of each public hearing.

4. The state agricultural extension service shall assist temporary county land preservation commission policy commissions with technical, informational, and clerical assistance.

5. In developing its policy recommendations, the temporary land preservation policy commission shall consider the following:

a. The preservation of agricultural land for the production of food and fiber.

b. A review of the available resources, growth trends and land use issued of the county.

c. A review of the present comprehensive plans, ordinances, regulations and

policies of the local units of government that have an impact on the use of land.

d. The development of a local land preservation policy for:

(1) Solid waste disposal, sewage treatment and an adequate water supply.
 (2) Siting of industrial, commercial, educational, cultural, residential and recreational facilities.

(3) Designation and appropriate use of critical areas.

(4) Coordination of a countywide transportation with the state transportation system.

e. State land preservation guidelines for state agencies.

f. Suggestions for the content of a state land preservation policy and methods for implementation.

g. The implementation of a county land preservation policy.

h. The preservation of private property rights.

6. The chairperson of the temporary county land preservation policy commission of each county shall file with the executive secretary of the temporary state land preservation policy commission a written report by July 1, 1978 containing the following:

a. The extent to which the county and the cities in the county have adopted zoning ordinances and have prepared comprehensive plans to be implemented by the zoning ordinances.

b. Whether the county has established a county conservation board and the extent to which it has adopted a plan for the conservation and recreation needs of the county.

c. The extent to which the county and the cities and private agencies of the county have implemented or pending plans for the disposal of solid waste.

d. The extent to which a survey of the soil of the county has been conducted.

e. The extent to which a comprehensive plan for the conservation of soil resources and the control and preservation of soil erosion has been prepared and implemented.

7. The temporary county land preservation policy commissions shall be dissolved effective January 1, 1979.

Sec. 4. NEW SECTION. TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION CREATED.

1. Prior to the congressional district convention, the members of the temporary county land preservation policy commission shall appoint one-third of its membership to attend the convention. One member shall be appointed by and from the members appointed under subparagraph a of subsection one (1) of section three (3) of this act, one member shall be appointed by and from the members appointed under subparagraph b of that subsection, and one member for each three members appointed under subparagraph c of that subsection shall be appointed by and from those members. Nine months from the effective date of this act, the members of the temporary county land preservation policy commissions in the counties located within each congressional district who have been appointed to attend

the convention shall convene and elect three members to the temporary state land preservation policy commission. Of the three members, one shall be elected by the members of the temporary county land preservation policy commission appointed under subparagraph a of subsection one (1) of section three (3) of this act, one by the members appointed under subparagraph b of that subsection, and one by the members appointed under subparagraph c of that subsection. The state agricultural extension service shall provide assistance in making the arrangements for the conventions. Each member present of each temporary county land preservation policy commission shall have one vote at the convention.

2. Within thirty days of the last election of a member of the temporary state land preservation policy commission, the temporary state land preservation policy commission shall convene and organize by the election from its members of a chairperson and a vice chairperson. A majority of the members of the temporary state land preservation policy commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary state land preservation policy commission is entitled to receive a forty dollar per diem and shall be reimbursed for actual and necessary expenses.

3. The temporary state land preservation policy commission shall receive the recommendations of the temporary county land preservation policy commissions and, within twenty months of the effective date of this act, shall file with the secretary of the senate and the chief clerk of the house its written recommendations to the general assembly. The temporary state land preservation policy commission may be granted an extension of time not to exceed six months for the filing of its recommendations by the passage of a concurrent resolution by the general assembly. The recommendations shall include a state land preservation policy and the method by which the state land preservation policy should be implemented. The latter recommendation shall include whether it is necessary or desirable for an existing or new state agency to be given the responsibility for monitoring, reviewing or supervising the implementation of the state land preservation policy.

4. In developing its policy recommendations, the temporary state land preservation policy commission shall consider the following:

- a. The preservation of agricultural land for food and fiber production.
- b. The effect of current laws on land use decisions.
- c. The recommendation of a state policy for the guidance and direction of state agencies in the use of land.
- d. The criteria for the designation and preservation of critical areas.
- e. The designation of key facilities.
- f. The designation of large-scale development which will have impact beyond county boundaries.
- g. The control of urban sprawl and the orderly and efficient transition of land from rural to urban use.
- h. The balance of anticipated energy resources and consumption.
- i. The protection of private property rights.

5. The temporary state land preservation commission shall, prior to making its recommendations to the general assembly, hold public hearings and provide the citizens with information regarding the extent of land use planning and regulation by this state, other states, and the federal government and other information important to stimulate public interest in land preservation policy determination.

6. Each state agency and agency of a political subdivision of the state shall cooperate, within time, personnel and budgetary limitations, in providing information, data, surveys and studies as requested by the temporary state land preservation policy commission. The legislative council shall, prior to the election of the temporary state land preservation policy commission, appoint an executive secretary of the commission. Prior to the organization of the temporary state land preservation policy commission, the executive secretary shall compile and develop information which will be of assistance to the commission in executing its duties. The temporary state land preservation policy commission shall be administratively attached to the department of soil conservation. The department of soil conservation shall provide support services to the temporary state land preservation policy commission.

7. The temporary state land preservation policy commission shall give notice of each of its meetings to the secretary of agriculture, the director of the state agricultural extension service, the director of the state conservation commission, the director of the Iowa natural resources council, the executive director of the department of environmental quality, the director of the office for planning and programming, the state geologist, the director of the Iowa development commission, the director of the department of transportation, the chairman of the city development board, the chairman of the Iowa state commerce commission, the director of the energy policy council, or their respective designees, a member of a temporary county land preservation policy commission designated by the league of Iowa municipalities, and a member of a temporary county land preservation policy commission designated by the Iowa state association of counties.

8. The temporary state land preservation policy commission may apply for, receive and expend any private or public funds for the purposes of carrying out this Act.

9. The temporary state land preservation commission shall use the state water plan, the state standard soil survey and the state recreational needs plan in conducting a comprehensive land inventory. The inventory shall also show the changes in the use of land in the state during the preceding five years.

10. The temporary state land preservation policy commission shall be dissolved upon final action by the general assembly of the recommendations presented by the temporary state land preservation policy commission or upon the adjournment of the session of the general assembly to which the recommendations are presented, whichever occurs first."

2. Amend the title, by striking lines 1 through 5 and inserting in lieu thereof the following:

"An act to provide for the development of a state land preservation policy."

ON THE PART OF THE SENATE:

BERL E. PRIEBE, chair
 LOWELL L. JUNKINS
 MILO MERRITT
 RICHARD R. RAMSEY
 ROGER SHAFF

ON THE PART OF THE HOUSE:

MARY O'HALLORAN, chair
 JAMES L. MIDDLESWART
 CARROLL PERKINS
 SEMOR C. TOFTE
 ANDREW VARLEY

O'Halloran of Black Hawk moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report was adopted.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 210)

The ayes were, 88:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B. J.
Clark, J. H.	Conlon	Connors	Crabb
Crawford	Cusack	Davitt	Den Herder
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K. D.	Miller, O. L.	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	Wulff	Wyckoff	Mr. Speaker

The nays were, 7:

Chiodo	Daggett	Danker	Nielsen
Scheelhaase	West	Woods	

Absent or not voting, 4:

Dieleman	Egenes	Perkins	Spencer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Speaker pro tempore Nielsen in the chair at 11:37 p.m.

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 302, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse, with report of committee recommending amendment and passage.

Cusack of Scott offered the following amendment H-4353 filed by the committee on budget. Division was requested as follows:

H-4353

- 1 Amend Senate File 302, as passed by the Senate
- 2 and reprinted, as follows:

H-4353A

- 3 1. Page 1, line 16, by striking the figure
- 4 "96,000" and inserting in lieu thereof the figure
- 5 "196,000".

H-4353B

- 6 2. Page 1, by inserting after line 21 the
- 7 following:
- 8 " . For the retired senior
- 9 volunteer program \$ 50,000".

Cusack of Scott moved the adoption of amendment H-4353A.

Amendment H-4353A was adopted.

Cusack of Scott moved the adoption of amendment H-4353B.

Amendment H-4353B was adopted, placing the following amendments out of order:

H-3513 filed by Spear, et al., on April 5, 1977.

H-3515 filed by Daggett of Adams and Pelton of Clinton on April 5, 1977.

H-3567 filed by Miller of Buchanan on April 12, 1977.

Midnight having arrived, the House continued in session on a new calendar day retaining the same session day.

Griffie of Chickasaw asked and received unanimous consent to withdraw amendment H-4105 filed by him on May 10, 1977.

Griffie of Chickasaw offered the following amendment H-4121 filed by him and moved its adoption:

H-4121

1 Amend Senate File 302, as passed by the Senate
2 and reprinted, as follows:

3 1. Page 1, by striking line 28 and inserting in
4 lieu thereof the following:

5 "treatment \$ 870,000

6 c. For an alcohol education pro-
7 gram to be conducted by the depart-
8 ment of public instruction under

9 contract with the department of
10 alcoholism and drug abuse \$ 30,000"

11 2. By relettering the section to conform with
12 this amendment.

Amendment H-4121 was adopted.

Welden of Hardin offered the following amendment H-3514 filed by him and moved its adoption:

H-3514

- 1 Amend Senate File 302 as follows:
- 2 1. Page 1 by inserting after line 28 the
- 3 following:
- 4 "Any county which elects to operate a single
- 5 county program for alcoholism treatment, and sub-
- 6 mits a program which meets the requirements set by
- 7 the department for operating an approved program,
- 8 shall receive their proportionate share of any grant
- 9 made to the area of which they are a part."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 51, nays 35.

Amendment H-3514 was adopted.

Brandt of Black Hawk offered the following amendment H-4237 filed by her:

H-4237

- 1 Amend Senate File 302 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 29 the following
- 4 new sections:
- 5 "Sec. 2. Section two hundred forty-nine B point
- 6 four (249B.4), Code 1977, is amended by adding the
- 7 following new subsection:
- 8 **NEW SUBSECTION.** Appoint and remove, and provide
- 9 training for, the members of the care review committees
- 10 required by section one hundred thirty-five C point
- 11 twenty-five (135C.25) of the Code for licensed health
- 12 care facilities, promulgate rules prescribing the
- 13 duties of the care review committees, and monitor
- 14 their activities.
- 15 Sec. 3. Section one hundred thirty-five C point

16 twenty-five (135C.25), Code 1977, is amended by
17 striking the section and inserting in lieu thereof
18 the following:

19 135C.25 CARE REVIEW COMMITTEE. Each health care
20 facility shall have a care review committee whose
21 members shall be appointed as required by, and whose
22 duties shall be in accordance with rules promulgated
23 by the commission on aging pursuant to section two
24 (2) of this Act."

25 2. Title, line 4, by inserting after the word
26 "abuse" the words " , and imposing upon the commission
27 on aging responsibility to appoint and remove the
28 members of and to prescribe the duties of care, review
29 committees for health care facilities".

Husak of Tama rose on a point of order that amendment
H-4237 was not germane.

The Speaker ruled the point well taken and amendment
H-4237 not germane.

Higgins of Scott moved that the rules governing germaneness be
suspended for the consideration of amendment H-4237.

A non-record roll call was requested.

The ayes were 30, nays 34.

The motion lost.

Miller of Buchanan offered the following amendment H-3566
filed by him:

H-3566

1 Amend Senate File 302 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 4 the following
4 new section:

5 "Sec. . Money received as voluntary payments
6 for meals provided under title seven (VII) of the
7 older Americans Act shall be used only at the site
8 where the money is received, for expenses incurred
9 in connection with the providing of such meals, under

10 such guidelines as the commission on aging may
11 establish by rule."

Cusack of Scott rose on a point of order that amendment H-3566 was not germane.

The Speaker ruled the point well taken and amendment H-3566 not germane.

Pelton of Clinton moved that the rules governing germaneness be suspended for the consideration of amendment H-3566.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 48, nays 34.

The motion, having failed to receive a constitutional majority, lost.

Husak of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 302)

The ayes were, 87:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Menke

Middleswart	Millen	Miller, K.D.	Miller, O. L.
Newhard	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, none.

Absent or not voting, 12:

Brandt	Dieleman	Junker	Loneragan
Monroe	O'Halloran	Perkins	Small
Spencer	Varley	West	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(Senate File 302)

Husak of Tama asked and received unanimous consent that Senate File 302 be immediately messaged to the Senate.

HOUSE FILE 479 WITHDRAWN

Husak of Tama asked and received unanimous consent to withdraw House File 479 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 30, relating to the maximum amount of bonds which the board of regents expects to issue and to undertake and carry out projects and issuing negotiable revenue bonds.

STEVEN C. CROSS, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 30

Horn of Linn asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 30 as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 30
By Committee on Budget

1 *Whereas*, section two hundred sixty-two A point
2 three (262A.3) of the Code provides that the state
3 board of regents shall prepare and submit to the
4 general assembly for approval no later than seven
5 days after the convening of each regular annual session
6 of the general assembly a proposed ten-year building
7 program for each institution of higher learning under
8 the jurisdiction of said board, said program to contain
9 a list of the buildings and facilities which the board
10 deems necessary to further the educational objectives
11 of the institutions, with an estimate of the cost
12 of each of the buildings and facilities referred to
13 therein and an estimate of the maximum amount of bonds
14 which the board expects to issue under chapter two
15 hundred sixty-two A (262A) of the Code during each
16 year of the ensuing biennium; and
17 *Whereas*, the state board of regents prepared and
18 within seven days after the convening of the Sixty-
19 seventh General Assembly of the State of Iowa, First
20 Session, submitted to the Sixty-seventh General
21 Assembly, First Session, for approval such a proposed
22 ten-year building program for each institution
23 containing a list of the buildings and facilities
24 which the board deems necessary to further the
25 educational objectives of the institutions, together
26 with an estimate of the cost of each of the buildings
27 and facilities referred to therein and an estimate
28 of the maximum amount of bonds which the board expects
29 to issue under the provisions of chapter two hundred
30 sixty-two A (262A) of the Code for each year of the

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1 biennium beginning July 1, 1977 and ending June 30,
2 1979; and
3 *Whereas*, the projects contained in said building
4 program are deemed necessary for the proper performance
5 of the instructional, research and service functions

6 of the institutions; and

7 *Whereas*, section two hundred sixty-two A point
8 four (262A.4) of the Code provides that the state
9 board of regents after authorization by a
10 constitutional majority of each house of the general
11 assembly and approval by the governor may undertake
12 and carry out at the institutions of higher learning
13 under the jurisdiction of said board any project as
14 defined in chapter two hundred sixty-two A (262A)
15 of the Code; and

16 *Whereas*, chapter two hundred sixty-two A (262A)
17 of the Code authorizes the state board of regents
18 to borrow money and to issue and sell negotiable
19 revenue bonds to pay all or any part of the cost of
20 carrying out such projects at any institution payable
21 solely from and secured by an irrevocable pledge of
22 a sufficient portion of the student fees and charges
23 and institutional income received by the particular
24 institution; and

25 *Whereas*, to further the educational objectives
26 of the institutions the state board of regents requests
27 authorization to undertake and carry out certain of
28 said projects at this time and to finance the cost
29 thereof by borrowing money and issuing negotiable
30 bonds under the provisions of chapter two hundred

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1 sixty-two A (262A) of the Code, in a total amount
2 not to exceed fifteen million five hundred fifteen
3 thousand (15,515,000) dollars, the remaining cost
4 of said projects to be financed by capital
5 appropriations or by federal or other funds lawfully
6 available therefor; *Now Therefore*,

7 *Be it Resolved by the Senate, the House Concurring*,
8 That the proposed ten-year building program submitted
9 by the state board of regents for each institution
10 of higher learning under its jurisdiction, including
11 the estimate of the maximum amount of bonds which
12 the board expects to issue under the provisions of
13 chapter two hundred sixty-two A (262A) of the Code,
14 be and is hereby approved as follows:

15 STATE BOARD OF REGENTS PROPOSED TEN YEAR
16 BUILDING PROGRAM 1977-1987

17 State University of Iowa

18 Estimated

19 Project Total Cost

20 Lindquist center for measurement--

21	phase II	\$ 5,640,000
22	Old armory replacement	11,680,000
23	Movable equipment	1,735,000
24	Machride hall remodeling	825,000
25	Chemistry botany building remodeling	560,000
26	Fire escapes—two buildings	230,000
27	Eastlawn remodeling	485,000
28	Medical research center remodeling	310,000
29	Life-of—building formula remodeling	16,360,000
30	Boiler plant renovation	1,670,000

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1	Steam distribution improvements	1,690,000
2	Electrical substations for university	
3	hospitals	1,500,000
4	Storm sewer renovations	2,890,000
5	Water plan improvements	710,000
6	Chiller improvements	2,690,000
7	Eastside water system improvements	1,050,000
8	Miscellaneous and recurring	
9	utility needs	600,000
10	Lease/purchase of main frame computer	1,200,000
11	Undefined special projects	5,000,000
12	TOTAL	\$56,825,000
13	<u>Iowa State University of Science and Technology</u>	
14	Music building	3,385,000
15	Library addition—phase I	6,335,000
16	Horticulture addition	2,460,000
17	Library addition—phase II	6,100,000
18	Mechanical engineering and engineering	
19	science and mechanics	5,375,000
20	Agronomy addition	4,900,000
21	Movable equipment	2,840,000
22	Quadrangle remodeling—phase I	2,035,000
23	Beardshear hall remodeling	605,000
24	Curtiss hall remodeling	700,000
25	Quadrangle remodeling—phase II	3,300,000
26	Life-of—building formula remodeling	10,780,000
27	Centrifugal chiller and cooling tower	2,500,000
28	Water pollution control plan	
29	improvements	1,300,000
30	System expansion for new and	

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1	renovated buildings	1,200,000
2	General system repairs and	
3	alterations—utilities	3,400,000

4	Cooling tower addition and replacement . . .	1,200,000
5	Power plant repairs	2,000,000
6	Miscellaneous utility projects	1,065,000
7	Electrical repairs	900,000
8	Undefined special projects	<u>5,000,000</u>
9	TOTAL	\$67,380,000
10	<u>University of Northern Iowa</u>	
11	Speech/art complex—phase II	4,105,000
12	Physical education center completion	7,680,000
13	Movable equipment	1,180,000
14	Gymnasium I remodeling	250,000
15	Life-of—building formula remodeling	5,965,000
16	Coal-fired boiler	6,905,000
17	Storm and sanitary sewer repairs	630,000
18	Electrical system improvements	920,000
19	Steam distribution improvements	1,850,000
20	Water line improvements	200,000
21	Miscellaneous utility needs	300,000
22	Pollution control devices	1,200,000
23	Hudson road improvements	300,000
24	Classroom building for business	3,678,000
25	Movable equipment for business	<u>347,000</u>
26	TOTAL	\$35,510,000
27	Total state board of regents' ten-year	
28	program 1977—1987	\$159,715,000
29	<i>Be It Further Resolved</i> , That during the biennium	
30	which commences July 1, 1977, and which ends June	

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1 30, 1979, the maximum amount of bonds which the state
2 board of regents expects to issue under the provisions
3 of chapter two hundred sixty-two A (262A) of the Code
4 is fifteen million five hundred fifteen thousand
5 (15,515,000) dollars, all or any part of which may
6 be issued during the fiscal year ending June 30, 1978,
7 and if all of that amount should not be issued during
8 the fiscal year ending June 30, 1978, any remaining
9 balance may be issued during the fiscal year ending
10 June 30, 1979, and this plan of financing is hereby
11 approved; and

12 *Be it Further Resolved*, That the state board of
13 regents be and is hereby authorized to undertake and
14 carry out the following projects and to pay all or
15 any part of the cost of carrying out such projects
16 by borrowing money and issuing negotiable revenue
17 bonds under the provisions of chapter two hundred
18 sixty-two A (262A) of the Code in a total amount not

- 19 to exceed fifteen million five hundred fifteen thousand
 20 (15,515,000) dollars:
 21 State University of Iowa
 22 Reconstruction of boiler No. 8
 23 Replace electrical substation serving university
 24 hospitals
 25 Boilers No. 5 and No. 6--controls and instrumentation
 26 Medical research center--electrical renovations
 27 Steam distribution--complete westside loop system
 28 Miscellaneous utilities and remodeling projects
 29 Iowa State University
 30 Centrifugal chiller and cooling tower

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- 1 Miscellaneous general utility and remodeling projects
 2 University of Northern Iowa
 3 Coal-fired boiler replacement and auxiliaries--
 4 phases I and II
 5 Miscellaneous general utility and remodeling projects

Roll call was requested by Horn of Linn and Fitzgerald of Webster.

On the question "Shall the resolution be adopted?" (S.C.R. 30)

The ayes were, 76:

Avenson	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crawford	Cusack	Danker
Den Herder	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gilloon	Griffie	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Lageschulte	Lindeen	Lipsky
Menke	Millen	Miller, K.D.	Miller, O.L.
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stromer	Tauke
Thompson	Tofte	Varley	Welden
Wells	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 14:

Baker	Bennett	Chiodo	Crabb
Davitt	Gentleman	Gilson	Halvorson
Husak	Junker	Krewson	Stephens
Walter	Woods		

Absent or not voting, 9:

Anderson	Daggett	Dieleman	Lonergan
Middleswart	Monroe	Spencer	Svoboda
West			

The motion prevailed and the resolution was adopted.

UNANIMOUS CONSENT

Gilson of Guthrie and Junker of Woodbury asked and received unanimous consent to change their vote on Senate Concurrent Resolution 30 from "aye" to "nay," and the votes were so recorded.

Senate File 351, a bill for an act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease, with report of committee recommending passage was taken up for consideration.

Hines of Story offered the following amendment H-4154 filed by him and moved its adoption:

H-4154

- 1 Amend Senate File 351 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 1, line 25, by striking the word "One"
- 4 and inserting in lieu thereof the word "Three".
- 5 2. Page 1, line 25, by striking the word
- 6 "veterinarian" and inserting in lieu thereof the
- 7 word "veterinarians".
- 8 3. Page 2, by striking lines 18 through 23 and

- 9 inserting in lieu thereof the following:
 10 "of funds appropriated by this Act."
 11 4. Page 2, by striking lines 25 through 33.
 12 5. Page 3, by striking lines 4 through 11 and
 13 inserting in lieu thereof the following:
 14 "Sec. 8. There is appropriated to the college
 15 of veterinary medicine at Iowa state university
 16 of science and technology from the general fund of
 17 the state the sum of two hundred thousand (200,000)
 18 dollars annually, or as much thereof as is necessary,
 19 which shall be used for research into the diseases
 20 of livestock. Funds appropriated by this section
 21 shall become available on July 1 of each year and
 22 any unencumbered balances remaining on June 30 of
 23 each year shall revert to the general fund of the
 24 state."
 25 6. Page 3, by striking lines 12 and 13.

Amend H—4154 lost.

Lipsky of Linn rose on a point of order and invoked Rule 32 on Senate File 351.

The Speaker ruled the point not well taken inasmuch as Senate File 351 was recommended "do pass" by the committee on budget.

Scheelhaase of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 351)

The ayes were, 74:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Daggett
Danker	Davitt	Den Herder	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler

Krause	Lageschulte	Lindeen	Menke
Middleswart	Millen	Miller, O.L.	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	Wulff
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 16:

Bina	Brandt	Crawford	Cusack
Garrison	Gentleman	Hargrave	Harvey
Higgins	Hines	Jochum	Krewson
Lipsky	Small	Smalley	Welden

Absent or not voting, 9:

Chiodo	Dieleman	Loneragan	Miller, K.D.
Monroe	Perkins	Spencer	West
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 386, a bill for an act relating to the education funding providing for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts.

Also: That the Senate has on May 20, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 414, a bill for an act to appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the Sixty-seventh General Assembly, 1977 Session.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

SENATE FILE 386, a bill for an act relating to education funding providing for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts.

Read first time and PASSED ON FILE.

SENATE FILE 414, a bill for an act to appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the Sixty-seventh General Assembly, 1977 Session.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 414, a bill for an act to appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the Sixty-seventh General Assembly, 1977 Session.

Fitzgerald of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 414)

The ayes were, 86:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crawford	Cusack	Davitt	Den Herder
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Higgins
Hines	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum

Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 7:

Crabb	Daggett	Danker	Small
Welden	West	Woods	

Absent or not voting, 6:

Chiodo	Dieleman	Harvey	Hinkhouse
Spencer	Wulff		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

BUDGET CALENDAR

Wyckoff of Benton asked and received unanimous consent for the immediate consideration of Senate File 371, a bill for an act extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor, with report of committee recommending passage.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 371)

The ayes were, 92:

Avenson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.

Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Davitt	Den Herder	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Higgins	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

The nays were, none.

Absent or not voting, 7:

Anderson	Daggett	Dieleman	Harvey
Jesse	Spencer	Wulff	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 547, a bill for an act relating to birth certificates for adopted persons not born in Iowa.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 547)

The ayes were, 91:

Avenson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett

Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 2:

Anderson Stephens

Absent or not voting, 6:

Brunow Daggett Den Herder Dieleman
Pellett Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(House File 547)

Higgins of Scott asked and received unanimous consent that House File 547 be immediately messaged to the Senate.

INTRODUCTION OF BILL

HOUSE FILE 633, by committee on budget, a bill for an act making an appropriation to the department of agriculture to

provide funds sufficient to meet the expenses of the department's aujeszky's disease control program and to the Iowa state university of science and technology for aujeszky's disease research.

Read first time and PLACED ON BUDGET CALENDAR.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 31, a bill for an act to create an alcoholism rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

Also: That the members of the conference committee on the part of the Senate on Senate File 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments, appointed May 20, 1977, are: The Senator from Jasper, Mr. Hill, chair; the Senator from Marshall, Mrs. Miller; the Senator from Cerro Gordo, Mr. Miller; the Senator from Pocahontas, Mr. Scott; and the Senator from Hardin, Mr. Taylor.

Also: That the members of the conference committee on the part of the Senate on Senate File 234, a bill for an act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, appointed May 20, 1977, are: The Senator from Jasper, Mr. Hill, chair; the Senator from Scott, Mr. Ashcraft; the Senator from Cedar, Mr. Hulse; the Senator from Cerro Gordo, Mr. Miller; and the Senator from Pocahontas, Mr. Scott.

Also: That the Senate has on May 20, 1977, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

act appropriating funds for the enforcement

Also: That the Senate has on May 20, 1977, passed the following bill in which the concurrence of the House is asked:

Senate File 413, a bill for an act to establish a task force on taxation and making an appropriation therefor.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster the House was recessed at 1:33 a.m., until 9:30 a.m., Saturday, May 21, 1977.

MORNING SESSION

The House reconvened, Avenson of Fayette in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion on request of Howell of Floyd; Den Herder o. Sioux on request of Conlon of Muscatine; Spencer of Clay on request of Crawford of Story.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 57, a bill for an act requiring competitive bid specifications of state agencies and governmental subdivisions and setting forth bidding procedures for purchase of goods.

Also: That the Senate has on May 20, 1977, passed the following bill in which the concurrence of the Senate was asked:

House File 615, a bill for an act appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board.

Also: That the Senate has on May 20, 1977, amended the House amendment to, and refused to concur in the House amendment as amended to the following bill in which the concurrence of the Senate was asked:

Senate Joint Resolution 11, authorizing an interim study of the public retirement systems in this state and making an appropriation.

Also: That the Senate has, on May 20, 1977, adopted the conference committee report and passed Senate File 197, a bill for an act appropriating funds to various regulatory and finance agencies and departments.

Also: That the Senate has, on May 20, 1977, adopted the conference committee report and passed Senate File 234, a bill for an act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

Also: That the Senate has on May 20, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 302, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

Also: That the Senate has, on May 20, 1977, adopted the conference committee report and passed Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits.

Also: That the Senate has on May 20, 1977, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 407, a bill for an act appropriating funds to the state board of public instruction to plan for an addition to a building.

STEVEN C. CROSS, Secretary

QUORUM CALL

Roll call was requested by Conlon of Muscatine and Lageschulte of Bremer to determine that a quorum was present. The vote revealed:

Present: 79

Anderson
Binneboese

Baker
Brandt

Bennett
Branstad

Bina
Brockett

Brunow	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Higgins	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	Nielsen
O'Halloran	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wulff	Wyckoff	Mr. Speaker (Avenson)	

Absent: 20

Byerly	Chiodo	Cochran	Den Herder
Dieleman	Doyle	Egenes	Harvey
Jesse	Junker	Krause	Lonergan
Monroe	Newhard	Norland	Oxley
Patchett	Rinas	Spencer	Woods

ADOPTION OF CONFERENCE COMMITTEE REPORT

(Senate File 234)

Griffiee of Chickasaw called up for consideration the following conference committee report on Senate File 234:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 234

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 Senate and the House of Representatives on Senate File 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, respectfully makes the following report:

1. That the Senate concur in the House amendment S-3312 to Senate File 234.

ON THE PART OF THE SENATE:

EUGENE M. HILL, chair
 MERLIN D. HULSE
 JOHN R. SCOTT
 ALVIN V. MILLER
 FORREST F. ASHCRAFT

ON THE PART OF THE HOUSE:

WILLIAM B. GRIFFEE, chair
 LINDA A. SVOBODA
 JOHN H. CONNORS
 HENRY C. WULFF

Griffiee of Chickasaw moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report was adopted.

Griffiee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 234)

The ayes were, 82:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Clark, B.J.	Clark, J.H.	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Nielsen	O'Halloran
Pavich	Pellett	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Avenson)		

The nays were, 1:

Conlon

Absent or not voting, 16:

Byerly	Chiodo	Cochran	Den Herder
Dieleman	Junker	Krause	Loneragan
Monroe	Newhard	Norland	Oxley
Patchett	Poncy	Rinas	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT (Senate File 197)

Griffie of Chickasaw called up for consideration the following conference committee report on Senate File 197 and moved the adoption of the conference committee reports and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE SENATE FILE 197

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 Senate and the House of Representatives on Senate File 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments, respectfully make the following report:

1. That the House recede from its amendment S-3223 and that Senate File 197 be amended as follows:

Page 1, by inserting after line 17 the following:

"The department shall conduct a pilot program which shall provide for extending the hours of operation of liquor stores designated by the department until ten p.m. on days when such liquor stores are in operation."

ON THE PART OF THE SENATE:

EUGENE M. HILL, chair
 ELIZABETH R. MILLER
 RAY TAYLOR
 ALVIN V. MILLER
 JOHN R. SCOTT

ON THE PART OF THE HOUSE:

WILLIAM B. GRIFFEE, chair
 JAMES D. WELLS
 WALLY E. HORN
 FRANK CRABB
 ROGER A. HALVORSON

The motion prevailed and the report was adopted.

Griffiee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 197)

The ayes were, 77:

Anderson	Baker	Bennett	Bina
Brandt	Branstad	Brockett	Brunow
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Davitt	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Scheelhaase	Schnekloth
Schroeder	Shimanek	Spear	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Avenson)

The nays were, 6:

Clark, B.J.	Daggett	Danker	Menke
Smalley	Stephens		

Absent or not voting 16:

Binneboese	Byerly	Chiodo	Cochran
Cusack	Den Herder	Dieleman	Krause
Lonergan	Monroe	Newhard	Norland
Poncy	Rinas	Small	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT
(Senate File 337)

Horn of Linn called up for consideration the following conference committee report on Senate File 337 and moved the adoption of the report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
SENATE FILE 337

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 Senate and the House of Representatives on Senate File 337, as amended, passed and reprinted, a bill for an Act to provide a funding system for unemployment compensation benefits, respectfully make the following report:

1. That the House recede from the House amendment S-3681 to Senate File 337, as amended, passed and reprinted by the Senate.
2. That Senate File 337 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, line 15, by inserting after the word "rank" the following: "Provided that an employer shall not contribute an amount sufficient to reduce the rate of contribution of the employer to a zero contribution rate."

2. Strike page 4, line 18 through page 5, line 3, and insert in lieu thereof the following:

"1	4.8%	.8	.6	0	0	0	0	0	0	0
2	9.5%	1.0	.7	.5	.3	0	0	0	0	0
3	14.3%	1.2	.8	.6	.5	.4	0	0	0	0
4	19.0%	1.4	1.0	.7	.6	.5	.3	0	0	0
5	23.8%	1.6	1.2	.8	.8	.6	.4	.2	0	0

6	28.6%	1.8	1.4	1.0	.9	.7	.5	.2	.1	0
7	33.3%	2.0	1.6	1.2	1.0	.8	.6	.3	.2	.1
8	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2	.1
9	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3	.2
10	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
11	52.4%	3.2	2.6	2.1	1.5	1.2	1.0	.7	.5	.2
12	57.1%	3.5	2.9	2.5	1.7	1.3	1.1	.8	.6	.2
13	61.9%	3.8	3.3	2.8	2.0	1.5	1.3	.9	.7	.3
14	66.6%	4.2	3.7	3.1	2.4	1.7	1.5	1.1	.9	.5
15	71.4%	4.6	4.1	3.5	2.9	1.9	1.7	1.3	1.0	.5
16	76.2%	5.0	4.5	3.9	3.4	2.3	1.9	1.7	1.0	.7
17	80.9%	5.5	5.0	4.4	4.0	3.0	2.5	2.0	1.5	.8
18	85.7%	6.0	5.5	5.0	4.5	3.7	3.1	2.5	2.0	1.0
19	90.4%	6.0	6.0	5.5	5.0	4.4	3.8	3.2	2.5	1.8
20	95.2%	6.0	6.0	6.0	5.5	5.0	4.5	4.0	3.0	2.5
21	100.0%	6.0	6.0	6.0	6.0	5.5	5.0	4.5	4.0	4.0"

3. Page 5, line 26, by inserting after the figure "0.75." the words "Provided further that during any rate year in which a rate table in rate tables four through nine is effective an employer assigned a contribution rate under the provisions of this paragraph shall not be required to contribute to the unemployment compensation trust fund if the employer's percentage of excess is seven point five percent or greater for the rate year and the employer has not been charged with benefit payments for any time within the forty calendar quarters immediately preceding the rate computation date for the rate year."

4. Page 5, by striking lines 27 through 30.

5. Page 7, by inserting after line 32 the following:

"NEW SECTION. The Iowa department of job service shall annually submit a status report on the unemployment compensation trust fund to the general assembly."

ON THE PART OF THE SENATE:

FRED W. NOLTING, chair
LUCAS J. DeKOSTER
MERLIN D. HULSE
C. W. HUTCHINS
CLOYD E. ROBINSON

ON THE PART OF THE HOUSE:

WALLY E. HORN, chair
THOMAS J. JOCHUM
FRED KOGLER
DOUGLAS R. SMALLEY

A non-record roll call was requested.

The ayes were 45, nays 39.

The motion prevailed and the report was adopted.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 337)

The ayes were, 18:

Anderson	Byerly	Dunton	Fitzgerald
Garrison	Gilloon	Hargrave	Hinkhouse
Horn	Koogler	Monroe	Nielsen
Pavich	Rinas	Tauke	Wells
Wyckoff	Mr. Speaker (Avenson)		

The nays were, 71:

Baker	Bennett	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Doyle	Dyrland
Egenes	Evans	Gentleman	Gilson
Griffie	Halvorson	Hansen	Harbor
Harvey	Higgins	Hines	Hoffmann
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Miller, O.L.	O'Halloran
Oxley	Patchett	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Svoboda	Thompson
Tofte	Varley	Walter	Welden
West	Woods	Wulff	

Absent or not voting, 10:

Chioldo	Cochran	Den Herder	Disleman
Krause	Lonergan	Newhard	Norland
Poncy	Spencer		

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

CONSIDERATION OF BILLS

Budget Calendar

Senate File 267, a bill for an act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board, with report of committee recommending amendment and passage was taken up for consideration.

Wyckoff of Benton offered amendment H-3531 filed by the committee on budget on April 6, 1977 and found on page 1293 of the House Journal and asked for unanimous consent to withdraw amendment H-3531.

Objection was raised.

Wyckoff of Benton moved the adoption of the committee amendment H-3531.

Amendment H-3531 lost.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H-3536 filed by him on April 6, 1977.

Bina of Scott offered the following amendment H-3546 filed by him and moved its adoption:

H-3546

- 1 Amend Senate File 267, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 5, line 17, by striking the figures
- 4 "26,600" and inserting in lieu thereof the
- 5 figures "24,200".

Amendment H-3546 lost.

Monroe of Des Moines offered amendment H-4304 filed by him on May 19, 1977.

Wyckoff of Benton rose on a point of order that amendment H-4304 was not germane.

The Speaker ruled the point well taken and amendment H-4304 not germane.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 267)

The ayes were, 72:

Anderson	Baker	Bennett	Binneboese
Brandt	Branstad	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Higgins	Hoffmann
Horn	Hullinger	Husak	Jochum
Junker	Koogler	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Miller, O.L.	Norland	O'Halloran	Oxley
Patchett	Pellet	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West
Woods	Wulff	Wyckoff	Mr. Speaker (Avenson)

The nays were, 17:

Bina	Byerly	Daggett	Davitt
Gilloon	Hines	Hinkhouse	Howell
Krause	Krewson	Middleswart	Monroe
Pavich	Rinas	Smalley	Walter
Wells			

Absent or not voting, 10:

Chiodo	Cochran	Danker	Den Herder
Dieleman	Jesse	Lonergan	Newhard
Nielsen	Spencer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REPORT OF THE CONFERENCE COMMITTEE
SENATE FILE 333

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 Senate and the House of Representatives on Senate File 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, respectfully make the following report:

1. That the Senate recede from its amendment H-4240 to the House amendment S-3619 to Senate File 333 as amended, passed and reprinted by the Senate.

2. That the House amendment S-3619 be amended as follows:

1. Page 2, of the amendment, lines 46 and 47, by striking the words and numerals "two (2) and three (3)" and inserting in lieu thereof the words and numerals "two (2), three (3) and four (4)".

2. Page 3 of the amendment, by striking lines 38 through 40 and inserting in lieu thereof the following:

" . Page 3, by striking line 24 and inserting in lieu thereof the words "~~enter a written order for direct that the person to be detained in custody~~ the hospital".

. Page 3, line 25, by striking the word "and" and inserting in lieu thereof the words "and or".

. Page 3, line 27, by striking the words "magistrate's order shall state" and inserting in lieu thereof the words "magistrate's order chief medical officer shall prepare a report which shall state, in as much detail as reasonably possible,".

3. Page 4 of the amendment, line 2, by striking the word "order" and inserting in lieu thereof the words "order-chief medical officer's report".

4. Page 4 of the amendment, by striking lines 3 through 40 and inserting in lieu thereof the following:

" . Page 4, by inserting after line 4 the following:

"3. A chief medical officer who directs that a person be detained in a hospital under subsection two (2) of this section shall at once notify the nearest available magistrate as defined in section seven hundred forty-eight point one (748.1) of the Code, except that if the directive is made

after midnight and before seven o'clock a.m. the magistrate shall be so notified not later than seven o'clock a.m. of the same day. Upon being so notified the magistrate shall immediately proceed to the hospital where the person is detained and inquire into the matter. Unless convinced upon initial inquiry that there are no grounds for further detention of the person, the magistrate shall in the manner prescribed by section two hundred twenty-nine point eight (229.8), subsection one (1) of the Code insure that the person has or is provided legal counsel at the earliest practicable time, and shall arrange for the counsel to be present, if practicable, before proceeding further under this section. If the magistrate finds upon review of the report prepared by the chief medical officer under subsection two (2) of this section, and of such other information or evidence as the magistrate deems pertinent, that there is probable cause to believe that the person is seriously mentally impaired and because of that impairment is likely to physically injure himself or herself or others if not detained, the magistrate shall enter a written order for the person to be detained in custody at the hospital. The magistrate's order shall have attached to it a copy of the chief medical officer's report prepared under subsection two (2) of this section, and may state other information supporting the finding of probable cause to believe the person detained is seriously mentally impaired and likely to physically injure himself or herself or others if not detained. The order shall be filed with the clerk of the district court in the county where it is anticipated that an application will be filed under section two hundred twenty-nine point six (229.6) of the Code.

3 4. The chief medical officer of the hospital shall examine and may detain and care for the person ~~taken into~~ detained in custody under the magistrate's order for a period not to exceed forty-eight hours from the time the person was brought to the hospital as described in subsection two (2) of this section, excluding Saturdays, Sundays and holidays. The hospital may provide treatment."

5. Page 5 of the amendment, by striking line 10 and inserting in lieu thereof the words "not immediately detained.

4 5. The cost of hospitalization at a public hospital of a person detained temporarily by the procedure prescribed in this section shall be paid in the same way as if the person had been admitted to the hospital by the procedure prescribed in sections 229.6 to 229.13."

ON THE PART OF THE SENATE:

JOHN S. MURRAY, chair
DAVID M. READINGER
BOB RUSH
EARL M. WILLITS

ON THE PART OF THE HOUSE:

SCOTT D. NEWHARD, chair
JULIA B. GENTLEMAN
THOMAS J. HIGGINS
JOAN LIPSKY
CARL V. NIELSEN

HOUSE INSISTS
(Senate File 407)

Jesse of Polk called up for consideration Senate File 407, a bill for an act appropriating funds to the state board of public instruction to plan for an addition to a building, and moved that the House insist on its amendment.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 56, nays 34.

The motion prevailed and the House insists on its amendment.

HOUSE RECEDES
(Senate Joint Resolution 11)

Byerly of Polk called up for consideration Senate Joint Resolution 11, a joint resolution to authorize an interim study of the public retirement systems in this state and to make an appropriation, and moved that the House recede from its amendment.

A non-record roll call was requested.

The ayes were 51, nays 36.

The motion prevailed and the House recedes from its amendment.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the joint resolution be adopted and agreed to?" (SJR-11)

The ayes were, 54:

Anderson	Bina	Binneboese	Brandt
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Cusack	Duriton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Halvorson	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lonergan	Middleswart	Millen	Miller, O.L.
Oxley	Pavich	Pellett	Perkins
Poncy	Schroeder	Small	Spear
Svoboda	Thompson	Varley	Walter
Wells	West	Woods	Wulff
Wyckoff	Mr. Speaker (Avenson)		

The nays were, 35:

Baker	Bennett	Brockett	Connors
Crawford	Daggett	Danker	Davitt
Doyle	Egenes	Gilson	Griffee
Hansen	Higgins	Hines	Howell
Krause	Lageschulte	Lindeen	Lipsky
Menke	Miller, K.D.	Monroe	O'Halloran
Patchett	Pelton	Rinas	Scheelhaase
Schnekloth	Shimanek	Smalley	Stephens
Tauke	Tofte	Weiden	

Absent or not voting, 10:

Branstad	Chiodo	Cochran	Den Herder
Dieleman	Newhard	Nielsen	Norland
Spencer	Stromer		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

HOUSE RECEDES (Senate File 302)

Husak of Tama called up for consideration Senate File 302, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse, and moved that the House recede from its amendment.

The motion prevailed and the House recedes from its amendment.

Husak of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 302)

The ayes were, 89:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller, O.L.	Monroe	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Avenson)

The nays were, 2:

Griffie Spear

Absent or not voting, 8:

Chiodo	Cochran	Den Herder	Dieleman
Koogler	Newhard	Norland	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Fitzgerald of Webster the House was recessed until 12:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Nielsen of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffmann of Muscatine for the remainder of the day on request of Millen of Van Buren.

QUORUM CALL

Roll call was requested by Anderson of Jasper and Koogler of Mahaska to determine that a quorum was present. The vote revealed:

Present: 83

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Higgins	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller, O.L.	Newhard	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Small
Smalley	Spear	Stromer	Svoboda
Tauke	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wulff	Wyckoff	Mr. Speaker (Nielsen)	

Absent: 16

Byerly	Chiodo	Clark, J.H.	Cochran
Den Herder	Dieleman	Egenes	Gentleman
Hoffmann	Lipsky	Monroe	Patchett
Shimaneck	Spencer	Stephens	Thompson

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 214, a bill for an act providing for an appropriation to agencies, institutions, commissions, departments and boards responsible for education programs in this state.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT CONSIDERED

Horn of Linn called up for consideration Senate File 214, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, amended by the House, further amended by the Senate as follows:

H-4357

- 1 Amend the House amendment S-3245 to Senate File
- 2 214, page 1, by striking all after line 2 through
- 3 page 4, line 8 and inserting in lieu thereof the
- 4 following:
- 5 "1. Page 1, by inserting after line 13 the
- 6 following:
- 7 "a. For the war orphans educational aid fund
- 8 created by section thirty-five point eight (35.8)
- 9 of the Code \$40,000".
- 10 2. Page 1, lines 20 through 22, by striking the
- 11 words "for the fiscal period July 1, 1977 to December
- 12 31, 1977".
- 13 3. Page 1, line 22, by striking the figure "30,000"

14 and inserting in lieu thereof the figure "83,800".

15 4. Page 4, line 15, by striking the figure
16 "2,475,000" and inserting in lieu thereof the figure
17 "2,625,000".

18 5. Page 6, line 23, by inserting after the word
19 "follows" the following: "provided that, as a
20 condition for the appropriation to merged area nine
21 (IX), the board of directors of merged area nine (IX)
22 shall not incur any actual or contingent liability
23 or undertake or accrue any indebtedness for this or
24 any subsequent year generated by any contract with
25 a private institution located within the merged area
26 pursuant to section two hundred eighty A point twenty-
27 three (280A.23), subsection one (1), or section two
28 hundred eighty A point twenty-five (280A.25),
29 subsection eight (8), of the Code or chapter twenty-
30 eight E (28E) of the Code, if the contract is for
31 a liberal arts or pre-professional training program
32 to be offered at the two-year college instructional
33 level in the school year beginning July 1, 1977, and
34 provided further that the department of public
35 instruction and the board of directors of merged area
36 nine (IX) shall not calculate general state financial
37 assistance by including for reimbursement from such
38 funds in this or any subsequent fiscal year any full-
39 time equivalent enrollment which is generated by
40 students who are enrolled in merged area nine (IX)
41 as a result of such a contract".

42 6. Page 7, by inserting after line 20 the
43 following:

44 "d. FOR MERGED AREA X
45 For continuation of the waste water program
46\$134,000".

47 7. Page 7, line 31, by inserting after the word
48 "purposes" the words " , however, as a condition for
49 the appropriation of these funds and notwithstanding
50 any provision of chapter twenty (20) of the Code,

Page 2

1 the state board of regents, for purposes of
2 implementing collective bargaining pursuant to chapter
3 twenty (20) of the Code, shall continue to act as
4 a "public employer" for its academic, professional
5 and scientific, and other employees who are exempt
6 from its merit system by chapter nineteen A (19A)
7 of the Code and who are defined as "professional"
8 employees by chapter twenty (20) of the Code".

9 8. Page 8, line 13, by inserting after the word

- 10 "purposes" the words "and for the pediatric department
- 11 of the college of medicine to continue to fund the
- 12 program of research at the current level in the cause,
- 13 course, treatment, cure, and management of diabetes
- 14 mellitus".
- 15 9. Page 9, line 29, by striking the figure
- 16 "21,612,000" and inserting in lieu thereof the figure
- 17 "21,687,000"."

Lipsky of Linn offered the following amendment H-4359, to the Senate amendment H-4357, filed by her and Higgins of Scott from the floor and asked and received unanimous consent it be withdrawn:

H-4359

- 1 Amend Senate File 214 as follows:
- 2 1. Page 8, by inserting after line 21 the
- 3 following:
- 4 "To supplement the genetic counseling
- 5 program \$50,000".

Patchett of Johnson asked and received unanimous consent to withdraw amendment H-4361 filed by him from the floor.

Horn of Linn moved that the House concur in the Senate amendment H-4357 to the House amendment, which motion prevailed.

Horn of Linn moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 214)

The ayes were, 88:

- | | | | |
|--------------|------------|----------|--------------|
| Anderson | Avenson | Baker | Bennett |
| Bina | Binneboese | Brandt | Branstad |
| Brockett | Brunow | Byerly | Clark, B. J. |
| Clark, J. H. | Cochran | Conlon | Connors |
| Crabb | Crawford | Cusack | Daggett |
| Danker | Doyle | Dunton | Dyrland |
| Evans | Fitzgerald | Garrison | Gentleman |

Giloon	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Higgins
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O. L.
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Woods	Wulff	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 3:

Davitt	Gilson	Welden
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Absent or not voting, 8:

Chiodo	Den Herder	Dieleman	Egenes
Hoffmann	Krause	Monroe	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford on request of Husak of Tama; Junker of Woodbury on request of Wyckoff of Benton; Chiodo of Polk on request of Woods of Polk; Brockett of Marshall on request of Evans of Grundy; Lageschulte of Bremer on request of Millen of Van Buren, all for the remainder of the day.

Perkins of Greene asked and received unanimous consent for the immediate consideration of Senate File 386, a bill for an act relating to education funding providing for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Dyrland of Clayton in the chair at 3:25 p.m.

Perkins of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 386)

The ayes were, 49:

Anderson	Avenson	Baker	Bennett
Branstad	Brunow	Byerly	Clark, B. J.
Cochran	Connors	Cusack	Daggett
Evans	Fitzgerald	Gilloon	Gilson
Halvorson	Hargrave	Harvey	Hines
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Middleswart	Miller, K. D.	Miller, O. L.	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Perkins	Rinas	Scheelhaase
Schneklath	Stromer	Tofte	Walter
Wells	Woods	Wulff	Wyckoff
			Mr. Speaker
			(Dyrland)

The nays were, 41:

Bina	Binneboese	Brandt	Clark, J. H.
Conlon	Crawford	Danker	Davitt
Doyle	Dunton	Egenes	Garrison
Gentleman	Griffie	Hansen	Harbor
Higgins	Hinkhouse	Krewson	Lindeen
Lipsky	Lonergan	Menke	Millen
Monroe	O'Halloran	Pellett	Pelton
Poncy	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Svoboda
Tauke	Thompson	Varley	Welden
West			

Absent or not voting, 9:

Brockett	Chiodo	Crabb	Den Herder
Dieleman	Hoffmann	Junker	Lageschulte
Spencer			

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

SENATE AMENDMENT CONSIDERED

Brandt of Black Hawk called up for consideration House File 582, a bill for an act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and allowing certain members of the general assembly who are members of the system at the time of election to the general assembly to contribute the employee's and employer's share at the same wage rate as the wages which qualified such member for the system, amended by the Senate amendment H-4263, received on May 18, 1977 and found on pages 2401 through 2403 of the House Journal.

Brandt of Black Hawk moved that the House concur in the Senate amendment H-4263, which motion prevailed.

Speaker Cochran in the chair at 4:03 p.m.

Brandt of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 582)

The ayes were, 55:

Anderson	Avenson	Binneboese	Brandt
Brunow	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gilloon	Gilson
Griffie	Halvorson	Hargrave	Higgins
Hines	Hinkhouse	Horn	Howell

Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, O. L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Svoboda	Tauke	Walter	Wells
Woods	Wulff	Mr. Speaker	

The nays were, 35:

Baker	Bennett	Bina	Branstad
Byerly	Clark, B. J.	Clark, J. H.	Conlon
Crawford	Daggett	Danker	Egenes
Gentleman	Hansen	Harbor	Harvey
Krewson	Lindeen	Lipsky	Menke
Millen	Miller, K. D.	Pellett	Pelton
Schnekloth	Smalley	Spear	Stephens
Stromer	Thompson	Tofte	Varley
Welden	West	Wyckoff	

Absent or not voting, 9:

Brockett	Chiodo	Crabb	Den Herder
Dieleman	Hoffmann	Junker	Lageschulte
Spencer			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

BUDGET CALENDAR

Senate File 213, a bill for an act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly, and providing effective dates, with report of committee recommending passage was taken up for consideration.

Millen of Van Buren asked for unanimous consent to withdraw amendment H-4156 filed by Millen, et al., on May 12, 1977.

Objection was raised.

Millen of Van Buren moved to withdraw amendment H-4156 filed by Millen, et al., on May 12, 1977.

A non-record roll call was requested.

The ayes were 61, nays 19.

The motion prevailed and amendment H-4156 was withdrawn.

Howell of Floyd asked and received unanimous consent to withdraw amendment H-4208 filed by him on May 16, 1977.

Spear of Lee offered the following amendment H-4153 filed by him and moved its adoption:

H-4153

- 1 Amend Senate File 213 as amended, passed, and re-
- 2 printed by the Senate as follows:
- 3 1. Page 2, line 25, by striking the figure "50,000"
- 4 and inserting in lieu thereof the figure "46,500".
- 5 2. Page 2, line 27, by striking the figure "45,000"
- 6 and inserting in lieu thereof the figure "44,000".
- 7 3. Page 2, line 29, by striking the figure "43,500"
- 8 and inserting in lieu thereof the figure "42,000".
- 9 4. Page 2, line 31, by striking the figure "42,500"
- 10 and inserting in lieu thereof the figure "41,000".
- 11 5. Page 2, line 33, by striking the figure "42,000"
- 12 and inserting in lieu thereof the figure "39,100".
- 13 6. Page 3, line 1, by striking the figure "40,000"
- 14 and inserting in lieu thereof the figure "38,100".
- 15 7. Page 3, line 3, by striking the figure "33,000"
- 16 and inserting in lieu thereof the figure "30,500".
- 17 8. Page 3, line 5, by striking the figure "33,000"
- 18 and inserting in lieu thereof the figure "30,500".

Amendment H-4153 lost.

Woods of Polk offered the following amendment H-4256 filed by Chiodo, et al., and moved its adoption:

H-4256

- 1 Amend Senate File 213 as follows:
- 2 1. Page 3, by striking lines 8

- 3 through 35 and inserting in lieu thereof the
 4 following:
 5 "Sec. . Section two point one (2.1), Code
 6 1977 is amended by adding the following unnumbered
 7 paragraph.
 8 NEW UNNUMBERED PARAGRAPH. The regular sessions
 9 of the general assembly shall not exceed one hundred
 10 ten (110) calendar days in the odd numbered years
 11 and ninety (90) days in even numbered years."
 12 2. Page 4, by striking lines 1
 13 through 35.
 14 3. Page 5, by striking lines 1
 15 through 27.

Roll call was requested by Millen of Van Buren and Harvey of Scott.

On the question "Shall amendment H-4256 be adopted?"

The ayes were, 33:

Bennett	Branstad	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Lindeen
Menke	Millen	Miller, K.D.	Miller, O.L.
Nielsen	Oxley	Pellett	Schneklath
Smalley	Stephens	Stromer	Tofte
Welden	West	Woods	Wulff
Wyckoff			

The nays were, 50:

Anderson	Avenson	Bina	Binneboese
Brandt	Brunow	Connors	Crawford
Cusack	Davitt	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilloon
Gilson	Griffie	Hargrave	Higgins
Hines	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lipsky	Middleswart	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Perkins	Poncy	Schroeder
Shimanek	Small	Spear	Svoboda
Tauke	Thompson	Varley	Walter
Wells	Mr. Speaker		

Absent or not voting, 16:

Baker	Brockett	Chiodo	Crabb
Den Herder	Dieleman	Hinkhouse	Hoffmann
Hullinger	Junker	Lageschulte	Loneragan
Pelton	Rinas	Scheelhaase	Spencer

Amendment H-4256 lost.

Welden of Hardin offered the following amendment H-4094 filed by him and moved its adoption:

H-4094

- 1 Amend Senate File 213, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 9, by striking the words and
- 4 figure "and five (5)" and inserting in lieu there—
- 5 of the words and figures "five (5), and six (6)".
- 6 2. Page 4, line 14, by striking the words "sixty
- 7 dollars per diem and" and inserting in lieu thereof
- 8 the words "~~sixty dollars per diem and~~".
- 9 3. Page 4, line 16, by striking the words ", per
- 10 diem," and inserting in lieu thereof the words "~~,~~
- 11 ~~per diem,~~".
- 12 4. Page 5, by inserting after line 16 the follow—
- 13 ing:
- 14 "6. In addition to the salaries and expenses
- 15 authorized by this section, members of the general
- 16 assembly shall be paid ~~forty dollars per day, except~~
- 17 ~~the speaker of the house who shall be paid sixty~~
- 18 ~~dollars per day, and necessary travel and actual~~
- 19 ~~expenses incurred in attending meetings for which~~
- 20 ~~per diem or expenses are authorized by law for members~~
- 21 ~~of the general assembly who serve on statutory boards,~~
- 22 ~~commissions, or councils, and for standing or interim~~
- 23 ~~committee or subcommittee meetings subject to the~~
- 24 ~~provisions of section 2.14, or when on authorized~~
- 25 ~~legislative business when the general assembly is~~
- 26 ~~not in session. However, if a member of the general~~
- 27 ~~assembly or the lieutenant governor is engaged in~~
- 28 ~~authorized legislative business at a location other~~
- 29 ~~than at the seat of government during the time the~~
- 30 ~~general assembly is in session, payment may be made~~
- 31 ~~for the actual transportation and lodging costs~~
- 32 ~~incurred because of the business. Such per diem or~~
- 33 ~~expenses shall be paid promptly from funds appropriated~~

34 pursuant to section 2.12.

35 Sec. . Section two point twelve (2.12),
36 unnumbered paragraph two (2), Code 1977, is amended
37 to read as follows:

38 There is hereby appropriated out of any funds in
39 the state treasury not otherwise appropriated, such
40 sums as may be necessary, for each house of the general
41 assembly for the payment of any unpaid expense of
42 the general assembly incurred during or in the interim
43 between sessions of the general assembly, including
44 but not limited to salaries and necessary travel and
45 actual expenses of members and expenses of stand-
46 ing and interim committees or subcommittees and per
47 diem or expenses for members of the general assembly
48 who serve on statutory boards, commissions, or councils
49 for which per diem or expenses are authorized by law.
50 The state comptroller is hereby authorized and directed

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1 to issue warrants for such items of expense upon
2 requisition of the president and secretary of the
3 senate for senate expense or the speaker and chief
4 clerk of the house for house expense.

5 Sec. . Section two point fourteen (2.14),
6 subsection five (5), Code 1977, is amended to read
7 as follows:

8 5. When the general assembly is not in session,
9 a member of the general assembly shall be paid forty
10 dollars per day and his necessary travel and actual
11 expenses incurred in attending meetings of a standing
12 committee or subcommittee of which he is a member
13 in addition to his regular compensation. Such
14 compensation and expenses shall be allowed only if
15 the member attends a meeting of the committee or
16 subcommittee for at least four hours.

17 Sec. . Section two point forty-four (2.44),
18 Code 1977, is amended to read as follows:

19 2.44 EXPENSES OF COUNCIL AND SPECIAL INTERIM
20 COMMITTEES. Members of the legislative council shall
21 be reimbursed for actual and necessary expenses
22 incurred in the performance of their duties, and shall
23 receive a per diem of forty dollars for each day in
24 which engaged in the performance of such duties.
25 However, such per diem compensation and expenses shall
26 not be paid when the general assembly is actually
27 in session at the seat of government. Such expenses
28 and per diem shall be paid in the manner provided
29 for in section 2.12.

30 Members of special interim study committees which
31 may from time to time be created and members of the
32 legislative fiscal committee who are not members of the
33 the legislative council shall be entitled to receive
34 the same expenses ~~and compensation~~ provided for the
35 members of the legislative council.

36 Sec. . Section two point sixty-six (2.66), Code
37 1977, is amended to read as follows:

38 2.66 OFFICE AND SUPPLIES—EXPENSES. The office
39 of the service bureau shall be located in the
40 statehouse. Supplies, postage, and equipment may
41 be requisitioned from the department of general
42 services. Expenses of the legislative service bureau
43 shall be paid upon the approval of the director of
44 the bureau and, if an extraordinary expense, upon
45 the approval of the legislative council or its ~~chairman~~
46 chairperson. Funds appropriated for ~~per diem and~~
47 expenses of the legislative council, legislative
48 fiscal committee, and special interim study committees
49 shall be paid and administered in the manner provided
50 by the legislative council.

Page 3

1 Sec. . Section eighteen A point five (18A.5),
2 Code 1977, is amended to read as follows:

3 18A.5 COMPENSATION AND EXPENSES. The
4 nonlegislative members of the commission shall be
5 reimbursed for their actual and necessary expenses
6 and shall be paid a forty-dollar per diem while in
7 attendance at any meeting of the commission held at
8 the seat of government and shall be reimbursed for
9 their expenses for going to and from the seat of
10 government to attend a meeting. All per diem and
11 expense moneys paid to the nonlegislative ~~commissioners-~~
12 members of the commission shall be paid from funds
13 appropriated to the commission. Service of the dir-
14 ector of the department of general services and the
15 state architect upon this commission shall be an
16 additional duty conferred by statute. Legislative
17 members of the commission shall receive payment for
18 expenses pursuant to section 2.10 and section 2.12.

19 Sec. . Section twenty-eight B point four (28B.4),
20 Code 1977, is amended to read as follows:

21 28B.4 REPORT. The commission shall report to
22 the governor and to the legislature within fifteen
23 days after the convening of each general assembly,
24 and at such other times as it deems appropriate.
25 Its members and the members of all committees which

26 it establishes shall be reimbursed for their travel
27 and other necessary expenses in carrying out their
28 obligations under this chapter and legislative members
29 shall be paid ~~a per diem of forty dollars~~ expenses
30 for each day in which engaged in the performance of
31 their duties, such ~~per diem~~ and legislators' expenses
32 to be paid from funds appropriated by sections 2.10
33 and 2.12. Expenses of administrative officers, state
34 officials, or state employees who are members of the
35 Iowa commission on interstate co-operation or a
36 committee appointed by the commission shall be paid
37 from funds appropriated to the agencies or departments
38 which such persons represent except as may otherwise
39 be provided by the general assembly. Expenses of
40 citizen members who may be appointed to committees
41 of the commission may be paid from funds as authorized
42 by the general assembly. Expenses of the secretary
43 or employees of the secretary and support services
44 in connection with the administration of the commission
45 shall be paid from funds appropriated to the
46 legislative service bureau unless otherwise provided
47 by the general assembly. Expenses of commission
48 members shall be paid upon approval of the chair-
49 ~~man~~ chairperson or the secretary of the commission.
50 Sec. . Section sixty-eight B point ten (68B.10),

Page 4

1 unnumbered paragraph two (2), Code 1977, is amended
2 to read as follows:

3 The two individuals appointed by the chief justice
4 of the supreme court shall receive a per diem of forty
5 dollars and travel actual and necessary expenses at
6 ~~the same rate as paid members of interim committees-~~
7 including travel for attending meetings of the ethics
8 committee. Members of the general assembly shall
9 receive ~~a per diem of forty dollars and travel actual~~
10 and necessary expenses including travel at the same
11 rate as paid members of interim committees for
12 attending meetings held when the general assembly
13 is not in session. The per diem for members appointed
14 by the chief justice and expenses shall be paid from
15 funds appropriated by section 2.12.

16 Sec. . Section eighty B point eight (80B.8),

17 Code 1977, is amended to read as follows:

18 80B.8 COMPENSATION AND EXPENSES. The members
19 of the council, ~~who are not except~~ employees of the
20 state or a political subdivision or members of the
21 general assembly, shall be paid a forty-dollar per

22 diem. All members of the council shall be reimbursed
23 for necessary and actual expenses incurred in attending
24 meetings and in the performance of their duties.
25 All per diem and expense moneys paid to nonlegislative
26 members shall be paid from funds appropriated to the
27 Iowa law enforcement academy. Legislative members
28 of the council shall receive payment pursuant to sec-
29 tion 2.10 and section 2.12.

30 Sec. . Section ninety—three point five (93.5),
31 Code 1977, is amended to read as follows:

32 93.5 COMPENSATION AND EXPENSES. Council members
33 ~~who are not, except~~ employees of the state and
34 legislative members, shall receive a per diem at the
35 rate of forty dollars for each day devoted to council
36 business and all nonlegislative members shall be
37 reimbursed for actual expenses incurred in carrying
38 out their duties as members of the council.
39 Legislative members shall receive payment pursuant
40 to section 2.10 and section 2.12.

41 Sec. . Section ninety—seven B point eight
42 (97B.8), Code 1977, is amended to read as follows:

43 97B.8 ADVISORY INVESTMENT BOARD. A board shall
44 be established to be known as the "Advisory Investment
45 Board of the Iowa Public Employees' Retirement System",
46 hereinafter called the "board", whose duties shall
47 be to advise and confer with the department in matters
48 relating to the investment of the trust funds of the
49 Iowa public employees' retirement system. The powers
50 of the board shall be purely advisory and the de—

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1 partment shall not be bound in the making of any
2 investment by the recommendations of the board. The
3 board shall consist of seven members. Five of the
4 members shall be appointed by the governor, one of
5 whom shall be an executive of a domestic life insurance
6 company, one an executive of a state or national bank
7 operating within the state of Iowa, the third shall
8 be an executive of a major industrial corporation
9 located within the state of Iowa, and two shall be
10 active members of the system, one of whom shall be
11 an employee of a school district, county school system,
12 joint county system or merged area and one of whom
13 shall not be an employee of a school district, county
14 school system, joint county system or merged area.
15 The president of the senate shall appoint one member
16 from the membership of the senate and the speaker
17 of the house of representatives shall appoint one

18 member from the membership of the house. The two
 19 members appointed by the president of the senate and
 20 the speaker of the house of representatives and the
 21 two active members of the system appointed by the
 22 governor shall be ex officio members of the board.
 23 The members who are executives of a domestic life
 24 insurance company, a state or national bank and a
 25 major industrial corporation shall be paid their
 26 actual expenses incurred in performance of their
 27 duties and shall receive in addition thereto the sum
 28 of forty dollars for each day of service not exceeding
 29 forty days per year. Legislative members shall receive
 30 ~~the sum of forty dollars~~ for each day of service and
 31 their actual expenses incurred in the performance
 32 of their duties. ~~The per diem and~~ expenses of the
 33 legislative members shall be paid from funds
 34 appropriated under section 2.12. The members who
 35 are active members of the system shall be paid their
 36 actual expenses incurred in the performance of their
 37 duties as members of the board and performance of
 38 their duties as members of the board shall not affect
 39 their salaries, vacation or leaves of absence for
 40 sickness or injury. The appointive terms of the
 41 members appointed by the governor shall be for a
 42 period of six years dating from July ~~1~~ first of the
 43 year in which they are appointed. In the event of
 44 vacancy, through resignation or any other cause, in
 45 the membership of the board, the governor shall have
 46 the power of appointment. Appointees to this board
 47 shall be subject to confirmation by a two-thirds vote
 48 of the senate, but in the event of interim
 49 appointments, such confirmation shall be necessary
 50 at the next session of the senate."

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1 5. Page 5, by inserting after line 27 the fol-
 2 lowing sections:
 3 "Sec. . Section two hundred forty-nine A point
 4 four (249A.4), subsection eight (8), unnumbered
 5 paragraph two (2), Code 1977, is amended to read as
 6 follows:
 7 For each council meeting, other than those held
 8 during the time the general assembly is in session,
 9 each legislative member of the council shall be
 10 reimbursed for actual traveling and other necessary
 11 expenses ~~and shall receive a per diem of forty dollars~~
 12 for each day in attendance, as shall the public.

13 Public representatives, regardless of whether the
14 general assembly is in session shall receive a per
15 diem of forty dollars and actual travel and other
16 necessary expenses.

17 Sec. . Section two hundred forty-nine B point
18 six (249B.6), Code 1977, is amended to read as follows:

19 249B.6 EXPENSES. Members of the commission,
20 except members of the general assembly, while engaged
21 in their official duties shall be reimbursed for their
22 actual and necessary expenses and be paid a forty-
23 dollar per diem. Legislative members of the commission
24 shall receive payment pursuant to section 2.10 and
25 section 2.12.

26 Sec. . Section two hundred sixty-one point four
27 (261.4), Code 1977, is amended to read as follows:

28 261.4 FUNDS—COMPTRROLLER—COMPENSATION AND EXPENSES
29 OF COMMISSION. The state comptroller shall keep an
30 accounting of all funds received and expended by the
31 commission. The members of the commission, except
32 those members who are employees of the state or members
33 of the general assembly, shall be paid a forty-dollar
34 per diem and shall be reimbursed for actual and
35 necessary expenses. Members of the general assembly
36 shall be reimbursed for actual and necessary expenses.

37 All per diem and expense moneys paid to nonlegislative
38 members shall be paid from funds appropriated to the
39 commission. Legislative members of the commission
40 shall receive payment pursuant to section 2.10 and
41 section 2.12.

42 Sec. . Section three hundred four point four
43 (304.4), Code 1977, is amended to read as follows:

44 304.4 EXPENSES. The nonlegislative members of
45 the commission shall serve without compensation but
46 may receive their actual expenses incurred in the
47 performance of their duties. Legislative members
48 shall receive per diem and payment for expenses
49 pursuant to section 2.10 and 2.12.

50 Sec. . Section seven hundred fifty point eight

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1 (750.8), unnumbered paragraph two (2), Code 1977,
2 is amended to read as follows:

3 Members shall be appointed prior to the adjournment
4 of the first regular session of each general assembly
5 and shall serve for terms ending upon the convening
6 of the following general assembly or when their
7 successors are appointed. Vacancies shall be filled

8 in the same manner as original appointments and shall
 9 be for the remainder of the unexpired term of the
 10 vacancy. The members of the committee shall be
 11 reimbursed for actual and necessary expenses incurred
 12 in the performance of their duties ~~and shall receive~~
 13 ~~forty dollars~~ for each day in which engaged in the
 14 performance of such duties. However, such ~~per diem-~~
 15 ~~compensation and~~ expenses shall not be paid when the
 16 general assembly is actually in session at the seat
 17 of government. Expenses ~~and per diem~~ shall be paid
 18 from funds appropriated pursuant to section 2.12."
 19 6. By numbering and renumbering sections as neces-
 20 sary.

Roll call was requested by Conlon of Muscatine and Bennett of
 Ida.

Rule 70 was invoked.

On the question "Shall amendment H-4094 be adopted?"

The ayes were, 30:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Hansen
Harbor	Harvey	Krewson	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schnekloth	Smalley	Stephens
Thompson	Tofte	Varley	Welden
West	Woods		

The nays were, 53:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Connors	Cusack	Davitt	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gilloon	Gilson	Griffee	Hargrave
Higgins	Hines	Horn	Howell
Husak	Jesse	Jochum	Koogler
Krause	Lonergan	Middleswart	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Schroeder	Shimanek
Small	Spear	Stromer	Svoboda
Tauke	Walter	Wells	Wyckoff
			Mr. Speaker

Absent or not voting, 16:

Brockett	Chiodo	Crabb	Den Herder
Dieleman	Halvorson	Hinkhouse	Hoffmann
Hullinger	Junker	Lageschulte	Poncy
Rinas	Scheelhaase	Spencer	Wulff

Amendment H-4094 lost.

Horn of Linn asked and received unanimous consent to withdraw amendment H-4152 filed by him on May 12, 1977.

Spear of Lee offered the following amendment H-4127 filed by him:

H-4127

- 1 Amend Senate File 213 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 14, by striking the words "twelve
- 4 thousand" and inserting in lieu thereof the words
- 5 "ten thousand five hundred".
- 6 2. Page 3, line 17, by striking the word "fourteen"
- 7 and inserting in lieu thereof the word "twelve".
- 8 3. Page 4, line 8, by striking the word "eighteen"
- 9 and inserting in lieu thereof the word "fifteen".
- 10 4. Page 4, line 21, by striking the word "eighteen"
- 11 and inserting in lieu thereof the word "fifteen".

Spear of Lee offered the following amendment H-4151, to amendment H-4127, filed by him and moved its adoption:

H-4151

- 1 Amend the Spear amendment, H-4127, to Senate File
- 2 213 as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by inserting after line 7 the following:
- 5 3. Page 3, line 18, by inserting after the word
- 6 "capacity" the words "and not more than three assis-
- 7 tant majority leaders of the house and senate, not
- 8 more than three assistant minority leaders of the
- 9 house and senate, and the speaker and president pro
- 10 tempore shall receive a salary of eleven thousand
- 11 dollars."

12 2. Renumber the remaining amendments in H-4127.

A non-record roll call was requested.

The ayes were 24, nays 54.

Amendment H-4151 lost.

Spear of Lee moved the adoption of amendment H-4127.

A non-record roll call was requested.

The ayes were 27, nays 49.

Amendment H-4127 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wulff of Black Hawk for the remainder of the day on request of Bennett of Ida.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H-4258 filed by him on May 18, 1977.

Millen of Van Buren asked and received unanimous consent to withdraw amendment H-4117 filed by Lageschulte of Bremer on May 11, 1977.

Spear of Lee offered the following amendment H-4183 filed by him:

H-4183

- 1 Amend Senate File 213 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, by striking line 21 and inserting in
- 4 lieu thereof the words "the general assembly member's
- 5 house is actually in session commencing with the
- 6 first".
- 7 2. Page 3, by striking lines 22, 23, and 24, and
- 8 inserting in lieu thereof the words "day of a
- 9 legislative session and ending with the day of final

10 ~~adjournment of each legislative session as indicated~~
11 ~~by the journals of the house and senate, except that~~
12 ~~in the event".~~

13 3. Page 3, line 25, by striking the words "general
14 assembly" and inserting in lieu thereof the words
15 "member's house".

16 4. Page 3, line 26, by striking the word "calendar"
17 and inserting in lieu thereof the word "session".

18 5. Page 3, by striking line 27 and inserting in
19 lieu thereof the words "session of the member's house
20 exceeds one hundred session days, such payments shall".

21 6. Page 3, line 28, by striking the word "calendar"
22 and inserting in lieu thereof the word "session".

23 7. Page 3, line 29, by striking the word "calendar"
24 and inserting in lieu thereof the word "session".

By unanimous consent the following amendment H-4358, to amendment H-4183, filed by Spear of Lee was adopted:

H-4358

1 Amend amendment H-4183 to Senate File 213 as
2 follows:

3 1. Page 1, by inserting after line 24, the
4 following words "As used in this section, "actual
5 session days" shall include any day during a regular
6 or extraordinary session when the members' house is
7 engaged in debate or a committee of that house is
8 meeting with the authorization of that house."

Spear of Lee moved the adoption of amendment H-4183, as amended.

A non-record roll call was requested.

The ayes were 27, nays 51.

Amendment H-4183 lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H-4044 filed by him on May 6, 1977.

Byerly of Polk offered the following amendment H-4286 filed by Byerly, et al., and moved its adoption:

H-4286

- 1 Amend Senate File 213 as amended, passed and re—
 2 printed by the Senate as follows:
 3 1. Page 3, line 30, by inserting after the word
 4 "county" the words "and members who do not maintain a
 5 residence in Polk County apart from the member's
 6 residence in his or her district".

Amendment H-4286 lost.

Hines of Story asked and received unanimous consent to withdraw amendment H-4063 filed by him on May 9, 1977.

Spear of Lee asked and received unanimous consent to withdraw amendment H-4238 filed by him on May 17, 1977.

Thompson of Polk asked and received unanimous consent to withdraw amendment H-4360 filed by her from the floor.

Howell of Floyd asked for unanimous consent to withdraw amendment H-4257 filed by him on May 18, 1977.

Objection was raised.

Howell of Floyd moved to withdraw amendment H-4257 filed by him on May 18, 1977, which motion prevailed and amendment H-4257 was withdrawn.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 213)

The ayes were, 51:

Anderson	Avenson	Baker	Binneboese
Brunow	Chiodo	Clark, B.J.	Connors
Cusack	Davitt	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilloon

Griffie	Halvorson	Hargrave	Harvey
Higgins	Hines	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Krewson	Lonegan	Middleswart	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Pelton	Poney	Rinas
Scheelhaase	Schroeder	Shimaneck	Small
Svoboda	Tauke	Tofte	Varley
Walter	Wells	Mr. Speaker	

The nays were, 39:

Bennett	Bina	Brandt	Branstad
Byerly	Clark, J.H.	Conlon	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Gilson	Hansen	Harbor
Hinkhouse	Horn	Husak	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Miller, O.L.	Nielsen	Oxley	Pellett
Perkins	Schneklath	Smalley	Spear
Stephens	Stromer	Thompson	Welden
West	Woods	Wyckoff	

Absent or not voting, 9:

Brockett	Crabb	Den Herder	Dieleman
Hoffmann	Junker	Lageschulte	Spencer
Wulff			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 622, a bill for an act appropriating funds for capital projects at institutions under the control of the state board of regents.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT CONSIDERED

Horn of Linn called up for consideration House File 622, a bill for an act appropriating funds for capital projects at institutions under the control of the state board of regents, amended by the Senate amendment H-4356 as follows:

H-4356

1 Amend House File 622 as follows:

2 1. Page 1, by striking lines 12 and 13 and
3 inserting in lieu thereof the following:

4 "For gymnasium number one perimeter
5 renovation. \$250,000".

6 2. Page 1, by inserting after line 20 the
7 following:

8 "6. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

9 For a horticulture addition and
10 remodeling \$2,460,000

11 Sec. . Chapter two hundred eighty A (280A),
12 Code 1977, is amended by adding the following new
13 section:

14 NEW SECTION. There is appropriated annually from
15 the general fund of the state to the department of
16 public instruction the sum of five hundred thousand
17 (500,000) dollars to be used for construction projects
18 at merged area one (I) within Dubuque County. This
19 section is repealed effective July 1, 1980."

20 3. Page 1, by inserting after line 20 the
21 following:

22 "Sec. . The total estimated cost of fine arts
23 elements included in the plans and specifications
24 for the capital improvements authorized by this Act
25 for the Lindquist Center, for the horticulture addition
26 and remodeling project, and for construction projects
27 at merged area one (I) within Dubuque County shall
28 be not less than one-half of one percent of the total
29 appropriation for such construction projects.

30 Sec. . As used in this Act, "fine arts" means
31 sculpture, fountains, bas-reliefs, mosaics, frescoes,
32 wall hangings, pictures or other enhancements to be
33 integrated into the total environment of such
34 construction. Fine arts does not include the
35 structural elements or hardware and other accessories.

36 Sec. . The State Board of Regents and the
37 merged area one (I) board of directors shall coordinate
38 with the Iowa Arts Council all matters relating to
39 the inclusion of works of fine arts in their respective

- 40 projects authorized by this Act.”
 41 4. Page 1, line 26, by striking the words “and
 42 five (5)” and inserting in lieu thereof the words
 43 “, five (5) and six (6)”.
 44 5. Renumbering as necessary.
 45 6. Title page, line 3, by inserting after the
 46 word “regents” the words “and merged area schools”.

Baker of Buena Vista offered the following amendment H-4362, to the Senate amendment H-4356, filed by him and Davitt of Warren from the floor and moved its adoption.

H-4362

- 1 Amend amendment H-4356 to House File 622 as
 2 follows:
 3 1. Page 1, by inserting after line 1, the
 4 following:
 5 “ . Page 1, by striking lines 6 through 8.”
 6 2. Page 1, by inserting after line 40, the
 7 following:
 8 “ . Page 1, by striking lines 24 through
 9 32.”.

A non-record roll call was requested.

The ayes were 9, nays 56.

Amendment H-4362 lost.

Hines of Story offered the following amendment H-4363, to the Senate amendment H-4356, filed by him from the floor and moved its adoption:

H-4363

- 1 Amend H-4356 to House File 622 as follows:
 2 1. Page 1, by striking lines 8-10 and inserting
 3 in lieu thereof the following:
 4 “6. IOWA STATE UNIVERSITY OF SCIENCE AND
 5 TECHNOLOGY
 6 a. For Music building construction . . . \$3,385,000
 7 b. For Horticulture building
 8 planning \$ 110,000”.

Roll call was requested by Hines of Story and Egenes of Story.

Rule 70 was invoked.

On the question "Shall amendment H-4363, to the Senate amendment H-4356, be adopted?"

The ayes were, 37:

Baker	Branstad	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Daggett
Danker	Davitt	Egenes	Evans
Garrison	Gentleman	Gilson	Griffee
Hansen	Harbor	Harvey	Hines
Jesse	Krause	Lonergan	Millen
Miller, O.L.	Monroe	Pellett	Perkins
Rinas	Scheelhaase	Schnekloth	Smalley
Spear	Stephens	West	Woods
Wyckoff			

The nays were, 44:

Anderson	Avenson	Bennett	Bina
Binneboese	Brunow	Connors	Cusack
Doyle	Dunton	Dyrland	Fitzgerald
Gilloon	Halvorson	Hargrave	Higgins
Hinkhouse	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krewson
Lipsky	Middleswart	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Schroeder	Shimanek	Small
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	Mr. Speaker

Absent or not voting, 18:

Brandt	Brockett	Chiodo	Crabb
Den Herder	Dieleman	Hoffmann	Junker
Lageschulte	Lindeen	Menke	Miller, K.D.
Newhard	Poncy	Spencer	Stromer
Welden	Wulff		

Amendment H-4363 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lindeen of Henry on request of Stephens of Plymouth; Harbor of Mills on request of Varley of Adair; Pellett of Cass on request of Millen of Van Buren, all for the remainder of the day.

Horn of Linn moved that the House concur in the Senate amendment H-4356, which motion prevailed.

Horn of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 622)

The ayes were, 73:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Connors
Crawford	Cusack	Daggett	Danker
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Hargrave	Harvey	Higgins	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller, O.L.
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pelton	Perkins
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Wyckoff
			Mr. Speaker

The nays were, 9:

Baker	Conlon	Davitt	Egenes
Hines	Monroe	Spear	Stephens
Woods			

Absent or not voting, 17:

Brockett	Chiodo	Crabb	Den Herder
Dieleman	Harbor	Hoffmann	Junker

Lageschulte
Poncy
Wulff

Lindeen
Spencer

Newhard
Stromer

Pellett
Welden

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER PREVAILED
(Senate File 337)

Connors of Polk called up for consideration the motion to reconsider Senate File 337, filed from the floor, and moved to reconsider the vote by which Senate File 337, a bill for an act to provide a funding system for unemployment compensation benefits, failed to pass the House on May 21, 1977.

Roll call was requested by Pavich of Pottawattamie and Gilson of Guthrie.

On the question "Shall the vote by which Senate File 337 failed to pass the House be reconsidered?"

The ayes were, 64:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Connors	Crawford
Cusack	Davitt	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hargrave	Higgins	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lipsky	Lonergan
Middleswart	Miller, O.L.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Spear	Svoboda	Tauke	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 18:

Bennett	Branstad	Conlon	Daggett
Danker	Evans	Hansen	Harvey

Menke
Smalley
Varley

Millen
Stephens
West

Miller, K.D.
Thompson

Schnekloth
Tofte

Absent or not voting, 17:

Brockett
Dieleman
Lageschulte
Poncy
Wulff

Chiodo
Harbor
Lindeen
Spencer

Crabb
Hoffmann
Newhard
Stromer

Den Herder
Junker
Pellett
Welden

The motion prevailed and the House reconsidered Senate File 337.

Connors of Polk moved to reconsider the vote by which Senate File 337 was placed on its last reading, which motion prevailed.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 337)

The ayes were, 58:

Anderson
Binneboese
Clark, B.J.
Davitt
Fitzgerald
Griffie
Hinkhouse
Husak
Krause
Middleswart
Norland
Pavich
Schroeder
Tauke
Wyckoff

Avenson
Brandt
Connors
Doyle
Garrison
Hargrave
Horn
Jesse
Krewson
Miller, O.L.
O'Halloran
Perkins
Small
Walter
Mr. Speaker

Baker
Brunow
Crawford
Dunton
Gentleman
Higgins
Howell
Jochum
Lipsky
Monroe
Oxley
Rinas
Spear
Wells

Bina
Byerly
Cusack
Dyrland
Gilloon
Hines
Hullinger
Koogler
Lonergan
Nielsen
Patchett
Scheelhaase
Svoboda
Woods

The nays were, 24:

Bennett
Daggett

Branstad
Danker

Clark, J.H.
Egenes

Conlon
Evans

Gilson	Halvorson	Hansen	Harvey
Menke	Millen	Miller, K.D.	Pelton
Schnekloth	Shimanek	Smalley	Stephens
Thompson	Tofte	Varley	West

Absent or not voting, 17:

Brockett	Chiodo	Crabb	Den Herder
Dieleman	Harbor	Hoffmann	Junker
Lageschulte	Lindeen	Newhard	Pellett
Poncy	Spencer	Stromer	Welden
Wulff			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 198 WITHDRAWN

Koogler of Mahaska asked and received unanimous consent to withdraw House File 198 from further consideration by the House.

MOTION TO RESCIND WITHDRAWN (House File 463)

Koogler of Mahaska asked and received unanimous consent to withdraw the motion to rescind the vote by which House File 463 passed the House, filed by him on May 17, 1977.

MOTION TO RECONSIDER LOST (Senate File 386)

Hansen of O'Brien called up for consideration the motion to reconsider Senate File 386, filed by him from the floor, and moved to reconsider the vote by which Senate File 386, a bill for an act relating to education funding providing for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts, failed to pass the House on May 21, 1977.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 50, nays 31.

The motion, having failed to receive a constitutional majority, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek and Stromer of Hancock for the remainder of the day on request of Millen of Van Buren.

ADOPTION OF SENATE CONCURRENT RESOLUTION 25

Nielsen of Polk called up for consideration Senate Concurrent Resolution 25, filed on May 19, 1977 and found on pages 2477 and 2478 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 26

Nielsen of Polk called up for consideration Senate Concurrent Resolution 26 filed on May 19, 1977 and found on page 2478 of the House Journal.

Krause of Kossuth offered the following amendment H-4355 filed by him and Rinas of Linn from the floor and moved its adoption:

H-4355

- 1 Amend Senate Concurrent Resolution 26, page 1,
- 2 line 5, by inserting after the words "solely of"
- 3 the words "transportation funding,".

A non-record roll call was requested.

The ayes were 26, nays 47.

Amendment H-4355 lost.

Hines of Story offered the following amendment H-4364 filed by him from the floor and moved its adoption:

H-4364

- 1 Amend Senate Concurrent Resolution 26 as follows:
- 2 1. Page 1, line 7, by inserting after the
- 3 word "bargaining," the following:
- 4 "capital funding for Regents institutions,".

A non-record roll call was requested.

The ayes were 27, nays 39.

Amendment H-4364 lost.

Nielsen of Polk moved the adoption of Senate Concurrent Resolution 26.

A non-record roll call was requested.

The ayes were 50, nays 21.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 27

Fitzgerald of Webster called up for consideration Senate Concurrent Resolution 27 filed on May 19, 1977 and found on pages 2478 through 2482 of the House Journal, and moved its adoption.

A non-record roll call was requested.

The ayes were 65, nays 2.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 49

By Miller of Buchanan and Wyckoff

1 *Whereas*, the overwhelming majority of traders on
2 the commodity futures markets are speculators who have
3 no connection with the grain trade other than their
4 trading; and

5 *Whereas*, these speculators sell and buy futures for
6 sport or gambling and not for the purpose of delivering
7 or accepting delivery of the commodity and the selling
8 and buying does not represent actual bushels but "paper
9 bushels"; and

10 *Whereas*, such speculation presents the possibility
11 of fraud and corruption as evidenced by the case of a
12 Texas family which has accumulated an inordinately large
13 position in one of the grain markets in alleged viola-
14 tion of the rules of the Commodity Trading Futures Com-
15 mission; and

16 *Whereas*, such speculation can result in highly
17 volatile prices in any given commodity, as evidenced
18 by the recent price action in the soybean futures, and
19 such volatility affects both the producer and consumer; and

20 *Whereas*, such speculation can result in overly high
21 future prices which are reflected in the daily local market
22 prices which in turn effect the valuation, based on
23 productivity, and the resulting tax on farmland even
24 though hardly any actual commodity is traded at those
25 prices; *Now Therefore*,

26 *Be It Resolved by the House of Representatives, the*
27 *Senate Concurring*, That an interim study committee be
28 appointed for the purpose of studying the commodity
29 futures markets and their effect on the prices received
30 by farmers and paid by consumers in Iowa. Recommendation

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1 shall be forthcoming as to the action which the legislature
2 could take in order to assure a more stable marketing
3 procedure.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 50

By O'Halloran and Svoboda

1 *Whereas*, increasing reliance on nuclear power has
2 been cited as one alternative to our nation's current
3 energy crisis; and

4 *Whereas*, certain problems associated with the
5 proliferation of nuclear power facilities have not
6 satisfactorily been resolved, including the identifica-
7 tion of feasible and acceptable methods for reprocessing
8 spent fuel and for disposing of the highly radioactive
9 waste generated by nuclear plants; and
10 *Whereas*, other states have responded to these problems
11 by considering legislation which prohibits the issuance of
12 permits for the construction of new nuclear generating
13 plants until appropriate waste disposal and reprocessing
14 methods are identified by the federal government and
15 approved by a designated state agency and the legislature;
16 and
17 *Whereas*, legislation to respond to these critical
18 problems has been introduced in Iowa; *Now Therefore*,
19 *Be It Resolved by the House of Representatives, the*
20 *Senate Concurring*, That the Legislative Council is
21 requested to appoint an interim study committee com-
22 posed of members of the House and Senate standing com-
23 mittees on energy to study the need for and the implica-
24 tions of House File 523 and House File 551. The study
25 shall include a review of the status of the technology
26 necessary for reprocessing and disposal of radioactive
27 wastes, an assessment of federal policies and develop-
28 ments in the area, a review of other studies conducted
29 by governments and educational or research institutions
30 and the identification of reliable data. The study

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1 shall also examine as a secondary objective the need
2 for reprocessing and disposal facilities, technologies
3 and sites considering projections of the anticipated
4 demand for and reliance on nuclear energy; and
5 *Be It Further Resolved*, That the study committee
6 submit a report of its findings and recommendations,
7 including any legislative proposals to the Legisla-
8 tive Council and members of the General Assembly
9 meeting in 1978.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 51
By O'Halloran

1 *Whereas*, municipal electric utilities provide a
2 substantial portion of the essential electric power

3 consumed by residents of this state; and

4 *Whereas*, the municipal electric utilities have
5 demonstrated that the need exists for a means whereby
6 future sources of power can be acquired by those
7 utilities to assure adequate, economical and reliable
8 electric energy for existing and future customers; and

9 *Whereas*, the municipal electric utilities have dem-
10 onstrated that existing Iowa law is inadequate to per-
11 mit cities with municipal electric utilities to enter
12 the types of agreements between themselves and other
13 electric utilities, and to exercise those powers, either
14 individually or jointly, which would permit the acquisi-
15 tion of the most adequate, economical and reliable
16 sources of future power; and

17 *Whereas*, House File 611, introduced during the 1977
18 legislative session would provide those cities having
19 municipal electric utilities with additional powers and
20 authority to secure future sources of electric power;
21 and

22 *Whereas*, It has been asserted that House File 611
23 would have significant impact, e.g., upon the stability
24 of all electric utilities in this state, and upon govern-
25 mental subdivision tax revenues, and upon the economy of
26 the state of Iowa in general; *Now Therefore*,

27 *Be It Resolved by the House of Representatives, the*
28 *Senate Concurring*, That the legislative council authorize
29 the creation of a joint subcommittee of the house and
30 senate standing committees on energy to investigate the

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1 need for and the effects of enactment of the provisions
2 of House File 611; and

3 *Be It Further Resolved*, That a report of the subcom-
4 mittee's findings and recommendations, together with any
5 bill drafts or amendments, if any, be submitted to the
6 legislative council, the members of the respective stand-
7 ing committees, and the general assembly convening in
8 1978.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 52
By O'Halloran

1 *Whereas*, the President of the United States has
2 submitted to Congress a comprehensive national energy
3 package which emphasizes energy conservation as a
4 means to confine our demands within the limits of

5 finite supplies; and

6 *Whereas*, various studies have confirmed the "war-
7 time urgency" with which Americans must attack our
8 energy problem through conservation and the conversion
9 from petroleum fuels; and

10 *Whereas*, the general public has been questioning
11 "what can be done" as utility bills and other energy
12 costs soar with higher costs forecast for the future;
13 and

14 *Whereas*, the general assembly has the responsibility to
15 respond to the concerns of the public and to develop an
16 effective energy conservation program for Iowans before a
17 federal program preempts state activities by imposing
18 programs and requirements which may be ineffective or
19 inappropriate to the state's situation; and

20 *Whereas*, 1976 interim committee studied energy con-
21 servation and recommended a legislative package to the
22 First Session of the Sixty-seventh General Assembly for
23 consideration; *Now Therefore*,

24 *Be It Resolved by the House of Representatives, the*
25 *Senate Concurring*, That the Legislative Council appoint
26 an interim study committee to be composed of members of
27 the House and Senate standing committees on energy to
28 examine energy conservation proposals and associated pro-
29 blems which shall include but shall not be limited to:

30 1. House File 72 which provides property tax in-

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1 centives for alternative energy devices and other
2 proposals which encourage the conversion to nonfossil
3 fuel sources.

4 2. An examination of the problems if any experienced
5 by persons desiring to use an alternative energy system
6 such as a solar device to supplement power obtained
7 through a utility and conversely, the effect on
8 utilities of increasing reliance by consumers on
9 alternative energy systems.

10 3. House File 559 which requires homes to meet
11 minimal thermal efficiency standards before a loan
12 can be obtained for the transfer of ownership interest.

13 4. House File 475 which prohibits open flame pilot
14 lights on certain gas appliances.

15 5. Appliance efficiency standards legislation.

16 6. Senate File 353 which addresses the responsi-
17 bility of the state to purchase energy efficient auto-
18 mobiles and the role of the state in encouraging its
19 citizens to purchase energy efficient automobiles.

20 7. Senate File 261 which requires the state to
21 conduct a life cycle cost analysis for state con-
22 struction projects.

23 8. A review of the progress and any problems
24 associated with completion by the Energy Policy Council
25 of the state energy conservation plan; and

26 *Be It Further Resolved*, That the study committee
27 shall submit a report of its findings including recom-
28 mendations and legislative proposals to the Legislative
29 Council and the Second Session of the Sixty-seventh
30 General Assembly meeting in the year 1978.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 53

By Howell and Daggett

1 *Whereas*, the United States of America was founded
2 189 years ago as a union of many sovereign states; and

3 *Whereas*, its Constitution is a delegation by the
4 states of certain enumerated powers to the federal
5 government; and

6 *Whereas*, except in the exercise of the specific
7 powers delegated to the federal government, the Consti-
8 tution guarantees to the states their continued sov-
9 ereignty; and

10 *Whereas*, our government was designed as a republic,
11 governed by the people through their elected repre-
12 sentatives; and

13 *Whereas*, the United States was divided into 10
14 federal regions in 1972 by presidential executive order
15 11647; and

16 *Whereas*, these 10 federal regions were drawn without
17 regard to the sovereignty of the 50 states; and

18 *Whereas*, the establishment of the federal regions
19 can provide the structure for regional governments; and

20 *Whereas*, the establishment of smaller regional govern-
21 ments by states has been encouraged by the promise of
22 federal funds or the threat of their withdrawal; and

23 *Whereas*, these multistate and substate regional
24 governments are operated by appointed officials and may
25 eventually supplant the states, counties, and municipal-
26 ities which have traditionally served to preserve the
27 rights and powers of the people; *Now Therefore*,

28 *Be It Resolved by the House of Representatives, the*
29 *Senate Concurring*, That there is established a joint
30 committee on regional government, to consist of five

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1 representatives and five senators; and.

2 *Be It Further Resolved*, That the committee's members
3 be appointed as follows; three by the Speaker of the House
4 and two by the House Minority Leader, and three by the
5 Senate Majority Leader and two by the Senate Minority
6 Leader; and

7 *Be It Further Resolved*, That this committee is charged
8 with the investigation by public hearing of the existence,
9 cause of establishment, various purposes, structures,
10 funding, powers and duties, officials' and staff backgrounds,
11 activities, potential for power, and possible results of
12 regional governments within Iowa and into which Iowa has
13 been placed by external authorities; and

14 *Be It Further Resolved*, That the committee is directed
15 to report its findings to the General Assembly not later
16 than January 1, 1978.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 54
By Brunow, Hansen, Clark of Cerro Gordo,
Daggett, Gentleman, Gilson, Hargrave,
Lindeen, Miller of Calhoun and Newhard

1 *Whereas*, the 1976—1977 Advisory Commission on Correc—
2 tions Relief, established by Chapter 1043, Acts of the
3 Sixty—sixth General Assembly, 1976 Session, has recom—
4 mended that the state's major adult correctional facili—
5 ties be "unitized", that is, subdivided physically,
6 organizationally and in terms of program into smaller
7 population units; and

8 *Whereas*, unitization might well yield considerable
9 benefits in terms of safety and attitude of both staff
10 and inmates, but not enough is currently known about
11 all of the costs and other effects of doing so, and
12 therefore further analysis of this recommendation by
13 persons knowledgeable in the field of corrections is
14 desirable; *Now Therefore*,

15 *Be It Resolved by the House of Representatives, the*
16 *Senate Concurring*, That the Legislative Council is
17 directed to authorize the House and Senate Budget Sub—
18 committee on Social Services to conduct a study of and
19 submit to the Council and the 1978 Session of the Sixty—
20 seventh General Assembly, a report on the personnel and
21 staffing policies and practices of Iowa's adult correc—
22 tional institutions, with particular reference to the

- 23 implications for the number and qualifications of staff
24 personnel at these institutions of implementation of the
25 unitization concept within those institutions. The
26 study committee shall include in its study consideration
27 of the Iowa adult corrections institutions:
- 28 1. Tables of organization;
 - 29 2. Staff training programs;
 - 30 3. Staff compensation levels and policies;

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- 1 4. Staff turnover rates and the reasons therefor; and
- 2 5. Recruitment policies; and
- 3 *Be It Further Resolved*, That in addition, if time and
- 4 other circumstances permit, the House and Senate Budget
- 5 Subcommittee on Social Services shall consider the guide-
- 6 lines established and the procedures followed for the
- 7 classification, reclassification and transfer of convicted
- 8 offenders within and between the various correctional pro-
- 9 grams, security levels, locations and institutions main-
- 10 tained by the state; and
- 11 *Be It Further Resolved*, That every effort should be
- 12 made to coordinate this study with the work of the correc-
- 13 tions master plan task force; and
- 14 *Be It Further Resolved*, That the House and Senate Budget
- 15 Subcommittee on Social Services is authorized to employ
- 16 temporary staff or to retain the services of knowledgeable
- 17 persons, corporations, or groups with approval of the
- 18 legislative council, to assist the study committee in mak-
- 19 ing the study required by this resolution. The costs so
- 20 incurred shall be paid as provided by section two point
- 21 twelve (2.12), unnumbered paragraph one (1), of the Code.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 55
By Krause and Harbor

- 1 *Whereas*, recent changes in federal law and policy will
- 2 inevitably result in the abandonment of a substantial portion
- 3 of Iowa's rail transportation system, and
- 4 *Whereas*, these abandonments will have a ripple effect on
- 5 communities impacted, and
- 6 *Whereas*, the changing of the rail transportation system
- 7 will have major impacts on industrial and agricultural devel-
- 8 opment, *Now Therefore*,
- 9 *Be It Resolved by the House of Representatives, the Senate*

- 10 *Concurring*, that the legislative council is authorized to
11 create a study committee as provided by law, composed of
12 members of the Standing Transportation Committees of both
13 houses of the Sixty—seventh General Assembly representing both poli-
14 tical parties to conduct a study of the rail transportation
15 system of Iowa, the impacts of rail abandonment, and the
16 problems surrounding those impacts.
17 *Be It Further Resolved*, that the study committee shall
18 present a report of its findings and recommendations, complete
19 with appropriate bill drafts, designed to implement any
20 proposals.

Laid over under Rule 25.

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on Friday, May 20, 1977. Had I been present I would have voted "aye" on House File 291 and "nay" on amendment H—4284 to Senate File 393.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber on May 20, 1977. Had I been present, I would have voted "aye" on House File 291.

KOOGLER of Mahaska

On May 4, 1977 I inadvertently recorded myself as voting "nay" on House File 545. My intent was to vote "aye".

SVOBODA of Iowa

COMMUNICATION FROM GUAM LEGISLATURE

A copy of Resolution 93, relating to ratification of the equal rights amendment, was received from the Guam Legislature and placed on file in the office of the Chief Clerk.

COMMUNICATION FROM
NORTH CAROLINA GENERAL ASSEMBLY

A copy of Resolution 47, relating to memorializing Congress to consider the advisability of making payments in lieu of property taxes to local units of government within which large amounts of federal land are located or large numbers of military personnel are situated, was received from the North Carolina General Assembly and placed on file in the office of the Chief Clerk.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 10:20 p.m., May 19, 1977

Convened: 10:20 p.m.

Adjourned: 11:08 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Jesse, Koogler, Norland, Stromer, Welden, Wells and Wulff.

Absent: O'Halloran (arrived 10:25 p.m.), Varley (arrived 10:37 p.m.), and Den Herder.

House File 33, a bill for an act to require autopsies of children under the age of two years when the circumstances of death indicate that sudden infant death syndrome may be the cause of death, to require that the results of such autopsies be transmitted to a parent, to provide that the state shall pay for these autopsies, and making an appropriation.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or not voting: Den Herder.

House File 630, a bill for an act to appropriate funds to the department of health to be used to discharge the responsibilities of the department under House File three hundred fifty-four (354), Acts of the Sixty-seventh General Assembly, 1977 Session, and to establish the salaries of members of the state health facilities council established by that Act.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: Welden.

Absent or not voting: Den Herder and Jesse.

Senate Joint Resolution 11, a joint resolution to authorize an interim study of the public retirement systems in this state and to make an appropriation.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: Welden.

Absent or not voting: Den Herder.

Senate File 297, a bill for an act appropriating funds for the enforcement of welfare fraud laws.

Recommended AMEND AND DO PASS.

Amendment H-4323 found on page 2573 of the House Journal.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Wells and Wulff.

Nay: None.

Absent or not voting: Den Herder, Varley and Welden.

Senate File 371, a bill for an act extending the use of funds appropriated

for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Welden, Wells and Wulff.

Nay: None.

Absent or not voting: Den Herder and Varley.

Senate File 407, a bill for an act appropriating funds to the state board of public instruction to plan for an addition to a building.

Recommended AMEND AND DO PASS.

Amendment H-4324 found on pages 2582 and 2583 of the House Journal.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or not voting: Den Herder

Senate File 409, a bill for an act appropriating funds to the office of the Code editor.

Recommended DO PASS.

Aye: Cusack, Dunton, Avenson, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Nay: None.

Absent or not voting: Den Herder and Jesse.

COMMITTEE ON BUDGET

Scheduled: Call of the chair, May 20, 1977

Convened: 10:15 p.m.

Adjourned: 10:20 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member;

Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden, Wells and Wulff.

Absent: None.

House File 633, a bill for an act making an appropriation to the department of agriculture to provide funds sufficient to meet the expenses of the department's aujeszky's disease control program and to the Iowa state university of science and technology for aujeszky's disease research.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: Koogler and Wulff.

Absent or not voting: None.

Senate File 302, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

Recommended AMEND AND DO PASS.

Amendment H-4353 found on page 2612 of the House Journal.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and Wulff.

Nay: Welden.

Absent or not voting: None.

Senate File 351, a bill for an act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease.

Recommended DO PASS.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, Norland, Stromer, Varley, Welden, Wells and Wulff.

Nay: O'Halloran.

Absent or not voting: None.

SUBCOMMITTEE ASSIGNMENTS

Senate File 213

Budget
Brunow, chair
Avenson
Koogler
Krewson
Varley

MOTIONS TO RECONSIDER

(Conference Committee Report to Senate File 361)

I move to reconsider the vote by which the Conference Committee Report to Senate File 361 failed to be adopted on May 20, 1977.

NEWHARD of Jones

(Senate File 290)

I move to reconsider the vote by which Senate File 290 passed the House on May 20, 1977.

STROMER of Hancock

(Senate File 394)

I move to reconsider the vote by which Senate File 394 passed the House on May 20, 1977.

GILLOON of Dubuque

(Senate File 394)

I move to reconsider the vote by which Senate File 394 passed the House on May 20, 1977.

SCHNEKLOTH of Scott

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 20, 1977, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 118, a bill for an act declaring the multiflora rose to be a noxious weed.

STEVEN C. CROSS, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 21, 1977. Had I been present, I would have voted "aye" on Senate File 302.

KOOGLER of Mahaska

AMENDMENTS FILED

H-4336	H.F. 417	Krause of Kossuth
H-4340	S.F. 394	Lageschulte of Bremer
		Schnekloth of Scott
H-4343	S.F. 394	Scheelhaase of Woodbury

REMARKS BY SPEAKER COCHRAN

Speaker Cochran made the following remarks:

You know, the only time I get to say anything around here is when we start a session—and then at the end.

Just the other day, in passing, I saw this sentence written someplace: It said, "Getting started is the hardest thing."

I didn't read on, and I don't know who wrote that, but...I've got news for them:

If legislative starts were as difficult as legislative stops, Iowa would have very short sessions, indeed.

Now, here we are at the midway point in the Sixty-seventh General Assembly. We already know that our between-sessions period is not really a stopping point for lawmakers. It is a working period.

This year, we add the unusual prospect of a special session coming up soon, and we must face the idea that we aren't really at an adjournment point, we're only going to pause—for a break in the action.

This session has truly been one of legislative procedural reform. A number of innovations have enabled us to conclude our legislative business far ahead of schedule. I predicted three months ago our new procedures would cut one month off of a normal first year session of a General Assembly. A normal session closes down the third week in June. We've hit that target right on the button. This is the third week in May. The press didn't use it. May 1 made better headlines.

Following the first week of organizational and ceremonial functions, the next six weeks were devoted primarily to committee meetings. Ample time was afforded these committees to study and research legislation and to hold numerous budgetary hearings.

Weekly and daily debate calendars were prepared by the majority floor leadership. A sense of predictability, efficiency and organization, I believe, settled over our legislative business, aiding both legislators and the public in preparing for deliberations on the many, varied issues we took up this session.

For the first time, virtually all members of the House were involved in the budgetary process. Seven subcommittees and a 13-member budget committee struggled with developing a sensible budget under the pressures of a tight revenue situation and uncertain predictions for additional funds. I believe the reorganization of this process has provided an opportunity for meaningful participation by each legislator, both in committee and on the floor, in determining how our tax dollars are spent.

But we don't accomplish any of our work in a vacuum. The Iowa legislative staff is, in my opinion, the best in the nation. This group of technicians that make our jobs possible day in and day out, are responsible, professional and dedicated, each and every one. And remember, this session began with changes for the staff. I congratulate the people responsible for the camera-ready journal—this was a savings for the taxpayers but produced a huge change in staff procedure—a change that was accomplished with hardly a ripple for us—but with a tremendous effort from the staff. As I have said before, we legislators really know the clip sheets, weekly wrap-ups, the bill drafts and the journals don't just "get born" overnight. But you all do such a good job, it just seems that way. As legislators, we think it is pretty rough when we go home late in the evening. The staff has hours of work after that. I understand some of the staff has been working until after the sun comes up recently. We thank all of you.

When Representative Schroeder left our midst for the hospital there was a great deal of concern expressed around here about how we'd get along without all that close reading of the Code, and those famous amendments.

We rejoiced in Vern's rapid return to good health. And we should have known better than to worry. Never to be outdone, the majority party sent in its own amendment drafter...Representative Miller of Buchanan.

And it was Ken who gave us that concise description of the legislative process when he said, "Most of our time down here is spent plugging holes in darn fool laws we passed in the past."

It's as good a way as any to try to sum up; what holes did we plug?

In addition to the budget, you acknowledged the work of the excellent task force on prisons and passed a number of measures the task force recommended. And, with dispatch, I might add, you responded with legislation in the very session in which we received the report itself.

You have given Iowans the state's first land use law after seven years of work; you acted to keep farm and home owners' taxes from taking a giant leap in 1979 and 1980. You plugged holes in the criminal code revision.

You acted on health, on energy, on welfare, and on education laws. These bills were not the glamour issues that some writers have characterized as "sex appeal" bills. These were the quiet bills—the tough, the complicated, the technical bills—like area education agency funding, for example—the health care costs or certificate of need bill—the budget bills themselves—all work that needed to be done, that needed doing correctly, regardless of time.

You acknowledged a potential depletion of Iowa's water supply; you looked to the future on solar energy; you dealt with today's alcohol and drug abuse program problems.

Just this week Representative Gentleman said, "Thank God for the bicameral legislature." I agree.

Most of the time.

But you know the nature of the legislative beast is that two times as many of us as of them—means a bit more time passes between idea and law. That is as it should be.

But I want you to go home remembering that the House has done something very important for the Senate in 1977.

We have given them quite an agenda for 1978 and of that we really should be proud.

Revision of the state's juvenile justice code. Bottle deposit bill. Medical malpractice legislation. Minimum drinking age at 19. Election day registrations. Road funding. Literally years of work are in some of those bills. The House has said these are ideas whose time has come, and sent the bills for consideration in the Senate. Even some surprises were sent...

Together, the House and Senate have passed laws that affect the education, driving, taxes, leisure time and welfare of every individual in Iowa. Of course we recognize and welcome the fact that the 1978 agenda is a legislative agenda, not just a House or a Senate program. The House has already begun its committee work on a number of Senate-passed measures. Members will work together throughout the interim process.

And, when Iowans perceive the General Assembly, they see a legislative body, and not separate houses. When the people register their approval or disapproval of the legislature in public opinion polls, they are evaluating the total body—and the total process.

I am very proud that a recent legislative poll shows a 12% increase in Iowans' approval of the job we—you and I—and all of us are doing here. From just over one-third of the people, 37%, to just under one-half of the people, 49%, in the past year, have said "YES" when asked if they approve of the job the Iowa legislature is doing. This record of acceptance of a legislative body by the people is possibly a record.

Again this year, the levelers of wit and wisdom were hard at work. Following are examples of their efforts:

Former Speaker Harbor interjected, "We're creating a monster here before we even find out what the problem is."

Former Speaker Varley got into the middle of a controversy one day when he said, "Passing a law or issuing a permit does not create any more water."

Our dear departed friend Representative Harper clued us in one day when in her clear and positive tone noted, "We may not spend as much on booze in Davis County, but we enjoy it just as much."

Polk County's Representative Jesse observed one day, "I suggest to you that we should not use a bludgeon when a stilleto would do."

Representative Lipsky informed us, "Amendments are frequently the salt that seasons difficult legislation."

The mischevious Representative from Clayton, Mr. Halvorson, noted one day, "Speaker after speaker has got up and said he knew nothing about the subject and then spent the next five minutes proving it."

Representative Ken Miller who apparently has been tutored by former Representative Norpel told us something one day we had never thought of. "You don't come into this world all by yourself. You need a little help."

Representative Clark of Lee gave us all the "inside" one day: "The elected officials of Lee County, being of high moral character, have got rid of all the scoundrels and scalawags—except for a couple of members of the board of supervisors, of course."

Representative Small noted, "Why require somebody to fly when they don't have wings?"

The dry wit of Republican Welden came through when he stated, "The new test for germaneness seems to be that the sponsor be a member of the germane party."

Tom Gilloon mused, "We're going to tax sin, but we're opposed to taxing wealth."

Mr. Stromer blurted out one day, "We spend days trying to figure out whether we are going to dredge Blue Lake, or fund Brushy Creek, or put a plug in Leaky Lake."

Last January, I told you of the brief, three-word prayer that helps me begin each day. If you'll recall, it is simply the phrase, "Open my eyes."

Now I am sure you will join me in a late-hour invocation to the Lord in which we ask for a little time in which to now close them after these many, many long hours.

Until we meet again—soon. Thank you all very much for your dedication, your work, your co-operation and your service to the state through this House of Representatives.

On motion by Fitzgerald of Webster and pursuant to Senate Concurrent Resolution 27, duly adopted, the House adjourned at 8:17 p.m., until 10:00 a.m., June 13, 1977.

JOURNAL OF THE HOUSE

One Hundred Fifty—fifth Calendar Day -- Ninety—second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, June 13, 1977

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by Father LaVerne Wingert, pastor of St. Mary's Catholic Church, Avoca, Iowa.

The Journal of Friday, May 20, 1977 and Saturday, May 21, 1977 was approved.

PETITION FILED

The following petition was received and placed on file:

By Danker of Pottawattamie and Gilson of Guthrie from twenty—two Iowa residents opposing House File 535 and Senate File 336, relating to hotel—motel room tax.

COMMUNICATION FROM THE SECRETARY OF STATE

CERTIFICATION

STATE OF IOWA

Office of

THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MELVIN D. SYNHORST, Secretary of the State of Iowa, custodian of the files and records pertaining to elections in the state.

DO HEREBY CERTIFY, that the State Canvassing Board has declared that at a Special Election held on May 17, 1977, Don Gettings was declared elected to fill the office of State Representative for the Ninetieth District, to fill a vacancy in a two year term which began on January 1, 1977.

(Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 23rd day of May, A.D., 1977.

MELVIN D. SYNHORST
Secretary of State

MEMBER'S OATH OF OFFICE

"I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa to the best of my ability, so help me God."

(Signed) Don Gettings

State Representative

90th District

I, John B. Brunow, duly qualified and acting member of the Sixty-seventh General Assembly of Iowa, do certify that the above oath of office was administered by me at Ottumwa, Iowa on May 31, 1977.

(Signed) John B. Brunow

I, Charles N. Poncy, do certify that the above oath of office was administered at Ottumwa, Iowa on May 31, 1977.

(Signed) Charles N. Poncy

CONFERENCE COMMITTEES APPOINTED

(Senate File 407)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 407: Jesse of Polk, chair; Davitt of Warren, Poncy of Wapello, Brockett of Marshall and Menke of O'Brien.

(Senate File 361).

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 361: Nielsen of Polk, chair; Higgins of Scott, Garrison of Black Hawk, Pelton of Clinton and Branstad of Winnebago.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 20, 1977, rejected the conference committee report on Senate File 333, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, and that the members of the second conference committee, on the part of the Senate, appointed June 13, 1977, are: The Senator from Jasper, Senator Hill, chair; the Senator from Dubuque, Senator Carr; the Senator from Sioux, Senator DeKoster; the Senator from Polk, Senator Hill; and the Senator from Linn, Senator Redmond.

Also: That the members of the second conference committee on Senate File 361, a bill for an act relating to rules of appellate procedure in the courts, on the part of the Senate, appointed June 13, 1977, are: The Senator from Linn, Senator Rush, chair; the Senator from Webster, Senator Coleman; the Senator from Story, Senator Murray; the Senator from Scott, Senator Shaw; and the Senator from Polk, Senator Willits.

Also: That the members of the conference committee on Senate File 407, a bill for an act appropriating funds to the state board of public instruction to plan for an addition to a building, on the part of the Senate, appointed June 13, 1977, are: The Senator from Mahaska, Senator Van Gilst, chair; the Senator from Polk, Senator Hill; the Senator from Boone, Senator Nystrom; the Senator from Guthrie, Senator Hutchins; and the Senator from Linn, Senator Robinson.

STEVEN C. CROSS, Secretary

SECOND CONFERENCE COMMITTEE APPOINTED

(Senate File 333)

The Speaker announced the appointment of the second conference committee to consider the differences between the

House and Senate concerning Senate File 333: Brunow of Appanoose, chair; Walter of Pottawattamie, Doyle of Woodbury, Hansen of O'Brien and Crawford of Story.

COMMITTEES APPOINTED BY THE SPEAKER

The Speaker announced the following appointments:

LEGISLATIVE COUNCIL

Donald V. Doyle, Sioux City, Iowa
William J. Hargrave, Iowa City, Iowa
James I. Middleswart, Indianola, Iowa
Delwyn Stromer, Garner, Iowa
Andrew Varley, Stuart, Iowa

LEGISLATIVE FISCAL COMMITTEE

Keith H. Dunton, Thornburg, Iowa
Richard W. Welden, Iowa Falls, Iowa

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on June 3, 1977, he approved and transmitted to the Secretary of State the following bills:

Senate File 35, an act to abolish certain liens created under former Section One Hundred Twenty-three B point Ten (123B.10) of the Code.

Senate File 41, an act relating to the management of state records.

Senate File 65, an act relating to the privileges of licensed insurance agents.

Senate File 161, an act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

Senate File 180, an act relating to the regulation of premium rates for credit life and credit accident and health insurance.

Senate File 205, an act relating to the practice of dentistry and dental hygiene by faculty of the College of Dentistry.

Senate File 224, an act relating to city development.

Senate File 279, an act relating to the appointment and the duties of a county weed commissioner.

Senate File 296, an act relating to the membership and duties of the State Advisory Council for Vocational Education and local advisory committees for vocational education.

Senate File 307, an act relating to vacating and closing highways.

Senate File 364, an act making an appropriation to the department of social services.

Senate File 370, an act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

Senate File 388, an act repealing certain standing appropriations and providing an effective date.

Also: That on June 7, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 334, an act relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers.

Senate File 385, an act authorizing local government to suspend or modify building and housing code requirements.

Also: That on June 10, 1977, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 274, an act relating to uniform child—custody jurisdiction.

COMMUNICATIONS FROM THE SECRETARY OF STATE

June 7, 1977

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 280, was published in The Anamosa Eureka, Anamosa, Iowa on May 26, 1977, and in The Forest City Summit, Forest City, Iowa on May 26, 1977.

I further certify that House File 449, was published in The Hawk Eye, Burlington, Iowa on May 23, 1977, and in The Garner Leader & Signal & Garner Herald, Garner, Iowa on May 25, 1977.

I further certify that Senate File 155, was published in the Ankeny Press—Citizen, Ankeny, Iowa on May 26, 1977, and in The Cedar Valley Daily Times, Vinton, Iowa on May 24, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 13, 1977

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 277, was published in the Coon Rapids Enterprise, Coon Rapids, Iowa on May 5, 1977, and in the Evening Democrat, Fort Madison, Iowa on May 5, 1977.

I further certify that Senate File 317, was published in the Ottumwa Courier, Ottumwa, Iowa on May 23, 1977, and in The Sioux County Index—Reporter, Hull, Iowa on May 26, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

COMMUNICATION FROM STATE OF ARIZONA

A copy of House Concurrent Memorial 2003, urging an amendment to the Constitution of the United States requiring that federal appropriations not exceed estimated federal revenues except in an emergency, has been received from the State of Arizona and placed on file in the office of the Chief Clerk.

COMMUNICATION FROM STATE OF MONTANA

There is on file in the office of the Chief Clerk a copy of House Joint Resolution 25, adopted by the State of Montana, urging

Congress to review the Occupational Safety and Health Act of 1970 and eliminate practices and procedures which violate the Constitution of the United States.

COMMUNICATION FROM THE BOARD OF PAROLE

There is on file in the office of the Chief Clerk a copy of the biennial report ending June 30, 1976 from the Board of Parole, which includes criminal statistics for each county in the state and recommendations of the director of the division of adult corrections.

COMMUNICATION FROM THE DEPARTMENT OF TRANSPORTATION

There is on file in the office of the Chief Clerk a copy of the final report from the Department of Transportation concerning transportation projects made possible by Senate File 573 (Chapter 110, Laws of the Sixty-sixth General Assembly, 1975 Session), pursuant to House File 1165 (Sixty-sixth General Assembly, Second Session), which builds upon the progress report submitted in May, 1976.

COMMITTEE TO NOTIFY THE GOVERNOR

Scheelhaase of Woodbury moved that a committee of six be appointed to notify the Governor that the House was ready to adjourn and to deliver to him enrolled copies of House bills not yet delivered.

The motion prevailed and the Speaker appointed as such committee Scheelhaase of Woodbury, chair; Bina of Scott, Brunow of Appanoose, Middleswart of Warren, Den Herder of Sioux and Schroeder of Pottawattamie.

COMMITTEE TO NOTIFY THE SENATE

Miller of Calhoun moved that a committee of five be appointed to notify the Senate that the House was ready to adjourn.

The motion prevailed and the Speaker appointed as such committee Miller of Calhoun, chair; Wells of Linn, Hullinger of Decatur, Millen of Van Buren and Junker of Woodbury.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported that it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported that it had performed its duty and submitted the following report:

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

Mr. Speaker: Your committee appointed to deliver to the Governor bills and resolutions, respectfully reports that the following bills have been enrolled, signed by the Speaker of the House and the President of the Senate and presented to the Governor for his approval on this 13th day of June, 1977: House Files 57, 60, 64, 70, 74, 75, 85, 158, 163, 210, 249, 251, 267, 279, 287, 305, 327, 332, 338, 354, 358, 385, 406, 408, 421, 437, 444, 464, 490, 536, 546, 558, 569, 573, 582, 584, 594, 595, 597, 615 and 622.

LYLE SCHEELHAASE, chair

Also: That the Governor had sent the following message:

OFFICE OF THE GOVERNOR

The Honorable Dale M. Cochran
Speaker of the House
Sixty-seventh General Assembly

State Capitol
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

For the first time in thirteen years this day does not mark the official end of legislative business for the year. Sine die adjournment normally suggests that action on priority legislative items and appropriations is concluded. 1977 is different.

Iowa's first experience with collective bargaining negotiations has necessitated the special legislative session which I have called for June 21 to conclude appropriations.

You began the appropriations process this year by utilizing a new committee approach to budget-making, concentrating almost exclusively on appropriations work during the first half-dozen weeks of this assembly.

In the spirit of that approach, and to help your efforts, my budget recommendations were delivered during the first week of the session. While the merits of the committee budgeting technique have been disputed, the net result--the number of dollars so far appropriated--is known. After much talk of cutting my budget, this legislature followed the familiar pattern and exceeded my recommendations by \$13 million. While we can appreciate some of these increases, the total added burden will strain the state's resources.

This year's session also saw activity on other fronts--and I welcome this opportunity to share my observations.

This General Assembly did not lack advice as to what should be debated and passed. The session began with several priority lists, varying from a recitation of lofty goals and platitudes . . . often easy to support, difficult to implement, and awesome to finance, to, if you will, the detailed researched list of proposals I sent you on January 11. I believed then, as I do now, that affordable and workable solutions are difficult to find. I think you, too, have discovered that to be true.

The most visible issue during last year's campaign and the beginning of this legislative session was PROPERTY TAXES. Most legislators cited it as a primary concern. I detailed a 15-point plan to halt the unchecked growth in property assessments and to improve local government financing procedures. Unfortunately, much of that package was not adopted. Local option taxation was left undone as well as such items as recertification of assessors and full disclosure on the sale of property. These proposals are simply too important to Iowans to file away in the "Almost Got Done" archives. They deserve your attention next year.

You did send me a bill that will limit property assessments and avoid a predictably dramatic increase at the next equalization order. You have been severely and sometimes unfairly criticized for the complexity and scope of your actions on property taxes. Yet it is important to note that without some form of relief Iowa homeowners and farmers would experience another round of startling valuation increases this fall.

One of your greatest accomplishments this year could have been the LAND USE bill. The House invested long hours developing a land use bill emphasizing local control, recognizing the need for state guidelines and immediately protecting critical land areas. The final version does not measure up to the quality, effectiveness or impact of the original House bill.

You forfeited an opportunity to assure the protection of our land. Nevertheless, you did respond to several initiatives I had in my January 11 Message, and for that I thank you.

You adopted the uniform CHILD CUSTODY statute, thus offering some protection to youngsters and parents from the trauma of uncertain jurisdictional outcomes. After this winter's severe energy crisis, the obvious benefits of including energy and thermal efficiency standards in the STATE BUILDING CODE became apparent, and you took action in that area. Prompted by a close call, you quickly moved to protect our people and land by passing a HAZARDOUS SUBSTANCE SPILLS CONTROL bill. Years of repeated requests were finally heeded as you adopted a MOBILE HOME TIEDOWN requirement. Assisting the disadvantaged, you provided INCREASED ADC BENEFITS to help keep pace with inflation. An improved public health nursing program will encourage IN-HOME HEALTH CARE for Iowa's aged. And, the funding mechanism for our UNEMPLOYMENT INSURANCE TRUST FUND was replaced with one which will keep the fund solvent and provide more reliable flow of revenue.

Other measures could have been adopted to enhance the legislature's record of achievement. The public demand for full access to government activities warranted inclusion of collective bargaining negotiations in the OPEN MEETINGS LAW. Bipartisan support from the League of Iowa Municipalities should again remind you of the need for a WASHINGTON OFFICE for the State of Iowa . . . and that need is still with us.

The tragedy of highway accidents should compel action on my proposal to strengthen DRUNK DRIVING statutes. UNIFORM BIDDING REQUIREMENTS for local governments, consolidation of the DEPARTMENT OF ENVIRONMENTAL QUALITY, and the systematic screening of LICENSING BOARDS are other proposals which should have been considered, modified if necessary, but certainly passed during 1977. They were never brought up. You can give them consideration in the 1978 session.

Two very visible issues remain with us. The first is that of HIGHWAY FUNDING. The House moved ambitiously and sent a bill to the Senate.

Although the distribution formula is in question, House members should be recognized for their willingness to address this problem area. The Senate needs to match their resolve. The returnable BOTTLE AND CAN bill is another story. Seldom is an issue more clear cut with a definable answer based on experience. We know the results of the bill I originally recommended — the Oregon version. Unfortunately that simple and effective bill was cobbled up. The Senate will have a chance to correct it.

In addition, you approved several other priority items in one house only. Half of a bill is not half of a solution — but it is an investment of half the legislative resources necessary to address the problem. This investment should not be wasted by failure to complete action in both houses. We look forward to completed work to revise our JUVENILE JUSTICE laws, RESTRUCTURE THE STATE FAIR AND LAW ENFORCEMENT ACADEMY BOARDS, and strengthen the protection of MINORITY STOCKHOLDERS.

Others have joined in judging the record of this first session -- editorial writers, representatives of special interest groups and those to whom you are ultimately accountable -- the people of Iowa.

You have asked all of these people to refrain from hasty conclusions. You have asked for time. You have asked them to postpone their judgments until the gavel falls on the second session next year.

This request obviously points to opportunities and obligations to act in 1978. Cynics tell us that election year legislatures rarely accomplish much of significance. They say that campaigning triumphs over courage, rhetoric over reason and ballots over boldness. You can prove them wrong.

In many instances, your agenda for next year is already set. Much of your time is needed to complete partially finished legislation, unmet priorities and another round of appropriations.

As you adjourn this session, you have my appreciation and thanks for the constructive efforts you have made. You know that the issues you will face in the special session and in the next regular session demand timely consideration and responsible action.

As you accept the challenge, you can be poised to step forward and build upon this year's beginning -- to forge a record of achievement for which you can all be proud.

Thank you and best regards.

Sincerely,

ROBERT D. RAY
Governor

The report was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 27, duly adopted, the day of June 13, 1977, having arrived, the Speaker of the House declared the 1977 Regular Session of the Sixty-seventh General Assembly adjourned.

AMENDMENTS FILED

Amendments filed during the Sixty—seventh General Assembly, 1977 Session, not otherwise printed in the House Journal.

H-3008

1 Amend the Report of the Committee on Rules as
2 follows:
3 1. Page 4, by inserting after line 47 the
4 following:
5 "A member may be the chief individual sponsor
6 of no more than twenty—five (25) bills introduced
7 during a General Assembly. If a member withdraws a
8 bill of which that member was the chief individual
9 sponsor, the withdrawn bill shall not be included in
10 the total number of bills that member sponsored.
11 During the first regular session of a General
12 Assembly, the Legislative Service Bureau shall give
13 priority to the drafting of the first fifteen (15)
14 bill requests filed by any member before drafting
15 additional requests from any other member. After
16 the adjournment of the first regular session of the
17 General Assembly, the Legislative Service Bureau
18 shall give priority to the drafting of the first
19 twenty (20) bill requests filed during the General
20 Assembly by any member before drafting additional
21 requests from any other member."

TAUKE of Dubuque
HUSAK of Tama

H-3028

1 Amend House Concurrent Resolution 4, found on
2 page 183 of the House Journal as follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "Be It Further Resolved by the House of
6 Representatives, the Senate Concurring, That the
7 Commission of the Department of Transportation be
8 requested to recommend to the General Assembly
9 appropriate registration and license fees for double
10 bottom trucks exceeding 60 feet in length.

TAUKE of Dubuque
GILLOON of Dubuque

H-3029

- 1 Amend House Concurrent Resolution 4, found on
- 2 page 183 of the House Journal as follows:
- 3 1. Page 1, line 15, by striking the period and
- 4 inserting in lieu thereof the following: “; and”.
- 5 2. Page 1, by inserting after line 15 the
- 6 following:
- 7 “*Be It Further Resolved by the House of*
- 8 *Representatives, the Senate Concurring, That the*
- 9 *Commission of the Department of Transportation should*
- 10 *consider a rule regulating the travel of 65-foot*
- 11 *double bottom trucks which would permit said trucks*
- 12 *to travel only on interstate highways and within 5*
- 13 *miles of interstate highways.”*

TAUKE of Dubuque
WALTER of Pottawattamie

H-3030

- 1 Amend House Joint Resolution 4 as follows:
- 2 1. Line 7, by inserting after the word “propose”
- 3 the word “legislation”.

KRAUSE of Palo Alto

H-3031

- 1 Amend House Joint Resolution 2 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 “signed” the words “by the Governor or”.

SPEAR of Lee

H-3039

- 1 Amend House File 112, page 1, by striking line
- 2 5 and inserting in lieu thereof the following:
- 3 “more, provided that no person shall be considered
- 4 of legal age for the purposes of this chapter who
- 5 is not registered to vote under chapter forty-eight
- 6 (48) of the Code.”

MONROE of Des Moines

H-3041

- 1 Amend House File 64 as follows:
- 2 1. Page 1, by striking lines 3 through 9 and
3 inserting in lieu thereof the following:
- 4 "1. "Flexible full-time employment" means full-
5 time employment of at least forty hours a week where
6 the employee works either a compressed work week or
7 a flexible time schedule, but does not include
8 temporary or intermittent employment."
- 9 2. Page 1, by inserting after line 14 the follow-
10 ing:
- 11 " . "Compressed work week" means a work schedule
12 of four ten-hour days each week or three twelve-hour
13 days each week.
- 14 . "Flexible time schedule" means a work schedule
15 of eight hours a day where the employee may choose,
16 within certain guidelines, the actual working hours.
- 17 3. Page 1, line 17, by striking the words "part-
18 time career" and inserting in lieu thereof the words
19 "flexible full-time".
- 20 4. Page 1, line 29, by striking the words "part-
21 time career" and inserting in lieu thereof the words
22 "flexible full-time".
- 23 5. Page 1, line 32, by striking the words "part-
24 time career" and inserting in lieu thereof the words
25 "flexible full-time".
- 26 6. Page 2, by striking lines 18 through 35.
- 27 7. Page 3, by striking lines 1 through 6.
- 28 8. By renumbering the remaining sections and
29 correcting internal references in accordance with
30 this amendment.
- 31 9. Amend the title, line 1, by striking the words
32 "part-time career" and inserting in lieu thereof the
33 words "flexible full-time".

BRANDT of Black Hawk

H-3042

- 1 Amend House File 149 as follows:
- 2 1. Amend the title page, line 2, by striking
3 the word "employer's" and inserting in lieu there-
4 of the word "employee's".

JUNKER of Woodbury

H-3043

- 1 Amend House Concurrent Resolution 9 as follows:
- 2 1. Page 1, by striking lines 21 through 25.

GILLOON of Dubuque

H-3045

- 1 Amend House File 37 as follows:
- 2 1. Page 1, line 5, by striking the words "one
- 3 ~~and one-half~~" and inserting in lieu thereof the words
- 4 "one and one-half".
- 5 2. Page 1, line 20, by striking the words "one
- 6 ~~and one-half~~" and inserting in lieu thereof the words
- 7 "one and one-half".

SMALL of Johnson.

H-3051

- 1 Amend House File 206 as follows:
- 2 Page 1, by striking lines 30 through 32.

MONROE of Des Moines

H-3055

- 1 Amend House File 200 as follows:
- 2 1. Page 1, by striking lines 20 through 27.
- 3 2. Page 7, by striking line 12 and inserting
- 4 in lieu thereof: (252.32), section two hundred
- 5 fifty-two point eighteen (252.18) and section two
- 6 hundred fifty-two point nineteen (252.19), Code
- 7 1977, are repealed.

KRAUSE of Kossuth
BRANDT of Black Hawk

H-3058

- 1 Amend House File 125, page 1, by striking lines
- 2 1 through 3 and inserting in lieu thereof the
- 3 following:
- 4 "Section 1. Section three hundred twenty-one point
- 5 one hundred seventy-eight (321.178), subsection one
- 6 (1), unnumbered paragraph one (1), Code 1977, is
- 7 amended to read as follows:

8 **APPROVED COURSE.** An approved driver education
 9 course as programmed by the department of public
 10 instruction shall consist of at least thirty clock
 11 hours of classroom instruction, and six or more clock
 12 hours of laboratory instruction of which at least
 13 three clock hours shall consist of street or highway
 14 driving. An approved driver education course shall
 15 include a driver education course completed in another
 16 state which is approved by the other state's elementary
 17 and secondary public educational authority."

HARBOR of Mills

H-3061

1 Amend House File 154 as follows:
 2 1. Page 1, by striking lines 3 through 7 and
 3 inserting in lieu thereof the following:
 4 "NEW SECTION. The board of directors of each
 5 public school district shall incorporate into the
 6 educational program the study of the science of natural
 7 law, relating to the divine, orderly creation of the
 8 universe as referred to in the declaration of
 9 independence of the United States of America."
 10 2. Amend the title, line 1, by striking the words
 11 "origin of humankind" and inserting in lieu thereof
 12 the words "creation of the universe".

DAGGETT of Adams

H-3064

1 Amend amendment H-3057, to House File 200,
 2 as follows:
 3 1. Page 2, line 27, by striking the word
 4 "poor".
 5 2. Page 2, line 38, by striking the word
 6 "poor".
 7 3. Page 3, line 1, by striking the word
 8 "poor".
 9 4. Page 3, line 3, by striking the word
 10 "poor".
 11 5. Page 3, line 22, by striking the word
 12 "poor".
 13 6. Page 3, line 23, by striking the word
 14 "poor".

JUNKER of Woodbury

H-3065

- 1 Amend House File 235 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following new section:
- 4 "Sec. 2. NEW SECTION: Households complying
- 5 with Section 1 of this Act shall be allowed to
- 6 operate their single vehicle at 65 miles per hour."

KRAUSE of Kossuth

H-3066

- 1 Amend House File 211 as follows:
- 2 1. Page 1, by striking all of lines 14 through 16.
- 3 2. Page 1, by striking all of line 17.

SCHROEDER of Pottawattamie

H-3070

- 1 Amend House File 83 as follows:
- 2 1. Page 1, by striking lines 5 through 16
- 3 and inserting in lieu thereof the following:
- 4 "Public funds invested in bank time certifi-
- 5 cates of deposit by a public body or officer
- 6 other than the treasurer of state shall draw
- 7 interest at rates to be determined by the public
- 8 body or officer and the bank, which rates may be
- 9 greater than the rate set under this section for
- 10 state funds but not more than one percent of
- 11 interest below that rate. In no event shall
- 12 public funds so invested draw interest at rates
- 13 lower than the highest rate being offered by the
- 14 bank to other depositors for similar investments
- 15 at the time the public funds are invested."

EVANS of Grundy

H-3082

- 1 Amend House File 209, page 1, lines 33 and 34,
- 2 by striking the words "shall not be a teacher or other
- 3 employee of the board" and inserting in lieu thereof
- 4 the words "may be another employee of the board".

THOMPSON of Polk

H-3083

- 1 Amend House File 210 as follows:
- 2 1. Page 18, line 31, by striking the words "not
- 3 less than nine nor more than fifteen" and inserting
- 4 in lieu thereof the word "twelve".
- 5 2. Page 18, line 34, by inserting after the word
- 6 "commissioners," the words "the members of the county
- 7 committee established under the federal Soil Conserva-
- 8 tion and Domestic Allotment Act (16 U.S.C. 590h as
- 9 amended),".
- 10 3. By striking page 18, line 35, through page 19,
- 11 line 4.
- 12 4. Page 19, line 25, by striking all after the
- 13 word "commission,".
- 14 5. Page 19, by striking line 26 through line 32.
- 15 6. Page 19, line 33, by striking the word
- 16 "commission,".
- 17 7. Page 19, line 35, by striking the words "two
- 18 members" and inserting in lieu thereof the words "one
- 19 member".
- 20 8. Page 20, line 1, by striking all after the
- 21 word "years.".
- 22 9. Page 20, by striking lines 2 through 5 and
- 23 inserting in lieu thereof the words "The term of
- 24 each member".

SCHNEKLOTH of Scott

H-3084

- 1 Amend House File 23, page 1, line 18, by inserting..
- 2 after the figure "(257.28)," the words and figure
- 3 "two hundred eighty point fifteen (280.15),".

SPEAR of Lee

H-3089

- 1 Amend the Higgins and Lipsky amendment H-3057 to
- 2 House File 200 as follows:
- 3 1. Page 2, by inserting after line 45 the following
- 4 new sections:
- 5 "Sec. . Section two hundred fifty-two point
- 6 five (252.5), Code 1977, is amended by striking the
- 7 section and inserting in lieu thereof the following:
- 8 "252.5 PARENTS AND CHILDREN LIABLE. The father,
- 9 mother, and children of any poor person, who has

10 applied for general relief under this chapter, shall
11 jointly or severally furnish financial or other
12 assistance to such person to the same extent as would
13 be provided that person by the county under the
14 guidelines adopted by the board pursuant to this Act,
15 if the father, mother, and children, or any of them,
16 are financially able to do so. The director shall
17 inform such relatives of the requirements of this
18 section in any case where this section is applicable."

19 Sec. . Section two hundred fifty-two point
20 six (252.6), Code 1977, is amended to read as follows:

21 252.6 ENFORCEMENT OF LIABILITY. Upon the failure
22 of such relatives so to relieve or maintain a poor
23 person who has made application for relief, the
24 ~~township trustees, county social welfare board, or~~
25 state division of child and family services of the
26 department of social services may apply to the district
27 court of the county where such poor person resides
28 or may be, for an order to compel the same.

29 Sec. . Section two hundred fifty-two point
30 eight (252.8), Code 1977, is amended to read as
31 follows:

32 252.8 SCOPE OF ORDER. The order may be for the
33 entire or partial support of the applicant, may be
34 for the payment of money or the taking of the applicant
35 to a relatives's house, or may assign him or her for
36 a certain time to one and for another period to
37 another, as may be just and right, taking into view
38 the means of the several relatives liable, but no
39 such assignment shall be made to one who is willing
40 to pay the amount necessary for support. If the order
41 be for relief in any other form than money, it shall
42 state the extent and value thereof per week, and the
43 time such relief shall continue; or the order may
44 make the time of continuance indefinite, and it may
45 be varied from time to time by a new order, as
46 circumstances may require, upon application to the
47 court by the ~~trustees board or department~~, the poor
48 person, or the relative affected, ten days' notice
49 thereof being given to the party or parties concerned.

50 Sec. . Section two hundred fifty-two point

Page 2

1 nine (252.9), Code 1977, is amended to read as follows:

2 252.9 JUDGMENT—APPEAL. When money is ordered
3 to be paid, it shall be paid to such person as the
4 court may direct. If support be not rendered as
5 ordered, the court upon such fact being shown by the

- 6 affidavit of ~~one or more of the proper trustees~~ the
 7 board or department, may render judgment and order
 8 execution for the amount due, rating any support
 9 ordered in kind at the valuation previously made.
 10 An appeal may be taken from the judgment rendered
 11 to the supreme court. Support for later periods under
 12 the same order may be, as it becomes due, applied
 13 for and obtained in the same manner.”
 14 2. Page 4, by striking lines 42, 43, 44 and 45
 15 and inserting in lieu thereof the word “fifteen”.
 16 3. By renumbering sections of the amendment in
 17 accordance with this amendment.

SPEAR of Lee

H-3091

- 1 Amend House File 245 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 “Mississippi” the words “or Missouri”.
 4 2. Page 1, by striking all of line 19.

SCHROEDER of Pottawattamie

H-3102

- 1 Amend Senate File 94, page 1, by striking lines
 2 10 through 13 and inserting in lieu thereof the
 3 following: “79.9, ~~for moving an employee and his~~
 4 ~~family from place of present domicile to new domicile,~~
 5 ~~and actual transportation expense for moving of~~
 6 ~~household goods. Such household goods shall not~~
 7 ~~include pets or animals for moving an employee and~~
 8 ~~the employee's family from place of present domicile~~
 9 to new domicile, and reimbursement for moving expenses
 10 incurred. However, expenses incurred to move household
 11 goods and other personal effects shall be reimbursed
 12 only to the extent the expense is for the packing
 13 and moving of ten thousand pounds or less.
 14 Reimbursement for moving expenses shall not include
 15 reimbursement for the expense of moving animals.”

SPEAR of Lee

H-3103

- 1 Amend House File 41 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 “appointed” the words “as a special deputy”.

- 4 2. Page 1, line 21, by inserting after the word
5 "sooner." the words "For the purposes of this section,
6 "special deputy" means a deputy called or appointed
7 who receives no compensation for his or her services
8 as a deputy."

MILLER of Buchanan

H-3104

- 1 Amend House File 101 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "jail" the words "An attendant need not be on the
4 jail premises if the jail is monitored by electronic
5 or other monitoring devices when one or more prisoners
6 are incarcerated."

MILLER of Buchanan

H-3106

- 1 Amend House File 148 as follows:
2 1. Page 1, by striking line 14, and inserting
3 in lieu thereof the words "state or any political
4 subdivision of the state, including but not limited
5 to such services as highway repair, bridge building,
6 bridge repair, and bridge painting. The state director
7 with the cooperation of the director of the state
8 department of transportation shall investigate the
9 feasibility of manufacturing at the institutions,
10 paint suitable for the painting of bridges, guardrails,
11 and other transportation related structures."
12 2. Page 1, line 19, by inserting after the word
13 "done," the words "The director may seek the
14 cooperation of the Iowa national guard in guarding,
15 supervising and transporting prisoners used in the
16 public works projects. Under this provision the Iowa
17 national guard may provide assistance only with "on
18 duty" members assigned by the adjutant general of
19 the guard. Those national guard members assisting
20 in the guarding, supervision and transportation of
21 prisoners, shall be subject to the direction of the
22 director."

MILLER of Buchanan

H-3116

1 Amend House File 212 as follows:

2 1. Page 1, line 3, by striking the words "Real
3 estate" and inserting in lieu thereof the number and
4 words "1. Real estate except a homestead as defined
5 in section five hundred sixty-one point one (561.1)
6 of the Code.".

7 2. Page 1, by inserting after line 15 the
8 following:

9 "2. A homestead sold under the provisions of this
10 chapter and chapter four hundred forty-six (446) of
11 the Code may be redeemed at any time before the right
12 of redemption has expired, by the payment to the
13 county auditor, to be held by the county auditor
14 subject to the order of the purchaser, the amount
15 for which the homestead was sold and four percent
16 of such amount added as a penalty, plus six percent
17 interest per annum on the whole amount thus made from
18 the date of sale and the amount of all taxes, interest,
19 and costs paid by the purchaser or the purchaser's
20 assignee for any subsequent year on the homestead,
21 with the same interest penalty added on the amount
22 of the payment for each subsequent year, plus six
23 percent interest per annum on the whole amount from
24 the date of payment."

BRANDT of Black Hawk

H-3117

1 Amend amendment H-3088 to House File 57 as
2 follows:

3 1. Page 1, by striking lines 7 through 14
4 and inserting in lieu thereof the following:
5 "NEW SECTION. No bid specifications shall be
6 written so that only the product of one vendor
7 can meet the requirements of the purchasing
8 authority. However, if the product to be
9 purchased is unique and available from a single
10 vendor, the above requirement is waived.

11 Any vendor who has probable cause to believe
12 that specifications for a product have been
13 arbitrarily or capriciously established may
14 appeal such arbitrarily or capriciously established
15 standard to the district court. Such appeal".

16 2. Page 1, line 15, by inserting after the

- 17 word "bidders" the words "or prior to the award
18 of a contract, whichever date occurs first".

JUNKER of Woodbury
TAUKE of Dubuque

H-3121

- 1 Amend House File 100 as follows:
2 Page 1, by striking lines 24 through 35.

EVANS of Grundy
WEST of Marshall

H-3124

- 1 Amend House File 224 as follows:
2 1. Page 1, by adding after line 17 the fol-
3 lowing sentence "However, any lot or parcel of land
4 on which a mobile home is situated so as to be more
5 than one hundred fifty feet from any real property
6 owned by a person other than the occupant of that
7 mobile home shall not be considered a permanent
8 site."

SCHROEDER of Pottawattamie

H-3127

- 1 Amend the report of the Committee on Rules,
2 found on page 335 of the House Journal as follows:
3 1. By striking all of lines 5 through 32 and
4 inserting in lieu thereof the following: shall
5 designate not more than twenty bills."

DANKER of Pottawattamie

H-3137

- 1 Amend House File 298 as follows:
2 1. Page 6, by inserting after line 25 the
3 following:
4 "Sec. . Notwithstanding chapter nineteen A
5 (19A) of the Code, department and agency heads of
6 departments and agencies receiving funds appropriated
7 by this Act may place at least one employee, but not
8 more than two percent of all employees of the

9 department or agency, on a probationary status by
 10 giving an employee written notice of such action.
 11 The probationary status shall last not more than six
 12 months from the time of receipt of the notice. Prior
 13 to or at the end of the six-month period the employee
 14 may be discharged, reduced in grade, returned to the
 15 previous status, or increased in grade. Not later
 16 than five months after receiving notice of the
 17 probationary status, the employee shall be informed
 18 why the action of the agency or department head has
 19 been taken and what the employee must do to maintain
 20 the present employment status or qualify for an
 21 increase in grade.”

22 2. Renumber the sections in accordance with this
 23 amendment.

SCHROEDER of Pottawattamie
 MILLEN of Van Buren
 STROMER of Hancock
 WYCKOFF of Benton
 HUSAK of Tama
 CRABB of Crawford
 BRANSTAD of Winnebago
 WEST of Marshall
 SCHNEKLOTH of Scott
 WELDEN of Hardin
 BROCKETT of Marshall
 JUNKER of Woodbury

VARLEY of Adair
 SMALLEY of Polk
 PELLETT of Cass
 HANSEN of O'Brien
 DAGGETT of Adams
 LINDEEN of Henry
 DANKER of Pottawattamie
 LAGESCHULTE of Bremer
 HALVORSON of Clayton
 CLARK of Lee
 PERKINS of Greene
 GILSON of Guthrie

H-3141

- 1 Amend House File 48 as follows:
 2 1. Page 1, by striking lines 13 through 17.

WELDEN of Hardin

H-3143

- 1 Amend the report of the Committee on Ethics,
 2 found on page 543 of the House Journal, as follows:
 3 1. Page 3, lines 34 and 35, by striking the
 4 words “appropriate officer” and inserting in lieu
 5 thereof the words “duly authorized person”.

BRANDT of Black Hawk

H-3160

- 1 Amend the Ethics Committee Report relating to
- 2 lobbyist rules found on page 543 of the House Journal
- 3 as follows:
- 4 1. Page 3, by striking lines 32 through 35.
- 5 2. Page 4, by striking lines 1 through 14.

WELDEN of Hardin
HARPER of Davis

H-3161

- 1 Amend House File 224 as follows:
- 2 1. Page 2, by striking lines 21 through 30.

MILLER of Buchanan

H-3162

- 1 Amend the report of the Committee on Ethics
- 2 found on page 543 of the House Journal of March 1,
- 3 1977, as follows:
- 4 1. Page 3, line 10, by striking the word
- 5 "reported".
- 6 2. Page 3, line 11, by striking the words
- 7 "in excess of twenty-five dollars per month".

MONROE of Des Moines

H-3165

- 1 Amend House File 63 as follows:
- 2 1. Page 1, line 7, by striking the words "highway
- 3 safety patrol base stations and all Iowa" and inserting
- 4 in lieu thereof the words "highway safety patrol
- 5 department of public safety communications division's
- 6 base stations and all Iowa".
- 7 2. Page 1, by striking lines 8 and 9 and inserting
- 8 in lieu thereof the words "highway safety patrol cars
- 9 assigned to troopers and sergeants with field enforce-
- 10 ment responsibilities shall maintain law".
- 11 3. Page 1, line 12, by striking the words "highway
- 12 safety patrol" and inserting in lieu thereof the words
- 13 "highway safety patrol department of public safety
- 14 communications division".
- 15 4. Page 1, lines 19 and 20, by striking the words
- 16 "and the Iowa highway safety patrol cars in use in
- 17 that base station district".
- 18 5. Page 1, line 22, by striking the words "highway
- 19 safety patrol" and inserting in lieu thereof the words
- 20 "department of public safety communications division".

DOYLE of Woodbury

H-3166

- 1 Amend amendment H-3083 to House File 210 as
2 follows:
- 3 1. Page 1, by inserting after line 4 the following:
4 "2. Page 18, line 32, by inserting after the
5 comma the words "eight members consisting of".
6 2. Page 1, line 9, by inserting after the comma
7 the words "and four members consisting of members of the
8 general public who reside in the county, through
9 application to and appointment by the eight members
10 as selected above. At least two of the public members
11 shall be farm owner-operators".

PELTON of Clinton

H-3169

- 1 Amend House Amendment H-3046 to House File 94 as
2 follows:
- 3 1. Page 1, line 2, by striking the number "19"
4 and inserting in lieu thereof the number "14".

SCHEELHAASE of Woodbury

H-3170

- 1 Amend House File 277 as follows:
- 2 1. Page 4, by inserting after line 13 the
3 following section:
4 "Sec. 6. The natural resources council
5 or the water commissioner shall not issue a water
6 permit under chapter four hundred fifty-five A
7 (455A) of the Code for the purpose of withdrawing
8 water from irrigation wells or operating an irriga-
9 tion system utilizing wells, except systems using
10 water from alluvial wells on the flood plains of
11 that portion of streams bordering the state of
12 Iowa and a limited number of wells in other
13 aquifers for purposes of acquiring information
14 for the Iowa geological survey until the state-
15 wide plan for water resources has been approved
16 by the general assembly as provided in section
17 four hundred fifty-five A point seventeen (455A.17)
18 of the Code. This section shall not affect the
19 extension or renewal of a valid water permit
20 issued for irrigation purposes before the effective
21 date of this Act except as provided in sections

- 22 four hundred fifty—five A point twenty—eight
 23 (455A.28) or four hundred fifty—five A point
 24 twenty—nine (455A.29) of the Code.

HALVORSON of Clayton
 VARLEY of Adair
 CRABB of Crawford
 WYCKOFF of Benton
 SCHROEDER of Pottawattamie
 PELTON of Clinton
 SHIMANEK of Jones
 TOFTE of Winnesheik

H-3174

- 1 Amend the report of the Committee on Ethics,
 2 found on page 543 of the House Journal, as follows:
 3 1. Page 4, by striking lines 2 through 14 and
 4 inserting in lieu thereof the following: " A
 5 statement shall be included in the report indicating
 6 that the total dollar amount of all direct and
 7 indirect expenses falls within one of the follow—
 8 ing categories:
 9 a. Expenditures to \$1,000.
 10 b. Expenditures from \$1,000 to \$10,000.
 11 c. Expenditures from \$10,000 to \$50,000.
 12 d. Expenditures above \$50,000.

HOWELL of Floyd

H-3175

- 1 Amend the Report of the Committee on Ethics,
 2 found on page 543 of the House Journal as follows:
 3 1. Page 3, by inserting after line 12 the
 4 following:
 5 "Each representative shall, upon the occasion of
 6 receiving any food, refreshment, entertainment or
 7 travel from a lobbyist give to the lobbyist a receipt
 8 showing the date and the estimated value of the food,
 9 refreshment, entertainment, or travel received and
 10 the signature of the representative and lobbyist.
 11 The lobbyist shall submit such receipts with the
 12 report specified in section four. The chief clerk of
 13 the house shall provide representatives with the
 14 receipt forms required by this section."

MONROE of Des Moines

H-3185

1 Amend the Report of the Committee on Ethics,
2 found on page 543 of the House Journal, by
3 adding the following new paragraph:
4 "A fence shall be built around the State House
5 of sufficient height, width to hold all Senators
6 and Representatives inside, after being sworn in.
7 Anyone entering the Capitol shall be searched
8 in much the same manner as pre-boarding an airline
9 or entering Fort Madison. Only close relatives
10 shall be given visiting privileges. Bank accounts
11 of those privileged to serve shall be checked weekly
12 for any large amounts that may be suspicious,
13 something like \$25.00, a clothing check to make sure
14 no legislator has too many suits or shoes, razor
15 blades, and after shave. Anyone with more than two
16 Avon bottles for beauty or smell shall be properly
17 humiliated by any and all reporters excluding the
18 Des Moines Register."

MILLER of Buchanan

H-3189

1 Amend amendment H-3185 to the Report of the
2 Committee on Ethics, found on page 543 of the House
3 Journal as follows:
4 1. By inserting after line 6 the following:
5 "Until final adjournment of the session, all
6 representatives and senators shall receive meals
7 at state expense, and under no circumstances shall
8 they accept a meal from a lobbyist."

SCHNEKLOTH of Scott

H-3190

1 Amend the Report of the Committee on Ethics,
2 found on page 543 of the House Journal, as follows:
3 1. Page 4, line 1, by striking the word
4 "fifteenth" and inserting in lieu thereof the
5 word "twentieth".

HOWELL of Floyd

H-3200

- 1 Amend House File 210 as follows:
- 2 1. Page 22, line 17, by striking the word
- 3 "approved" and inserting the word "reviewed".
- 4 2. Page 24, lines 13 and 14, by striking the
- 5 words "the adopted state land use policy,
- 6 state land use policy guidelines,".

BENNETT of Ida

H-3215

- 1 Amend House File 328 as follows:
- 2 Page 1, by inserting after line 13 the following:
- 3 "The state comptroller shall not issue any warrants
- 4 for the payment of funds appropriated by this paragraph
- 5 of this subsection until such time as all agencies
- 6 under the direct control of the governor comply with
- 7 the provisions of sections seventeen A point three
- 8 (17A.3) and seventeen A point nine (17A.9) of the
- 9 Code."

MONROE of Des Moines

H-3216

- 1 Amend House File 210 as follows:
- 2 1. Page 22, line 17, by striking the word "approved"
- 3 and inserting in lieu thereof the word "reviewed".
- 4 2. Page 25, line 8, by striking the word "approved"
- 5 and inserting in lieu thereof the word "reviewed".

HOWELL of Floyd

H-3217

- 1 Amend House File 41 as follows:
- 2 1. Page 1, by striking lines 1 through 21 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section three hundred forty—one point
- 5 one (341.1), Code 1977, is amended by adding the
- 6 following new unnumbered paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** Unpaid special depu—
- 8 ties called, appointed, or summoned pursuant to sec—
- 9 tions three hundred thirty—seven point one (337.1)
- 10 and seven hundred forty—two point two (742.2) of the
- 11 Code shall be subject to prior approval by the board
- 12 of supervisors. However, if emergency conditions

13 exist making prior approval impossible, approval shall
14 be obtained as soon as possible and powers conferred
15 upon the individual by the emergency call, summons,
16 or appointment shall cease when the emergency
17 conditions no longer exist, or upon denial of approval
18 by the board of supervisors, whichever is sooner.

BRANDT of Black Hawk
HULLINGER of Decatur

H-3224

1 Amend House File 332 as follows:
2 1. Page 4, line 32, by inserting after the date
3 "September 15, 1977" the words "except that for
4 fiscal year 1977-78 the dollar amount of the reim-
5 bursement to be distributed to a county under this
6 section shall not be less than the dollar amount
7 distributed to that county for fiscal year 1976-77".

STROMER of Hancock
BRANSTAD of Winnebago

H-3225

1 Amend House File 125 as follows:
2 1. Page 1, by striking lines 1 through 3 and in-
3 serting in lieu thereof the following:
4 "Section 1. Chapter three hundred twenty-one
5 (321), Code 1977, is amended by adding the following
6 new section:
7 **NEW SECTION. PROBATIONARY OPERATOR'S LICENSE.**
8 A person at least sixteen and not greater than eighteen
9 years of age may be issued a probationary operator's
10 license to operate a motor vehicle on the highways
11 of this state. A probationary operator's license
12 shall expire one year from the date of issuance or
13 upon reaching the age of eighteen whichever is earlier.
14 The applicant shall be required to pass the written,
15 oral and driving test required to obtain an operator's
16 license. A probationary operator's license may be
17 renewed for a period not to exceed one year upon suc-
18 cessful completion of the written test necessary to
19 obtain an operator's license. A probationary
20 operator's license may be suspended for two moving
21 traffic violations.
22 Sec. 2. Section three hundred twenty-one point
23 one (321.1), Code 1977, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. "Probationary operator's license"
 26 means a license issued to operate a motor vehicle
 27 to a person at least sixteen and less than eighteen
 28 years of age who has not completed an approved course
 29 in driver's education, to be valid for a period not
 30 to exceed one year from the date of issuance.

31 Sec. 3. Section three hundred twenty-one point
 32 one hundred seventy-seven (321.177), subsection one
 33 (1), Code 1977, is amended to read as follows:

34 1. To any person, as an operator, who is under
 35 the age of sixteen years; provided that, effective
 36 August 1, 1966, the department shall not issue a
 37 license to any person, as an operator, who is under
 38 the age of seventeen years and effective August 1,
 39 1967, the department shall not issue a license to
 40 any person, as an operator, who is under the age of
 41 eighteen years, without his first having successfully
 42 completed an approved driver education course, in
 43 which case, the minimum age shall be sixteen years.
 44 However, the department may issue a restricted license
 45 as provided in section 321.194, or an instruction
 46 permit as provided in section 321.180, to any person
 47 who is at least ~~fourteen~~ fifteen years of age or a
 48 probationary operator's license. The department may
 49 issue a license restricted only for use for motorized
 50 bicycles as provided in section 321.189, subsection

Page 2

1 2, to any person fourteen years of age or older who
 2 has successfully completed an approved driver's
 3 education course established by the department of
 4 public instruction to acquaint the motorized bicycle
 5 operator with the rules of the road.

6 Sec. 4. Section three hundred twenty-one point
 7 one hundred seventy-eight (321.178), subsection two
 8 (2), Code 1977, is amended to read as follows:

9 **2. YOUTHS NOT ATTENDING SCHOOL—NO DRIVER'S**
 10 **TRAINING REQUIRED.** Any person under the age of
 11 eighteen who is not attending a public or private
 12 school in which an approved driver's education course
 13 is offered or available, shall not be required to
 14 complete an approved driver's education course prior
 15 to being entitled to receive a one-year probationary
 16 operator's license from the department. Any person
 17 who re-enters any private or public school prior to
 18 age eighteen shall be required to attend an approved
 19 driver's education course but shall not lose driving
 20 privileges pursuant to a valid probationary operator's

21 license.

22 Sec. 5. Section three hundred twenty-one point
23 one hundred eighty (321.180), Code 1977, is amended
24 to read as follows:

25 321.180 INSTRUCTION PERMITS. Any person who is
26 at least ~~fourteen~~ fifteen years of age and who, except
27 for his ~~a lack of instructions~~ instruction in operating
28 a motor vehicle, would otherwise be qualified to
29 obtain an operator's license, shall upon meeting the
30 requirements of section 321.186 other than driving
31 demonstration, and upon paying the required fee, be
32 issued a temporary instruction permit by the
33 department, entitling the permittee while having such
34 permit in ~~his~~ immediate possession to drive a motor
35 vehicle upon the highways for a period of two years
36 from the date of issuance when accompanied by a
37 licensed operator or chauffeur who is at least eighteen
38 years of age, or an approved driver education
39 instructor, or a prospective driver education
40 instructor who is enrolled in and has been specifically
41 designated by a teacher education institution with
42 a safety education program approved by the department
43 of public instruction, and who is actually occupying
44 a seat beside the driver; except that any instruction
45 permit issued to a person who is less than sixteen
46 years of age shall entitle such permittee to drive
47 a motor vehicle upon the highways only when accompanied
48 by a parent or guardian, or an approved driver
49 education instructor, or a prospective driver education
50 instructor, who is enrolled in and has been

Page 3

1 specifically designated by a teacher education
2 institution with a safety education program approved
3 by the department of public instruction, or by any
4 person who is twenty-five years of age or more if
5 written permission is granted by the parent or
6 guardian, who is a holder of a valid operator's or
7 a chauffeur's license, and who is actually occupying
8 a seat beside the driver.

9 Sec. 6. Section three hundred twenty-one point
10 one hundred ninety-four (321.194), Code 1977, is
11 amended to read as follows:

12 321.194 MINORS' SCHOOL LICENSES. Whenever the
13 necessity ~~therefor~~ is shown, a restricted license
14 may be issued to any person between the ages of
15 ~~fourteen~~ fifteen and eighteen years which license
16 shall entitle the holder ~~thereof~~, while having such

17 license in his immediate possession, to operate a
18 motor vehicle during the hours of 7 a.m. to 6 p.m.
19 over the most direct and accessible route between
20 the licensee's residence and his the licensee's school
21 of enrollment for the purpose of attending duly
22 scheduled courses of instruction at such school or
23 at any time when accompanied by a parent or guardian
24 who is a holder of a valid operator's or chauffeur's
25 license, and who is actually occupying a seat beside
26 the driver. Such license shall expire on the
27 licensee's eighteenth birthday or upon issuance of
28 a temporary driver's permit. For the purpose of
29 establishing a need for the license provided for in
30 this section, each application shall be accompanied
31 by an affidavit from the school board or superintendent
32 of the applicant's school which affidavit shall be
33 upon a form provided by the department and shall state
34 the facts deemed to justify the issuance of a license
35 to the applicant. Neither such affidavit nor the
36 inability to obtain the same shall be binding on the
37 department but may be considered by the department
38 in its determining of whether or not to grant the
39 application. The fact that the applicant resides
40 at a distance less than one mile from his the person's
41 school shall be prima-facie evidence of the
42 nonexistence of any necessity for the issuance of
43 such a license. A license issued hereunder is subject
44 to suspension or revocation in like manner as any
45 other license or permit issued under any law of this
46 state and in addition thereto the department may
47 suspend such license upon receiving satisfactory
48 evidence that the licensee has violated the
49 restrictions of such license or has been involved
50 in two or more accidents chargeable to such licensee

Page 4

1 and the department shall revoke any license issued
2 hereunder upon receiving a record of such licensee's
3 conviction for two or more violations of any law of
4 this state or city ordinance, other than parking
5 regulations, regulating the operation of motor vehicles
6 on highways and after revoking a license hereunder
7 the department shall not grant application for any
8 new license or permit until the expiration for a
9 period of one year or until the licensee attains his
10 sixteenth birthday whichever is the longer period
11 from the date of revocation.
12 Sec. 7. Section three twenty-one point one hundred

13 ninety—one (321.191), unnumbered paragraph one (1),
14 Code 1977, is amended to read as follows:

15 The fee for an operator's license shall be five
16 dollars if issued for a period of two years, and ten
17 dollars if issued for a period of four years. The
18 fee for a chauffeur's license shall be ten dollars
19 if issued for a period of two years, and twenty dollars
20 if issued for a period of four years. The fee for
21 an instruction permit shall be three dollars, for
22 a temporary driver's permit or probationary operator's
23 license, five dollars and for a motorized bicycle
24 license, five dollars."

25 2. Amend the title, line 1, by inserting after
26 the word "to" the words "motor vehicle licenses
27 providing requirements for operating privileges under
28 eighteen years of age and".

HARVEY of Scott

H-3227

1 Amend House Amendment H-3216 amending page 22
2 of House File 210 as follows:

3 1. Page 1, by inserting after line 1 the follow-
4 ing:

5 " . Page 10, lines 3 and 4, by striking the
6 words "and approval".

7 . Page 10, lines 27 and 28, by striking the
8 words "and approval"."

HOWELL of Floyd

H-3237

1 Amend House amendment H-3170 to House File 277
2 as follows:

3 1. Page 1, line 14, by inserting after the
4 word "survey" the words ", and systems supplying
5 water for irrigation of land devoted exclusively
6 to research and development of agricultural
7 products,"

PERKINS of Greene
SCHEELHAASE of Woodbury

H-3238

1 Amend amendment H-3142 to page 15 of House
2 File 210 as follows:

3 1. Page 1, by inserting after line 13 the
 4 following:
 5 "Sec. . . . No controlled access facilities or
 6 systems of highways may be constructed, in areas
 7 of the state where secondary roads are laid out
 8 in a grid system which is oriented on cardinal
 9 points if such facilities or highways extend in
 10 a diagonal direction for a distance of more than
 11 five miles at an angle which is forty—five degrees
 12 or less with reference to the direction of those
 13 secondary roads of the area which extend in the
 14 same direction as the overall general direction of
 15 the highway, without the approval of the state
 16 commission. The approval of the state commission
 17 shall not be required for any highway for which
 18 the route has been approved by the Department of
 19 Transportation and which route has been finalized
 20 by the effective date of this Act.

BRANDT of Black Hawk

H—3239

1 Amend House Amendment H—3142 to page 15 of
 2 House File 210 as follows:
 3 1. Page 1, line 13, by inserting after the
 4 word "Act." the following:
 5 "If the land used primarily for agricultural
 6 production is changed to a non—agricultural use,
 7 any benefit assessment or special ad valorem levy
 8 which was not imposed because of the provisions
 9 of this section or section three hundred eighty—
 10 four point sixty—three (384.63) of the Code
 11 shall be imposed and the undepreciated amount
 12 shall become payable.

JUNKER of Woodbury

H—3243

1 Amend H—3139 to House File 279 as follows:
 2 1. Line 5, by striking the word and figure "two
 3 (2) and inserting in lieu thereof the word and figure
 4 "one (1)".
 5 2. By striking lines 7 through 41 and inserting
 6 in lieu thereof the following:
 7 "1. The compensation of the public defender
 8 shall be fixed by the board(s) of supervisors. The

9 compensation shall not be more than that paid the high-
10 est paid county attorney of the county or counties the
11 public defender serves."

JESSE of Polk

H-3248

1 Amend House File 222 as follows:
2 1. Page 1, by striking lines 7 through 13
3 and inserting in lieu thereof the following:
4 "2. A public utility shall notify in
5 writing the local department of social services
6 and the client affected by personal services
7 thirty (30) days before discontinuing service
8 for nonpayment of an account. A public utility
9 shall not discontinue service to a client for
10 nonpayment of an account during the period
11 beginning October 15th and ending April 15th
12 if the local department of social services
13 determines that discontinuation will be
14 injurious to the health or well being of the
15 client whose service is to be discontinued,
16 and if the local department of social services
17 determines that the failure to pay is a
18 consequence of chronic or temporary poverty
19 and the payment would be an unusual hardship on
20 the client."

JOCHUM of Dubuque
BRANDT of Black Hawk

H-3249

1 Amend Senate Concurrent Resolution 7 as
2 amended by the Senate as follows:
3 1. Page 1, by striking line 3 and
4 inserting in lieu thereof the following:
5 "Wednesday, April 6, 1977, it shall
6 reconvene on"
7 2. Page 1, by striking line 4 and
8 inserting in lieu thereof the following:
9 "Wednesday, April 13, 1977 at 10:00 A.M."

GILLOON of Dubuque
JUNKER of Woodbury

H-3251

- 1 Amend House Amendment H-3170 amending page 4 of
- 2 House File 277 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "water" the words "for industrial use or for the
- 5 purpose of withdrawing water".
- 6 2. Page 1, line 20, by inserting after the word
- 7 "for" the words "industrial or".

SCHEELHAASE of Woodbury

H-3252

- 1 Amend House File 366 by adding on page 2, after
- 2 line 31 the following: "Funds appropriated under
- 3 this subsection shall not be used for mediators
- 4 appointed under section twenty point twenty (20.20),
- 5 Code 1977, when a party to the impasse is a local
- 6 school district."

STROMER of Hancock
WELDEN of Hardin

H-3265

- 1 Amend House File 366 as follows:
- 2 Page 1, by inserting after line 17 the following:
- 3 "Funds appropriated by this subsection and budgeted
- 4 for the conversion of twelve stores to self-service
- 5 stores shall not be used for such purpose. Such funds
- 6 shall be used for a two-year study to be conducted
- 7 by a private firm pursuant to a contract executed
- 8 by the Iowa beer and liquor control council in order
- 9 to determine the impact of repealing the state liquor
- 10 control provisions and providing for placing the
- 11 distribution and sale of liquor and beer in the private
- 12 sector. In order to carry out such study the twelve
- 13 stores which would otherwise be converted to self-
- 14 service stores may be leased to private bidders
- 15 pursuant to contracts approved by the Iowa beer and
- 16 liquor control council. The Iowa beer and liquor
- 17 control council may provide within the contract that
- 18 a private person who is awarded the contract may
- 19 convert a counter-type store to a self-service store.
- 20 The funds appropriated by this subsection which
- 21 are to be used for the study shall be encumbered prior
- 22 to July 1, 1978 by the execution of the contracts

23 for the study and the execution of the lease
24 agreements, and shall not revert to the general fund
25 if so encumbered until the completion of the study."

MILLER of Buchanan
WYCKOFF of Benton
HARVEY of Scott

H-3266

1 Amend Senate File 149, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 2, by striking the words and
4 figure "unnumbered paragraph two (2),".

5 2. Page 1, by inserting after line 3 the follow-
6 ing:

7 "598.23 CONTEMPT PROCEEDINGS—ALTERNATIVE TO JAIL
8 SENTENCE. If any party against whom any temporary
9 order or final decree has been entered shall willfully
10 disobey the same, or secrete his or her property,
11 he that party may be cited and punished by the court
12 for contempt and be committed to the county jail for
13 a period of time not to exceed thirty days for each
14 offense."

15 3. Page 1, by inserting after line 21 the follow-
16 ing:

17 "Any employer who dismisses an employee due to
18 the entry of an assignment order commits a public
19 offense and upon conviction shall be fined not more
20 than one hundred dollars. If at any time after an
21 assignment order has been received by an employer,
22 the employee covered by the order is not entitled
23 to salary or wages due to a layoff, strike, or other
24 interruption of work affecting the employee but beyond
25 that employee's individual control, the employer shall
26 not withhold money from salary or wages subsequently
27 becoming due the employee for the purpose of
28 retroactively paying amounts which would have been
29 withheld from the salary or wages ordinarily due that
30 employee for the period of the layoff, strike, or
31 other work interruption."

MILLER of Buchanan

H-3274

1 Amend amendment H-3253 to House File 279 as
2 follows:

3 1. Page 1, line 12, by inserting after the word

- 4 "law" the following: "except that he or she may be
5 a member, of a law partnership or legal corporation,
6 on leave of absence".

SPEAR of Lee

H-3278

- 1 Amend House File 168 as follows:
2 1. Page 1, line 16, by inserting after the word
3 "Act." the words "However, a board already function-
4 ing on the effective date of this Act may continue
5 to function with its present number of members."
6 2. Page 1, line 31, by striking the word "twenty-
7 one" and inserting in lieu thereof the word "eighteen".

BINA of Scott

H-3284

- 1 Amend House File 224 as follows:
2 1. Page 2, by striking from lines 17 and 18
3 the words "requesting persons a listing" and
4 inserting in lieu thereof the words "upon request
5 a list".
6 2. Page 2, line 19 by striking the words
7 "shall provide".

JUNKER of Woodbury

H-3287

- 1 Amend House File 101 as follows:
2 1. Page 1, by striking lines 7 through 10
3 and inserting in lieu thereof the following:
4 "prisoners are kept in confinement or
5 provide for incarceration in a jail which does
6 have an attendant when prisoners are incarcerated."

JUNKER of Woodbury

H-3290

- 1 Amend House Amendment H-3281 amending page 4 of
2 House File 277, line 8, by inserting after the word
3 "new" the word "irrigation".

SCHNEKLOTH of Scott
HARVEY of Scott

H-3292

1 Amend Committee on Energy amendment H-3114 to
2 House File 75 as follows:

3 1. Page 2, line 20, by inserting after the word
4 "purposes" the words "and except for single family
5 dwellings".

HARVEY of Scott
HUSAK of Tama
HARBOR of Mills
CLARK of Lee

H-3293

1 Amend amendment H-3114 to House File 75 as follows:
2 1. Page 1, by striking lines 4 through 50.

3 2. Page 2, by striking lines 1 through 26 and

4 inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. This Act may be cited
6 as the "Iowa Building Code Act".

7 Sec. 2. NEW SECTION. LEGISLATIVE FINDINGS AND

8 INTENT. Uniformity of building codes and uniformity

9 in procedures for enforcing codes throughout the

10 nation and the state are matters of nationwide and

11 statewide interest and concern in that uniformity

12 would increase the efficiency of the building industry

13 and further assure the safety of its products.

14 The cost of conventional housing has risen to a

15 height that effectively prevents many families from

16 purchasing homes. This is a serious social and

17 economic problem. A goal of this Act is to minimize

18 the cost of acceptable housing consistent with the

19 need to maintain the public health and welfare.

20 Therefore, administration of this Act will include

21 a continuing imaginative program to seek out, evaluate,

22 and promote new concepts, new materials, and new

23 techniques which show promise of reducing costs and

24 providing better housing to the citizens of this

25 state.

26 Sec. 3. NEW SECTION. APPLICABILITY — ADOPTION
27 PROCEDURE.

28 1. The standards, requirements, and specifications
29 set forth in this Act shall apply to:

30 a. All public buildings constructed by any
31 political subdivision of the state.

32 b. All factory built structures, including mobile
33 homes and mobile home parks throughout the state.

34 c. All buildings and construction owned by the
35 state and all buildings constructed on state land.
36 d. All construction of buildings in each
37 governmental subdivision of the state which has adopted
38 a building code.
39 2. Energy conservation standards and requirements
40 promulgated under the authority of section eight (8),
41 subsection one (1), paragraph c of this Act, including
42 those standards and requirements related to thermal
43 efficiency, shall apply to all new buildings and con-
44 struction throughout the state. Standards relating
45 to lighting efficiency shall apply as well to all
46 existing public buildings.
47 "Construction" as used in this subsection is limited
48 to the erection of new buildings or factory built
49 structures and additions to existing buildings or
50 factory built structures and does not include

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1 renovations or repairs. "Existing building or factory
2 built structure" as used in this subsection means
3 buildings or factory built structures intended for
4 human occupancy which are occupied or ready for
5 occupancy on January 1, 1978 or for which engineering
6 and architectural plans have been finalized prior
7 to January 1, 1978.
8 3. The standards, requirements, and specifications
9 set forth in this Act shall not apply to buildings
10 in unincorporated areas which are used and continue
11 to be used primarily for agricultural purposes nor
12 to owner-occupied farmhouses or other farm buildings
13 which are primarily adapted, by reason of nature and
14 area, for use for agricultural purposes, while so
15 used or while under construction for such use, unless
16 such buildings are dwellings which are factory built
17 structures.
18 4. The appropriate divisions of the state building
19 code shall be applicable in each governmental
20 subdivision of the state in which the governing body
21 has adopted or enacted a resolution or ordinance
22 accepting the applicability of one or more divisions
23 of the code and shall have filed a certified copy
24 of the resolution or ordinance in the office of the
25 commissioner and in the office of the secretary of
26 state. The applicable divisions of the state building
27 code shall become effective in the governmental
28 subdivision upon the date fixed by the governmental
29 subdivision resolution or ordinance. The effective

30 date shall be no later than six months after the date
 31 of adoption of the resolution or ordinance.

32 Sec. 4. NEW SECTION. DEFINITIONS. As used in
 33 this Act, unless a different meaning is clearly
 34 indicated by the context:

35 1. "Building" means any combination of materials
 36 which comprises a structure, whether portable or
 37 fixed, affording facilities or shelter for any use
 38 or occupancy. The word "building" shall be construed
 39 as if followed by the words "or part or parts thereof
 40 and all equipment therein" unless the context clearly
 41 requires a different meaning.

42 2. "Commissioner" means the commissioner of the
 43 department of building codes.

44 3. "Construction" means the erection, fabrication,
 45 reconstruction, demolition, alteration, conversion,
 46 or repair of a building, or the installation of
 47 equipment therein.

48 4. "Council" means the building code council of
 49 the department of building codes.

50 5. "Department" means the department of building

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1 codes.

2 6. "Equipment" means facilities or installations,
 3 including, but not limited to, plumbing, heating,
 4 electrical, ventilation, air conditioning and
 5 refrigeration facilities, elevators, dumbwaiters,
 6 escalators, boilers, fire protection systems or
 7 equipment, and pressure vessels.

8 7. "Local enforcement agency" means an agency
 9 of local government with authority to make inspections
 10 of buildings and to enforce the laws, ordinances,
 11 and rules enacted by the state and by the local
 12 government which establish standards and requirements
 13 applicable to the construction, alteration, repair,
 14 occupancy, or demolition of buildings.

15 8. "Local government" means a county, city, or
 16 combination thereof with authority to establish
 17 standards and requirements applicable to the
 18 construction, alteration, repair, occupancy, or
 19 demolition of buildings.

20 9. "Factory built structure" means any building
 21 which is of closed construction and which is made
 22 or assembled in manufacturing facilities, on or off
 23 the building site, for installation, or assembly and
 24 installation, on the building site. "Factory built
 25 structure" also means any building of open construction

26 for which certification under this Act is sought by
27 the manufacturer and which is made or assembled in
28 manufacturing facilities away from the building site
29 for installation, or assembly and installation, on
30 the building site.

31 10. "Mobile home system" means plans,
32 specifications, and documentation for a system of
33 mobile homes, which may include structural, electrical,
34 mechanical, plumbing, and fire protection systems,
35 and other systems affecting health and safety,
36 including variations which are submitted as part of
37 the mobile home system.

38 11. "Recreational vehicle" means a vehicular unit
39 primarily designed as temporary living quarters for
40 recreational, camping, or travel use, which either
41 has its own motive power or is designed to be mounted
42 on or drawn by another vehicle.

43 12. "Closed construction" means any structure,
44 building, component, assembly, or system manufactured
45 in such a manner that all portions cannot be readily
46 inspected at the installation site without being
47 disassembled, damaged, or destroyed.

48 13. "Open construction" means any structure,
49 building, component, assembly, or system manufactured
50 in such a manner that all portions can be readily

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1 inspected at the installation site without being
2 disassembled, damaged, or destroyed.

3 Sec. 5. NEW SECTION. DEPARTMENT CREATED. There
4 is created a department of building codes. The chief
5 administrative officer of the department shall be
6 the commissioner of building codes, who shall be
7 appointed by the governor, with the approval of two-
8 thirds of the members of the senate, and shall serve
9 at the governor's pleasure.

10 The commissioner shall be selected on the basis
11 of his technical and administrative abilities at an
12 annual salary as fixed by the general assembly. The
13 appointment or removal of the commissioner shall not
14 be subject to the provisions of chapter nineteen A
15 (19A) of the Code.

16 Sec. 6. NEW SECTION. COMMISSIONER'S DUTIES.
17 The commissioner shall:

18 1. Recommend to the council the adoption of rules
19 that are necessary for the effective administration
20 of the department.

21 2. Direct and administer the programs and services

22 of the department in compliance with the rules adopted
23 by the council.

24 3. Perform other duties assigned by the council.

25 4. Prepare, with council approval, the budget
26 request for the department.

27 5. Appoint with the approval of the council the
28 technical, professional, secretarial, and clerical
29 staff necessary to accomplish the purposes of this
30 Act, subject to the provisions of chapter nineteen
31 A (19A) of the Code.

32 6. Be authorized to appoint a member of his or
33 her staff to be acting commissioner in his or her
34 absence. The acting commissioner shall have the
35 powers delegated to him or her by the commissioner.

36 The commissioner and other employees of the
37 department shall receive, in addition to salary, their
38 necessary expenses when engaged in the performance
39 of official business.

40 7. Administer and enforce the provisions of chapter
41 one hundred four A (104A) of the Code.

42 **Sec. 7. NEW SECTION. BUILDING CODE COUNCIL.**

43 A building code council is created. The council shall
44 consist of seven members five of whom are qualified
45 by experience or training to provide a broad or
46 specialized expertise on matters pertaining to areas
47 subject to this Act.

48 Members of the council shall be appointed by the
49 governor for four-year terms of office and shall serve
50 until qualified successors are appointed. No more

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1 than four members of the council shall be of the same
2 political affiliation. The state building code
3 advisory council members appointed under section one
4 hundred three A point fourteen (103A.14) of the Code
5 shall continue to serve as members of the council
6 created by this section until their terms expire,
7 or until vacancies otherwise occur, at which times
8 the governor shall appoint new members.

9 Members of the council shall receive a per diem
10 of forty dollars for each day actually spent attending
11 to the business of the council and be compensated
12 for necessary expenses incurred in the performance
13 of their duties.

14 The council shall meet at the written request of
15 the commissioner or of three or more members of the
16 council.

17 The council shall establish rules for its internal

18 operation. The council may establish committees and
19 provide funding.

20 The council shall be part of the department of
21 building codes and shall exercise its powers, duties,
22 and functions independently of the department of
23 building codes, except that all budgeting, procurement,
24 and related functions shall be under the direction
25 and supervision of the commissioner of the department
26 of building codes.

27 A member shall not act as a member of the council
28 or vote as such in connection with any matter in which
29 he has a private interest.

30 **Sec. 8. NEW SECTION. POWERS OF COUNCIL AND**
31 **COMMISSIONER.**

32 1. The commissioner shall, and any other interested
33 party may propose rules. The council shall adopt
34 and may amend or repeal rules, subject to chapter
35 seventeen A (17A) of the Code. After adoption by
36 the council, the commissioner shall publish,
37 administer, and enforce the rules. The rules shall
38 cover the following:

39 a. The construction and inspection of all buildings
40 and structures which are subject to the state building
41 code.

42 b. The use or occupancy of buildings.

43 c. Standards and requirements for materials and
44 equipment to be used in buildings including, but not
45 limited to, standards and requirements for safety,
46 energy conservation, ingress and egress, and sanitary
47 conditions.

48 d. Standards, specifications, and requirements
49 for the manufacture of factory built structures,
50 building components, and mobile homes.

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1 e. Standards, specifications, and requirements
2 for installation of factory built structures,
3 components, and mobile homes.

4 f. Requirements for building systems and compliance
5 assurance programs.

6 g. Standards, specifications, and requirements
7 for a state housing code applicable to new and existing
8 dwellings, and provisions for its enforcement. A
9 state housing code shall not apply to existing single—
10 family residences occupied by the owner or the owner's
11 family.

12 h. Standards, specifications, and requirements
13 for mobile home park and recreational vehicle park

- 14 installations.
- 15 i. Standards, specifications, and requirements
16 for fire prevention and safety in buildings and
17 structures and provisions for their enforcement.
- 18 j. Standards, specifications, requirements, and
19 provisions for enforcement for making buildings and
20 facilities accessible to and usable by the handicapped.
21 Rules adopted to implement this paragraph shall
22 recognize the need for a reasonable balance between
23 benefits to the handicapped and the cost of achieving
24 these benefits and shall permit individual cases to
25 be decided on their merits.
- 26 k. The establishment of classifications of fire
27 zones pursuant to section thirteen (13), subsection
28 two (2), of this Act.
- 29 1. Policy relating to maintenance and restoration
30 of buildings of historic interest. This policy shall
31 permit great latitude in design, materials, and
32 techniques to insure historic authenticity.
- 33 m. The administration and enforcement of this
34 Act.
- 35 2. The commissioner may propose and the council
36 may adopt the codes, standards, and requirements which
37 apply to buildings and are promulgated by such
38 organizations as the building officials and code
39 administrators international, inc., international
40 conference of building officials, southern building
41 code congress, council of american building officials,
42 and other nationally recognized organizations including
43 governmental agencies, if the council determines that
44 any such code meets the following requirements:
- 45 a. Its adoption will not substantially reduce
46 regional uniformity of building regulations.
- 47 b. It does not discriminate against particular
48 technologies, techniques, trades, or materials.
- 49 c. It does not unnecessarily increase the cost
50 of construction in the state.

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- 1 d. It will protect the public health, safety,
2 and welfare within the state.
- 3 e. The state may participate in the code
4 modification proceedings of the model code group whose
5 code is proposed to be adopted.
- 6 If the council determines that all of the codes
7 fail to meet one or more of the requirements, the
8 council shall adopt a code which is comprised of one
9 or more of the model codes or which is amended to
10 the extent necessary to meet the requirements.

- 11 3. The council shall:
- 12 a. Establish procedures for implementation of
- 13 the transition from chapters one hundred three A
- 14 (103A) and four hundred thirteen. (413) of the Code
- 15 to this Act.
- 16 b. Hold a public hearing prior to adopting any
- 17 rule, following adequate public notice.
- 18 c. Make a continual study of the operation of
- 19 the Iowa building code and other laws relating to
- 20 the construction of buildings to ascertain their
- 21 effect upon the cost of building construction and
- 22 determine the effectiveness of their provisions.
- 23 d. Hear appeals pursuant to section fifteen (15)
- 24 of this Act.
- 25 e. Decide, upon application by a private party
- 26 or a local enforcement agency, that new technologies,
- 27 techniques, and materials which have been tested,
- 28 where necessary, and found to meet the objectives
- 29 of the Iowa building code, shall be deemed to meet
- 30 that code. These determinations are binding upon
- 31 all local enforcement agencies throughout the state
- 32 unless otherwise qualified by the council.
- 33 f. Make a continual study to seek out, evaluate,
- 34 and promote new concepts, new materials, and new
- 35 techniques which show promise of reducing costs and
- 36 providing better housing to the citizens of this
- 37 state.
- 38 4. The council or commissioner may:
- 39 a. Require or provide for the testing of materials,
- 40 devices, and methods of construction.
- 41 b. Appoint experts, consultants, technical
- 42 advisors, and advisory committees for assistance and
- 43 recommendations relative to the formulation of the
- 44 Iowa building code.
- 45 c. Formulate rules for the issuance and revocation
- 46 of permits for building construction and occupancy
- 47 permits.
- 48 **Sec. 9. NEW SECTION. IOWA BUILDING CODE.**
- 49 1. The rules published pursuant to section eight
- 50 (8) of this Act shall comprise and collectively be

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- 1 known as the Iowa building code.
- 2 2. The Iowa building code shall be designed to
- 3 achieve the following specific objectives:
- 4 a. Provide uniform standards and requirements
- 5 for construction and construction materials.
- 6 b. To the extent practicable, set forth the

7 standards, specifications, and requirements in terms
8 of performance objectives, to facilitate the use of
9 new technologies, techniques, and materials.
10 Preference shall be given to standards reasonably
11 consistent with those of other states.

12 3. Until one hundred eighty days after adoption
13 of the Iowa building code by a local government, any
14 local building regulations shall continue in effect
15 unless repealed. Thereafter, local building
16 regulations shall be void and of no effect, except
17 as powers are reserved to the local government in
18 section ten (10) of this Act. A building permit
19 validly issued pursuant to local building regulations
20 within one hundred eighty days after adoption of the
21 Iowa building code by the local government is valid
22 thereafter, and the construction of a building may
23 be completed pursuant to and in accordance with the
24 permit. In an area of the state which had no building
25 regulations or did not require building permits, the
26 construction of a building started before adoption
27 of the Iowa building code by the local government
28 may be completed without a building permit.

29 4. Until one hundred eighty days after adoption
30 of the Iowa building code, building codes promulgated
31 by a state board, department, commission, or agency
32 shall continue in effect unless repealed. Thereafter,
33 such building codes shall be void and of no effect.

34 5. The building code commissioner shall immediately
35 notify all local governments of revisions adopted
36 as part of the state building code. Unless the local
37 government files a request for local variation with
38 respect to these revisions within ninety days of the
39 date of notification by the commissioner, the local
40 government shall be held responsible for enforcing
41 the revisions so adopted.

42 **Sec. 10. NEW SECTION. LOCAL EXEMPTIONS.**

43 1. A local government which, prior to the adoption
44 of this Act, has adopted and is enforcing a nationally
45 recognized model building code as its building
46 ordinance, may apply to the council to be allowed
47 to continue to enforce its building ordinance and
48 to be exempted from the provisions of the Iowa building
49 code. After approval by the council, or after final
50 decision by the district court in favor of exemption

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1 after appeal of an adverse decision by the council,
2 the ordinance shall be so exempted. The council shall

3 support its decisions on applications with written
4 findings in accordance with the provisions of
5 subsection two (2) of this section.

6 2. The council shall grant an application for
7 exemption if it is established to the satisfaction
8 of the council that:

9 a. The ordinance is sufficiently consistent with
10 the Iowa building code so that its application will
11 not substantially reduce statewide or regional
12 uniformity of building codes.

13 b. The ordinance does not unnecessarily
14 discriminate against particular technologies,
15 techniques, trades, or materials.

16 c. The ordinance does not unnecessarily increase
17 the cost of construction in the jurisdiction.

18 d. The ordinance is the current edition of a
19 nationally recognized model building code.

20 e. Enforcement of the ordinance, as it may differ
21 from the Iowa building code, is necessary to protect
22 the public health, safety, and welfare within the
23 applicable jurisdiction. In determining whether the
24 ordinance meets the above requirements, the council
25 shall obtain the advice and counsel of the department
26 of building codes.

27 3. A decision of the council approving or
28 disapproving an application, or failure of the council
29 to act within a reasonable time, may be appealed to
30 the district court.

31 4. If an application is approved, the local
32 government shall thereafter maintain its building
33 ordinance up to date. The local government may do
34 so by adopting, without change, such improvements,
35 amendments, and research findings as may be issued
36 by the national model code organization within one
37 year of the issuance thereof. If the local government
38 wishes to amend the nationally recognized model code
39 in any other manner, it shall submit the proposed
40 amendment and findings of fact in support thereof
41 to the council. The council shall approve the
42 amendment if the local government establishes to the
43 council's satisfaction that it meets the criteria
44 set forth in subsection two (2) of this section and
45 is necessary to account for conditions peculiar to
46 the jurisdiction. Should an exempted local government
47 fail to maintain its code up to date, or amend its
48 code in violation of this section, and fail to remedy
49 the situation within a reasonable time after due
50 notice, the council shall revoke the local government's

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1 exemption and the Iowa building code shall be enforced
2 in that jurisdiction. Any decision of the council
3 approving or disapproving such an amendment or revoking
4 a local government's exemption shall be final for
5 purposes of seeking judicial review.

6 5. A local government which has been exempted
7 under this section may upon public notice repeal its
8 building ordinance and will thereafter be covered
9 by the Iowa building code.

10 Sec. 11. **NEW SECTION. LOCAL VARIATIONS.** A local
11 government may propose to the council variations in
12 the Iowa building code for application within its
13 jurisdiction to cover unique local conditions requiring
14 special or different building standards. The council
15 shall adopt such variations if it is established to
16 the council's satisfaction that:

17 1. The proposed variation is sufficiently
18 consistent with the Iowa building code so that its
19 application will not substantially reduce statewide
20 uniformity of building codes.

21 2. The proposed variation does not discriminate
22 against particular technologies, techniques, or
23 materials.

24 3. The proposed variation does not unnecessarily
25 increase the cost of construction in the jurisdiction.

26 4. The proposed variation does not substantially
27 reduce the standards of public health, safety, and
28 welfare within the jurisdiction.

29 Sec. 12. **NEW SECTION. ADMINISTRATION.**

30 1. In areas where local enforcement agencies have
31 jurisdiction, the commissioner shall not enforce the
32 Iowa building code. In such areas, the local
33 enforcement agencies are responsible for the
34 examination and approval or disapproval of plans and
35 specifications, the issuance and revocation of building
36 permits, licenses, certificates, and similar documents,
37 and the inspection of buildings pursuant to the
38 provisions of the Iowa building code.

39 The department of building codes shall enforce
40 the state building code as it applies to all buildings
41 constructed by the state or on state property. A
42 state agency may contract with local enforcement
43 agencies with the approval of the commissioner to
44 provide the services enumerated in this section.

45 2. Within one hundred eighty days after the
46 adoption of the Iowa building code, a local government
47 shall create, where necessary, a local enforcement

48 agency and shall employ and designate a building
49 official as well as code enforcement officers deemed
50 necessary to assist the enforcement agency in carrying

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1 out its functions under this section. The
2 administrative chief of the local enforcement agency
3 shall be called the building official.

4 3. If a local government has not adopted the state
5 building code, the department of building codes shall
6 enforce the state building code as it applies in that
7 jurisdiction.

8 4. Local governments shall appoint local appeals
9 boards to hear appeals brought in accordance with
10 section fifteen (15), subsection two (2) of this Act.
11 Until the boards are established, appeals shall be
12 heard by the council. A sufficient number of members
13 shall be appointed to allow appeals to be heard
14 promptly by panels of not less than three members,
15 all of whom shall be free of conflicts of interest
16 in the cases before them. A local government shall
17 be relieved of the duty to appoint local appeals
18 boards if it establishes to the satisfaction of the
19 council that a sufficient number of qualified people
20 cannot be found in the jurisdiction or through
21 cooperation with neighboring jurisdictions.

22 5. Two or more local governments may establish
23 a local enforcement agency or a local appeals board
24 to serve their jurisdictions, and in this event they
25 shall share proportionately the expenses incurred.

26 6. The department of building codes shall, upon
27 request, assist a local enforcement agency in such
28 matters as technical assistance, code interpretation,
29 education, training, personnel, and information
30 collection and dissemination.

31 7. Except as otherwise provided in the Iowa
32 building code, the construction of a building shall
33 not begin until a building permit is issued. Upon
34 submission of an application to a local enforcement
35 agency, if the building proposed to be erected will
36 comply with this Act and the Iowa building code, a
37 permit shall be issued. A local enforcement agency
38 may suspend or revoke a building permit if the building
39 under construction pursuant thereto does not comply
40 with this Act or the Iowa building code.

41 8. A local enforcement agency shall periodically
42 inspect all construction undertaken pursuant to
43 building permits issued by that agency to assure

44 compliance with this Act and the Iowa building code.
45 The applicant for a building permit for a building
46 under construction, who shall be the owner or his
47 or her authorized agent, is deemed to have consented
48 to inspection by a local enforcement agency by the
49 act of applying for a building permit. In addition
50 to other inspections provided for in this Act, an

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1 inspection may be made of any building at any time
2 if a local enforcement agency has probable cause to
3 believe that a condition hazardous to life or property
4 exists. If a building is found not to comply with
5 the Iowa building code, to the extent that it is
6 hazardous to life or property, the local enforcement
7 agency shall notify the permittee in writing to bring
8 the building into compliance with the Iowa building
9 code so it will no longer be hazardous to life or
10 property, or to secure it from entry or both. If
11 the permittee fails to comply with the notification,
12 the local enforcement agency shall revoke the permit.

13 9. A building constructed after the effective
14 date of the Iowa building code shall not be used or
15 occupied until a certificate of occupancy has been
16 issued. Upon submission of an application for a
17 certificate of occupancy to a local enforcement agency,
18 a certificate of occupancy shall be issued if the
19 building to which the application pertains has been
20 constructed in accordance with the building permit,
21 the Iowa building code, and other applicable laws
22 and ordinances.

23 **Sec. 13. NEW SECTION. RESERVATION OF LOCAL ZONING**
24 **AND RELATED POWERS.**

25 1. Except as provided by or pursuant to this Act,
26 land use zone requirements, building setback
27 requirements, side and rear yard requirements, site
28 development, and property line requirements are
29 specifically, and entirely reserved to local government.

30 2. The council shall establish classifications
31 of fire zones. Local governments shall establish
32 precise boundaries for fire zones within their
33 jurisdictions.

34 **Sec. 14. NEW SECTION. FEES.**

35 1. The council shall establish a schedule of fees
36 for the functions performed by the council and the
37 commissioner in connection with the administration
38 and enforcement of this Act and publish it in the
39 Iowa building code. The amount of the fees shall

40 be based, to the extent reasonable, on the cost of
41 performing functions undertaken pursuant to this Act.
42 Such fees shall be deposited in the state general
43 fund.

44 2. Each local government may establish a schedule
45 of fees for the functions performed by the local
46 enforcement agency in connection with the enforcement
47 of this Act. Local fees shall apply to state-owned
48 buildings and state construction within the local
49 jurisdiction. Such fees shall be deposited in the
50 local government's general fund.

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1 Sec. 15. NEW SECTION. APPEALS.

2 1. The council shall promptly hear and decide
3 appeals brought by any person or party in an individual
4 capacity, or on behalf of a class of persons or
5 parties, affected by any rule or decision made pursuant
6 to this Act. Final decisions by the council are
7 reviewable on appeal to the district court.

8 2. Prior to appeal to the council, appeals of
9 decisions or rulings of a local enforcement agency
10 shall be heard by the appropriate local appeals board.
11 If there is no local appeals board for the
12 jurisdiction, appeals shall be taken directly to the
13 council.

14 Sec. 16. NEW SECTION. INJUNCTIVE RELIEF. The
15 commissioner or the local enforcement agencies may
16 obtain injunctive relief from any court of competent
17 jurisdiction to enjoin the occupancy other than owner-
18 occupancy, erection, alteration, or installation of
19 any building covered by this Act, or to enjoin the
20 sale, delivery, use, occupancy, erection, alteration,
21 or installation of any factory built structure covered
22 by this Act, upon an affidavit specifying the man-
23 ner in which the building does not conform to the
24 requirements of this Act or the Iowa building code.

25 Sec. 17. NEW SECTION. PENALTIES.

26 1. A party who fails to comply with the provisions
27 of this Act or of the state building code within a
28 reasonable time of notification of the violation shall
29 be subject to a fine of not more than one hundred
30 dollars for each offense.

31 2. A separate violation is deemed to have occurred
32 with respect to each building not in compliance with
33 the Act or the Iowa building code.

34 Sec. 18. Section one hundred point one (100.1),
35 subsection four (4), paragraph d, and subsection five

36 (5), Code 1977, are amended to read as follows:
37 d. ~~The electric wiring and heating, and adequate~~
38 Adequate means of exit in case of fire, from churches,
39 schools, hotels, theaters, amphitheaters, asylums,
40 hospitals, health care facilities as defined in section
41 135C.1, college buildings, lodge halls, public meeting
42 places, and all other structures in which persons
43 congregate from time to time, whether publicly or
44 privately owned; -
45 5. To promulgate fire safety regulations. The
46 state fire marshal shall have exclusive right to
47 promulgate fire safety regulations as they apply to
48 enforcement or inspection requirements by the state
49 fire marshal, but such regulations shall be promulgated
50 only after public hearing. Wherever by any statute

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1 the fire marshal or the department of public safety
2 is authorized or required to promulgate, proclaim,
3 or amend rules and minimum standards regarding fire
4 hazards or fire safety or protection in any
5 establishment, building or structure, such rules and
6 standards shall promote and enforce fire safety, fire
7 protection, and the elimination of fire hazards as
8 the same may relate to the use, and occupancy and
9 construction of such buildings, establishments, or
10 structures. ~~The word "construction" shall include,~~
11 ~~but is not limited to, electrical wiring, plumbing,~~
12 ~~heating, lighting, ventilation, construction materials.~~
13 These rules and standards shall relate to entrances
14 and exits, and all other physical conditions of the
15 building which may affect fire hazards, safety, or
16 protection. Such rules and minimum standards shall
17 be in substantial compliance with the standards of
18 the National Fire Protection Association relating
19 to fire safety and fire hazards which threaten life
20 as published in the national fire codes.

21 Sec. 19. Section one hundred four point two
22 (104.2), Code 1977, is amended to read as follows:
23 104.2 SCOPE OF CHAPTER. The provisions of this
24 chapter shall not apply to any facility installed
25 in any single private dwelling residence, to facilities
26 subject to regulation under I.D.R. (1973 and
27 supplements), chapter 26 of the bureau of labor rules
28 (regulation 29 C.F.R. 1926.552), to manlifts subject
29 to regulation under chapter 88 or to facilities over
30 which an agency of the federal government is asserting
31 similar enforcement jurisdiction. Provisions of this

32 chapter supersede similar provisions contained in
 33 building codes of this state or any subdivision
 34 thereof, except as provided in section one hundred
 35 four point three (104.3) of the Code.

36 Sec. 20. Section one hundred four point three
 37 (104.3), subsection one (1), Code 1977, is amended
 38 to read as follows:

39 104.3 PROMULGATION OF RULES.

40 1. The commissioner may adopt rules governing
 41 maintenance, ~~construction, alteration, and installation~~
 42 ~~of facilities,~~ and the inspection and testing of new
 43 and existing installations as necessary to provide
 44 for the public safety; and to protect the public
 45 welfare.

46 The building code council may, with the concurrence
 47 of the commissioner, adopt, amend, or repeal rules
 48 providing for construction of new facilities and
 49 alteration of existing facilities. These rules shall
 50 be a part of the state building code.

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1 The commissioner shall adopt, amend, or repeal
 2 rules pursuant to chapter 17A as he deems necessary
 3 for the execution of his duties under this chapter,
 4 which shall include, but not be limited to, rules
 5 providing for:

- 6 a. Classifications of types of facilities.
- 7 b. Maintenance, inspection, testing, and operation
- 8 of the various classes of facilities.
- 9 ~~c. Construction of new facilities.~~
- 10 ~~d. Alteration of existing facilities.~~
- 11 e. c. Minimum safety requirements for all existing
- 12 facilities.
- 13 ~~f. d.~~ Control or prevention of access to facilities
- 14 or dormant facilities.
- 15 ~~g. e.~~ The reporting of accidents and injuries
- 16 arising from the use of facilities.
- 17 ~~h. f.~~ The specification of hearing and appeal pro-
- 18 cedures used by the commissioner.
- 19 ~~i. g.~~ Qualifications for obtaining an inspector's
- 20 license.
- 21 ~~j. h.~~ The adoption of procedures for the issuance
- 22 of variances.
- 23 ~~k. i.~~ The amount of fees charged and collected
- 24 for inspection, permits, and licenses.
- 25 Sec. 21. Section one hundred thirty-five point
- 26 eleven (135.11), Code 1977, is amended by striking

27 subsections seven (7) and eight (8).

28 Sec. 22. Section one hundred thirty-five D point
29 five (135D.5), unnumbered paragraph three (3), Code
30 1977, is amended to read as follows:

31 When the application is received by the state
32 department of health, it shall promptly cause the
33 mobile home park and appurtenances thereto to be
34 inspected. When such inspection and report has been
35 made and the state department of health finds that
36 all requirements of this chapter, and such conditions
37 of health and safety as the state department of health
38 may require, and the requirements of the state building
39 code have been met by the applicant, the state
40 department of health shall forthwith issue such annual
41 primary license in the name of the state.

42 Sec. 23. Section one hundred thirty-five D point
43 fifteen (135D.15), Code 1977, is amended to read as
44 follows:

45 135D.15 SEASONAL OPERATION. If any applicant
46 for a mobile home park license desires to operate
47 such mobile home park only during the months from
48 May 1 ~~first~~ to October 1 ~~first~~, they shall pay only
49 one-half of the above-mentioned annual license fee.
50 If in the opinion of the state department of health

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1 the sanitary and facility requirements herein
2 contained are too rigid for the mobile home park,
3 it may in writing or by regulation, with the
4 concurrence of the building code council, modify
5 such requirements as circumstances may permit and
6 require.

7 Sec. 24. Rules promulgated under section
8 eight (8), subsection one (1), paragraph g, of
9 this Act shall be submitted to the General Assembly,
10 within five (5) days of the convening, for their
11 approval and shall not be subject to chapter
12 seventeen A (17A) of the Code. The General Assembly
13 shall approve or disapprove such rules by joint
14 resolution within sixty (60) calendar days after
15 submission by the department.

16 Sec. 25. Sections one hundred thirty-five point
17 twelve (135.12), one hundred thirty-five point
18 thirteen (135.13), one hundred thirty-five point
19 fourteen (135.14), one hundred thirty-five point
20 fifteen (135.15), and chapter one hundred three A
21 (103A), Code 1977, are hereby repealed.

22 Sec. 26. Upon the effective date of rules

- 23 promulgated under paragraph g, of subsection one (1),
 24 of section eight (8) of this Act, chapter four
 25 hundred thirteen (413), Code 1977, is repealed.
 26 Sec. 27. This Act is effective January 1, 1978.”
 27 2. By amending the title page, line 1, by
 28 inserting after the word “Act” the words “establish—
 29 ing an Iowa building code including a housing code,
 30 establishing a separate department of building codes,
 31 and”.
 32 3. By amending the title page, line 3, by
 33 inserting after the word “code” the words”, and
 34 providing penalties for violations”.

RINAS of Linn
 HARVEY of Scott
 WALTER of Pottawattamie
 CLARK of Lee
 BINA of Scott
 TAUKE of Dubuque

H-3296

- 1 Amend House File 224 as follows:
 2 1. Page 1, by striking lines 24, 25 and 26.

BROCKETT of Marshall

H-3299

- 1 Amend House File 268 as follows:
 2 1. Page 1, line 6, by striking the words “a past
 3 or prospective” and inserting in lieu thereof the
 4 word “an”.
 5 2. Page 1, by striking lines 25 through 27 and
 6 inserting in lieu thereof the words “sion under
 7 section three (3) of this Act, or the commission
 8 has issued a release to the”.
 9 3. Page 1, by striking lines 29 through 35, and
 10 page 2, by striking lines 1 through 4, and inserting
 11 in lieu thereof the following:
 12 “4. Upon request of the complainant after the
 13 expiration of one hundred eighty days from the timely
 14 filing of a complaint with the commission, the
 15 commission must issue to the complainant a release
 16 stating that the complainant has a right to commence
 17 an action under subsection one (1) of this section,
 18 unless the commission has completed its investigation
 19 of the complaint and has commenced conciliation

20 procedures within that one hundred eighty-day period;
 21 provided that the commission must issue a release
 22 in any event upon request of the complainant after
 23 the expiration of two hundred forty days from the
 24 timely filing of a complaint with the commission
 25 unless a conciliation agreement has been executed
 26 under subsection three (3) of section six hundred
 27 one A point fourteen (601A.14) of the Code, or unless
 28 the commission has served notice of hearing upon the
 29 respondent pursuant to subsection six (6) of section
 30 six hundred one A point fourteen (601A.14) of the
 31 Code.”

32 4. Page 2, by striking lines 9 through 12 and
 33 inserting in lieu thereof the words “event that the
 34 commission issues a release under subsection four (4)
 35 of this section, the commission is barred from further
 36 action on the subject matter of that complaint, and
 37 the commission shall close its files on that complaint.”

38 5. Page 3, line 7, by striking the word “ordinary”
 39 and inserting in lieu thereof the word “registered”.

40 6. Page 4, line 3, by striking the word “certified”
 41 and inserting in lieu thereof the word “registered”.

BRANDT of Black Hawk

H-3301

1 Amend House File 224 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 “Section 1. NEW SECTION. SHORT TITLE. Sections
 5 one (1) through thirty-nine (39) of this Act shall
 6 be known and may be cited as the mobile home parks
 7 residential landlord and tenant act. References to
 8 this Act in sections one (1) through thirty-nine (39)
 9 of this Act refer only to sections one (1) through
 10 thirty-nine (39) of this Act.

11 Sec. 2. NEW SECTION. PURPOSES. Underlying
 12 purposes and policies of this chapter are:

13 1. To simplify, clarify and establish the law
 14 governing the rental of mobile home spaces and rights
 15 and obligations of landlord and tenant.

16 2. To encourage landlord and tenant to maintain
 17 and improve the quality of mobile home housing.

18 Sec. 3. NEW SECTION. SUPPLEMENTARY PRINCIPLES
 19 OF LAW APPLICABLE. Unless displaced by the provisions
 20 of this Act, the principles of law and equity,
 21 including the law relating to capacity to contract,
 22 mutuality of obligations, principal and agent, real

23 property, public health, safety and fire prevention,
24 estoppel, fraud, misrepresentation, duress, coercion,
25 mistake, bankruptcy or other validating or invalidating
26 cause supplement its provisions.

27 **Sec. 4. NEW SECTION. ADMINISTRATION OF REMEDIES;**
28 **ENFORCEMENT.**

29 1. The remedies provided by this Act shall be
30 so administered that the aggrieved party may recover
31 appropriate damages. The aggrieved party has a duty
32 to mitigate damages.

33 2. Any right or obligation declared by this Act
34 is enforceable by action unless the provision declaring
35 it specifies a different and limited effect.

36 **Sec. 5. NEW SECTION. SETTLEMENT OF DISPUTED CLAIM**
37 **OR RIGHT.** A claim or right arising under this Act
38 or on a rental agreement, if disputed in good faith,
39 may be settled by agreement.

40 **Sec. 6. NEW SECTION. TERRITORIAL APPLICATION.**
41 This Act applies to, regulates and determines rights,
42 obligations and remedies under a rental agreement,
43 wherever made, for a mobile home space located within
44 this state.

45 **Sec. 7. NEW SECTION. EXCLUSIONS FROM APPLICATION**
46 **OF CHAPTER.** The provisions of this Act shall not
47 be applicable to an occupancy in or operation of
48 public housing as authorized, provided or conducted
49 pursuant to chapter four hundred three A (403A) of
50 the Code, or pursuant to any federal law or regulation

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1 with which it might conflict.

2 **Sec. 8. NEW SECTION. JURISDICTION AND SERVICE**
3 **OF PROCESS.**

4 1. The appropriate court of this state may exercise
5 jurisdiction over any landlord with respect to any
6 conduct in this state governed by this Act or with
7 respect to any claim arising from a transaction subject
8 to this Act. In addition to any other method provided
9 by rule or by statute, personal jurisdiction over
10 a landlord may be acquired in a civil action or
11 proceeding instituted in the appropriate court by
12 the service of process in the manner provided by this
13 section.

14 2. If a landlord is not a resident of this state
15 or is a corporation not authorized to do business
16 in this state and engages in any conduct in this state
17 governed by this Act, or engages in a transaction
18 subject to this Act, the landlord shall designate

19 an agent upon whom service of process may be made
20 in this state. The agent shall be a resident of this
21 state or a corporation authorized to do business in
22 this state. The designation shall be in writing and
23 filed with the secretary of state. If no designation
24 is made and filed or if process cannot be served in
25 this state upon the designated agent, process may
26 be served upon the secretary of state, but the
27 plaintiff or petitioner shall forthwith mail a copy
28 of this process and pleading by certified mail, return
29 receipt requested, to the defendant or respondent
30 at this last reasonably ascertained address. If there
31 is no last reasonably ascertainable address and if
32 the defendant or respondent has not complied with
33 section seventeen (17), subsections one (1) and two
34 (2) of this Act, then service upon the secretary of
35 state shall be sufficient service of process without
36 the mailing of copies to the defendant or respondent.
37 Service of process shall be deemed complete and the
38 time shall begin to run for the purposes of this
39 section at the time of service upon the secretary
40 of state. The defendant shall appear and answer
41 within thirty days after completion thereof in the
42 manner and under the same penalty as if defendant
43 had been personally served with the summons. An
44 affidavit of compliance with this section shall be
45 filed with the clerk of the court on or before the
46 return day of the process, if any, or within any
47 further time the court allows. Where applicable,
48 the affidavit shall contain a statement that defendant
49 or respondent has not complied with section seventeen
50 (17), subsections one (1) and two (2) of this Act,

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1 or that affiant could not ascertain compliance by
2 inquiry directed to the secretary of state.
3 Sec. 9. **NEW SECTION. GENERAL DEFINITIONS.** Subject
4 to additional definitions contained in subsequent
5 sections of this Act which apply to specific sections
6 thereof, and unless the context otherwise requires,
7 in this chapter:
8 1. "Action" includes recoupment, counterclaim,
9 setoff, suit in equity and any other proceeding in
10 which rights are determined, including an action for
11 possession.
12 2. "Building and housing codes" include any law,
13 ordinance or governmental regulation concerning fitness
14 for habitation, or the construction, maintenance,

15 operation, occupancy, use or appearance of any
16 premises, dwelling unit or mobile home space.

17 3. "Dwelling unit" excludes real property used
18 to accommodate a mobile home.

19 4. "Good faith" means honesty in fact in the
20 conduct or transaction concerned.

21 5. "Landlord" means the owner, lessor, sublessor
22 or operator, or any combination thereof, of a mobile
23 home park and it also means a manager of the premises
24 who fails to disclose as required by section seventeen
25 (17) of this Act.

26 6. "Mobile home" means a dwelling unit built on
27 a chassis and containing complete electrical, plumbing
28 and sanitary facilities, and designated to be installed
29 on a temporary or a permanent foundation for permanent
30 living quarters.

31 7. "Mobile home space" means a parcel of land
32 for rent which has been designed to accommodate a
33 mobile home and provide the required sewer and utility
34 connections.

35 8. "Organization" includes a corporation,
36 government, governmental subdivision or agency,
37 business trust, estate, trust, partnership or
38 association, two or more persons having a joint or
39 common interest and any other legal or commercial
40 entity which is a landlord, owner, manager or
41 constructive agent pursuant to section seventeen (17)
42 of this Act.

43 9. "Owner" means one or more persons, jointly
44 or severally, in whom is vested all or part of the
45 legal title to property or all or part of the
46 beneficial ownership and a right to present use and
47 enjoyment of the premises. The term includes a
48 mortgagee in possession.

49 10. "Person" means an individual or organization.

50 11. "Premises" means mobile home park and existing

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1 facilities and appurtenances therein, including
2 furniture and utilities where applicable, and grounds,
3 areas and existing facilities held out for the use
4 of tenants generally or whose use is promised to the
5 tenant.

6 12. "Rent" means payments to be made to the
7 landlord in full consideration for the rented premises.

8 13. "Rental agreement" means agreements, written
9 or those implied by law, and valid rules and
10 regulations adopted under section twenty-two (22)

11 of this Act embodying the terms and conditions
12 concerning the use and occupancy of a mobile home
13 space or a mobile home and a mobile home space.

14. 14. "Security" means money or property given to
15 assure payment or performance under a rental agreement.

16 15. "Tenant" means a person entitled under a
17 rental agreement to occupy a mobile home space to
18 the exclusion of others.

19 **Sec. 10. NEW SECTION. OBLIGATION OF GOOD FAITH.**

20 Every duty under this chapter and every act which
21 must be performed as a condition precedent to the
22 exercise of a right or remedy under this chapter
23 imposes an obligation of good faith in its performance
24 or enforcement.

25 **Sec. 11. NEW SECTION. UNCONSCIONABILITY.**

26 1. If the court, as a matter of law, finds that:

27 a. A rental agreement or any provision thereof
28 was unconscionable when made, the court may refuse
29 to enforce the agreement, enforce the remainder of
30 the agreement without the unconscionable provision,
31 or limit the application of any unconscionable
32 provision to avoid an unconscionable result.

33 b. A settlement in which a party waives or agrees
34 to forego a claim or right under this chapter or under
35 a rental agreement was unconscionable at the time
36 it was made, the court may refuse to enforce the
37 settlement, enforce the remainder of the settlement
38 without the unconscionable provision, or limit the
39 application of any unconscionable provision to avoid
40 any unconscionable result.

41 2. If unconscionability is put into issue by
42 a party or by the court upon its own motion the parties
43 shall be afforded a reasonable opportunity to present
44 evidence as to the setting, purpose and effect of
45 the rental agreement or settlement to aid the court
46 in making the determination.

47 **Sec. 12. NEW SECTION. NOTICE.**

48 1. A person has notice of a fact if that person
49 has actual knowledge of it, has received a notice
50 or notification of it or from all the facts and

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1 circumstances known to that person at the time in
2 question, has reason to know that it exists. A person
3 "knows" or "has knowledge" of a fact if that person
4 has actual knowledge of it.

5 2. A person "notifies" or "gives" a notice or
6 notification to another by taking steps reasonably

7 calculated to inform the other in ordinary course
8 whether or not the other actually comes to know of
9 it. A person "receives" a notice or notification
10 when it comes to that person's attention, or in the
11 case of the landlord, it is delivered in hand or
12 mailed by certified mail, return receipt requested,
13 to the place of business of the landlord through which
14 the rental agreement was made or at any place held
15 out by the landlord as the place for receipt of the
16 communication or delivered to any individual who is
17 designated as an agent by section seventeen (17) of
18 this Act or, in the case of the tenant, it is delivered
19 in hand to the tenant or mailed by certified mail
20 with restricted delivery to the tenant at the place
21 held out by the tenant as the place for receipt of
22 the communication or, in the absence of such
23 designation, to the tenant's last known place of
24 residence other than the landlord's mobile home or
25 space, if known.

26 3. "Notice" knowledge or a notice or notification
27 received by an organization is effective for a
28 particular transaction from the time it is brought
29 to the attention of the individual conducting the
30 transaction and in any event from the time it would
31 have been brought to that person's attention if the
32 organization had exercised reasonable diligence, but
33 such knowledge shall be subject to proof.

34 **Sec. 13. NEW SECTION. TERMS AND CONDITIONS OF**
35 **RENTAL AGREEMENT.**

36 1. The landlord and tenant may include in a rental
37 agreement terms and conditions not prohibited by this
38 chapter or other rule of law including rent, term
39 of the agreement and other provisions governing the
40 rights and obligations of the parties.

41 2. The tenant shall pay as rent the amount stated
42 in the rental agreement. In the absence of a rental
43 agreement, the tenant shall pay as rent the fair
44 rental value for the use and occupancy of the mobile
45 home space.

46 3. Rent shall be payable without demand or notice
47 at the time and place agreed upon by the parties.
48 Periodic rent is payable at the beginning of any term
49 of one month or less, and thereafter, unless otherwise
50 agreed, in equal monthly installments at the beginning

1 of each month. Unless otherwise agreed, rent shall
2 be uniformly apportionable from day to day.

3 4. In addition to any other rental provisions,
4 the landlord shall be entitled to an automatic rental
5 increase to compensate for actual unforeseen costs
6 including taxes and rate increases for utilities,
7 which shall be substantiated by the landlord.

8 5. Unless otherwise agreed, rental agreements
9 shall be for a term of one year and shall be
10 automatically renewed on a yearly basis unless
11 otherwise specified in the original written or oral
12 rental agreement or any renewal thereof or may be
13 canceled by at least thirty days written notice given
14 before the expiration of any such lease by either
15 party.

16 6. At the request of either the landlord or the
17 tenant, a rental agreement for a term up to one year
18 shall be executed.

19 7. Should a tenant die, a surviving joint tenant
20 shall continue as tenant with all rights and privileges
21 and all liabilities the same as if that person were
22 the original tenant.

23 8. Should a tenant who was sole owner of a mobile
24 home die during the term of rental agreement then
25 that person's heirs or legal representative shall
26 have the right to cancel tenant's lease by giving
27 sixty days written notice to the landlord with the
28 same rights, privileges and liabilities of the original
29 tenant.

30 9. Unless otherwise provided by the rental
31 agreement, any improvements made by the tenant such
32 as plants, vines, edgings, gravel, stone or other
33 additions made for the benefit of the tenancy shall
34 be removable, except that the landlord may keep the
35 same by paying tenant for the actual cost thereof.

36 **Sec. 14. NEW SECTION. PROHIBITED PROVISIONS IN**
37 **RENTAL AGREEMENTS.**

38 1. A rental agreement shall not provide that the
39 tenant does any of the following:

40 a. Agrees to waive or to forego rights or remedies
41 under this chapter.

42 b. Agrees to pay the landlord's attorney's fees,
43 except an agreement in writing may provide that
44 attorney's fees may be awarded to the prevailing party
45 in the event of court action.

46 c. Agrees to the exculpation or limitation of
47 any liability of the landlord arising under law or
48 to indemnify the landlord for that liability or the
49 costs connected therewith.

50 2. A provision prohibited by subsection one (1)

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1 of this section included in a rental agreement is
2 unenforceable. If a landlord deliberately uses a
3 rental agreement containing provisions known to be
4 prohibited, the tenant may recover actual damages
5 sustained.

6 **Sec. 15. NEW SECTION. SEPARATION OF RENTS AND**
7 **OBLIGATIONS TO MAINTAIN PROPERTY FORBIDDEN.** A rental
8 agreement, assignment, conveyance, trust deed or
9 security instrument may not permit the receipt of
10 rent, unless the landlord has agreed to comply with
11 section nineteen (19), subsection one (1) of this
12 Act.

13 **DIVISION II—LANDLORD OBLIGATIONS.**

14 **Sec. 16. NEW SECTION. SECURITY DEPOSITS.**

15 1. A landlord shall not demand or receive as
16 security, however denominated and including but not
17 limited to prepaid rent, an amount or value in excess
18 of one and one-half month's rent.

19 2. Cleaning and landscaping deposits shall be
20 refundable unless otherwise stated in the rental
21 agreement.

22 3. Upon termination of the tenancy, property or
23 money held by the landlord as prepaid rent, security
24 or cleaning and landscaping deposits may be applied
25 to the payment of accrued rent and the amount of
26 damages which the landlord has suffered by reason
27 of the tenant's noncompliance with section twenty—
28 one (21) of this Act if it is itemized by the landlord
29 in a written notice delivered to the tenant together
30 with the amount due within fourteen days of termination
31 of the tenancy and delivery of possession by the
32 tenant.

33 4. If the landlord fails to comply with subsections
34 two (2) and three (3) of this section the tenant may
35 recover the property and money due him together with
36 damages in an amount equal to twice the amount
37 wrongfully withheld.

38 5. This section does not preclude the landlord
39 or tenant from recovering other damages to which he
40 or she may be entitled under this chapter.

41 6. The holder of the landlord's interest in the
42 premises at the time of the termination of the tenancy
43 is bound by this section.

44 **Sec. 17. NEW SECTION. DISCLOSURE AND TENDER OF**
45 **WRITTEN RENTAL AGREEMENT.**

46 1. The landlord or any person authorized to enter
47 into a rental agreement on his or her behalf shall
48 disclose to the tenant in writing before entering

49 into the rental agreement the name and address of
50 each of the following:

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- 1 a. The person authorized to manage the premises.
2 b. The owner of the premises or a person authorized
3 to act for and on behalf of the owner for the purpose
4 of service of process and for the purpose of receiving
5 and receipting for notices and demands.
6 2. The information required to be furnished by
7 this section shall be kept current and refurbished
8 to tenant upon tenant's request. When there is a
9 new owner or operator this section extends to and
10 is enforceable against any successor landlord, owner
11 or manager.
12 3. A person who fails to comply with subsections
13 one (1) and two (2) becomes an agent of each person
14 who is a landlord for the following purposes:
15 a. Service of process and receiving and receipting
16 for notices and demands.
17 b. Performing the obligations of the landlord
18 under this chapter and under the rental agreement
19 and expending or making available for the purpose
20 all rent collected from the premises.
21 4. If there is a written rental agreement, the
22 landlord must tender and deliver a signed copy of
23 the rental agreement to the tenant and the tenant
24 must sign and deliver to the landlord one fully
25 executed copy of such rental agreement within ten
26 days after the agreement is executed. Such rental
27 agreement shall have all blank spaces completed.
28 Noncompliance with this subsection shall be deemed
29 a material noncompliance by the landlord or the tenant,
30 as the case may be, of the rental agreement.
31 5. The landlord or any person authorized to enter
32 into a rental agreement on the landlord's behalf shall
33 fully explain utility rates to the prospective tenant
34 before the rental agreement is signed unless paid
35 by the tenant directly to the utility company.
36 6. Each tenant shall be notified, in writing,
37 of any rent increase at least sixty days before the
38 effective date. Such effective date shall not be
39 sooner than the expiration date of the original rental
40 agreement or any renewal or extension thereof.
41 **Sec. 18. NEW SECTION. LANDLORD TO DELIVER**
42 **POSSESSION OF MOBILE HOME SPACE.**
43 At the commencement of the term the landlord shall
44 deliver possession of the premises to the tenant in

45 compliance with the rental agreement and section
46 nineteen (19) of this Act. The landlord may bring
47 an action for possession against any person wrongfully
48 in possession and may recover the damages provided
49 in section thirty-seven (37) of this Act.

50 Sec. 19. NEW SECTION. LANDLORD TO MAINTAIN FIT

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1 PREMISES.

2 1. The landlord shall:

3 a. Comply with the requirements of all applicable
4 city, county and state codes materially affecting
5 health and safety.

6 b. Make all repairs and do whatever is necessary
7 to put and keep the premises in a fit and habitable
8 condition.

9 c. Keep all common areas of the premises in a
10 clean and safe condition.

11 d. Maintain in good and safe working order and
12 condition all swimming pool, shower, bathhouse,
13 electrical, plumbing and sanitary facilities, including
14 recreational hall or meeting facilities supplied or
15 required to be supplied by the landlord.

16 e. Provide and maintain appropriate receptacles
17 and conveniences for removal of garbage, rubbish,
18 and other waste incidental to the occupancy of the
19 mobile home space and arrange for their removal.

20 f. Furnish outlets for electric, water and sewer
21 services.

22 2. A mobile home park landlord shall not impose
23 any conditions of rental or occupancy which restrict
24 the mobile home owner in the choice of a seller of
25 fuel, furnishings, goods, services or mobile homes
26 connected with the rental or occupancy of a mobile
27 home space unless such condition is necessary to
28 protect the health, safety, aesthetic value or welfare
29 of mobile home residents in the park. However, the
30 landlord may impose reasonable conditions relating
31 to central fuel and gas meter systems in the park.
32 If any such conditions are imposed which result in
33 charges for such goods or services, the charges shall
34 not exceed the actual cost incurred in providing the
35 tenant with such goods or services.

36 Sec. 20. NEW SECTION. LIMITATION OF LIABILITY.

37 1. Unless otherwise agreed, a landlord who conveys
38 premises that include a mobile home space subject
39 to a rental agreement in a good faith sale to a bona
40 fide purchaser is relieved of liability under the

41 rental agreement and this chapter as to events
42 occurring subsequent to written notice to the tenant
43 of the conveyance. The landlord remains liable to
44 the tenant for any right of possession, property and
45 money to which the tenant is entitled under section
46 sixteen (16) of this Act.

47 2. Unless otherwise agreed, a manager of premises
48 that include a mobile home space is relieved of
49 liability under the rental agreement and this chapter
50 as to events occurring after written notice to the

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1 tenant of the termination of his management, except
2 such notice shall not terminate any agreement or legal
3 liability.

4 DIVISION III—TENANT OBLIGATIONS

5 Sec. 21. NEW SECTION. TENANT TO MAINTAIN MOBILE
6 HOME SPACE—NOTICE OF VACATING. A tenant of a mobile
7 home space shall exercise diligence to maintain that
8 part of the premises which the tenant has leased in
9 as good condition as when the tenant took possession
10 and shall:

11 a. Comply with all obligations primarily imposed
12 upon tenants by applicable provisions of city, county
13 and state codes materially affecting health and safety.

14 b. Keep that part of the premises that the tenant
15 occupies and uses as clean and safe as the condition
16 of the premises permit.

17 c. Dispose from the tenant's mobile home space
18 all rubbish, garbage and other waste in a clean and
19 safe manner as prescribed by park rules.

20 d. Not deliberately or negligently destroy, deface,
21 damage, impair or remove any part of the premises
22 or knowingly permit any person to do so.

23 e. Conduct himself or herself and require other
24 persons on the premises with his or her consent to
25 conduct themselves in a manner that will not disturb
26 the tenant's neighbors' peaceful enjoyment of the
27 premises.

28 f. Be obligated to inform the landlord or manager
29 of the mobile home park within ten days prior to
30 vacating premises. If notice is not given ten days
31 prior to moving from the mobile home space, the tenant
32 then is responsible for the following month's rent.

33 Sec. 22. NEW SECTION. RULES AND REGULATIONS.

34 1. A landlord shall adopt written rules or
35 regulations, however described, concerning the tenant's
36 use and occupancy of the premises. Such rules or

- 37 regulations are enforceable against the tenant only
38 if:
- 39 a. Their purpose is to promote the convenience,
40 safety or welfare of the tenants in the premises,
41 preserve the landlord's property from abusive use
42 or make a fair distribution of services and facilities
43 held out for the tenants generally.
 - 44 b. They are reasonably related to the purpose
45 for which adopted.
 - 46 c. They apply to all tenants in the premises in
47 a fair manner.
 - 48 d. They are sufficiently explicit in prohibition,
49 direction or limitation of the tenant's conduct to
50 fairly inform that person of what must or must not

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- 1 be done to comply.
 - 2 e. They are not for the purpose of evading the
3 obligations of the landlord.
 - 4 f. The prospective tenant has a copy of them
5 before the rental agreement is entered into, and the
6 prospective tenant is provided a copy of the current
7 rules and regulations at the time the rental agreement
8 is completed.
- 9 2. If any mobile home park owner adds, changes,
10 deletes, or amends any rule, a copy of all such
11 additions, changes, deletions or amendments shall
12 be furnished to all mobile home tenants thirty days
13 before they become effective. Any rule or condition
14 of occupancy which is unfair and deceptive or which
15 does not conform to the requirements of this chapter
16 shall be unenforceable. A rule or regulation adopted
17 after the tenant enters into the rental agreement
18 is enforceable against the tenant only if it does
19 not work a substantial modification of that person's
20 rental agreement.
- 21 3. No person who owns or operates a mobile home
22 park shall:
- 23 a. Deny rental unless the park resident or
24 prospective resident cannot conform to park rules
25 and regulations.
 - 26 b. Require any person as a precondition to renting,
27 leasing or otherwise occupying a space for a mobile
28 home in a mobile home park to pay an entrance or exit
29 fee of any kind unless for services actually rendered
30 or pursuant to a written agreement.
 - 31 c. Deny any resident of a mobile home park the
32 right to sell that person's home at a price of his

33 or her own choosing, but may reserve the right to
 34 approve the purchaser of such mobile home as a tenant
 35 but such permission may not be unreasonably withheld,
 36 provided however, that the landlord may, in the event
 37 of a sale to a third party, in order to upgrade the
 38 quality of the mobile home park, require that any
 39 mobile home ten feet or less wide and more than ten
 40 years old, or any mobile home in a rundown condition
 41 or in disrepair be removed from the park within sixty
 42 days.

43 d. Exact a commission or fee with respect to the
 44 price realized by the tenant selling the tenant's
 45 mobile home, unless the park owner or operator has
 46 acted as agent for the mobile home owner pursuant
 47 to a written agreement.

48 e. Require tenant to furnish permanent improvements
 49 which cannot be removed without damage thereto or
 50 to the mobile home space by tenant at expiration of

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1 the rental agreement.

2 f. Prohibit meetings between tenants in the mobile
 3 home park relating to mobile home living and affairs
 4 in the park community or recreational hall if such
 5 meetings are held at reasonable hours and when the
 6 facility is not otherwise in use.

7 **Sec. 23. NEW SECTION. ACCESS.**

8 1. The landlord has no right of access to a mobile
 9 home owned by a tenant.

10 2. The landlord and tenant may mutually agree,
 11 in writing, to give the landlord access.

12 **Sec. 24. NEW SECTION. TENANT TO OCCUPY AS A**
 13 **DWELLING UNIT—AUTHORITY TO SUBLET.** Unless otherwise
 14 agreed, the tenant shall occupy the tenant's mobile
 15 home only as a dwelling unit and may sublet, upon
 16 written agreement with the park management.

17 **DIVISION IV—REMEDIES**

18 **Sec. 25. NEW SECTION. NONCOMPLIANCE BY THE**
 19 **LANDLORD:**

20 1. Except as provided in this chapter, if there
 21 is a material noncompliance by the landlord with the
 22 rental agreement, the tenant may deliver a written
 23 notice to the landlord specifying the acts and
 24 omissions constituting the breach and that the rental
 25 agreement will terminate upon a date not less than
 26 thirty days after receipt of the notice if the breach
 27 is not remedied in fourteen days. If there is a
 28 noncompliance by the landlord with section nineteen

29 (19) of this Act materially affecting health and
30 safety, the tenant may deliver a written notice to
31 the landlord specifying the acts and omissions con-
32 stituting the breach and that the rental agreement
33 will terminate upon a date not less than twenty days
34 after receipt of the notice if the breach is not
35 remedied in ten days. The rental agreement shall
36 terminate and the mobile home space shall be vacated
37 as provided in the notice subject to the following:
38 a. If the breach is remediable by repairs or the
39 payment of damages or otherwise and the landlord
40 adequately remedies the breach prior to the date
41 specified in the notice, the rental agreement will
42 not terminate.
43 b. The tenant may not terminate for a condition
44 caused by the deliberate or negligent act or omission
45 of the tenant, a member of the tenant's family or
46 other person on the premises with the tenant's consent.
47 2. Except as provided in this chapter, the tenant
48 may recover damages, and obtain injunctive relief
49 for any noncompliance by the landlord with the rental
50 agreement or with section nineteen (19) of this Act.

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1 3. The remedy provided in subsection two (2) of
2 this section is in addition to any right of the tenant
3 arising under subsection one (1) of this section.
4 4. If the rental agreement is terminated, the
5 landlord shall return all deposits.
6 **Sec. 26. NEW SECTION. FAILURE TO DELIVER**
7 **POSSESSION.**
8 1. If the landlord fails to deliver physical
9 possession of the mobile home space to the tenant
10 as provided in section eighteen (18) of this Act,
11 rent abates until possession is delivered and the
12 tenant may do either of the following:
13 a. Upon at least five days' written notice to
14 the landlord, terminate the rental agreement and upon
15 termination the landlord shall return all deposits.
16 b. Demand performance of the rental agreement
17 by the landlord and if the tenant elects, maintain
18 an action for possession of the mobile home space
19 against the landlord or any person wrongfully in
20 possession and recover the damages sustained by him.
21 2. If the landlord fails to deliver constructive
22 possession to the tenant because of noncompliance
23 with section nineteen (19) of this Act, rent shall
24 not abate. The tenant may proceed with the remedies
25 provided for in section twenty-five (25) of this Act.

26 3. If a person's failure to deliver possession
27 is willful and not in good faith, an aggrieved person
28 may recover from that person the actual damages
29 sustained by him, plus any attorney's fees and court
30 costs.

31 **Sec. 27. NEW SECTION. SELF-HELP FOR MINOR DEFECTS.**

32 1. If the landlord fails to comply with section
33 nineteen (19) of this Act, the tenant may recover
34 damages for the breach under section twenty-five (25),
35 subsection two (2) of this Act, or may notify the
36 landlord of the tenant's intention to correct the
37 condition at the landlord's expense. After being
38 notified by the tenant in writing, if the landlord
39 fails to comply within twenty days or as promptly
40 thereafter as conditions require in case of emergency,
41 the tenant may cause the work to be done by a licensed
42 contractor and, after submitting to the landlord an
43 itemized statement and a waiver of lien, deduct from
44 the rent the actual and reasonable cost of the work.

45 2. A tenant may not repair at the landlord's
46 expense if the condition was caused by the deliberate
47 or negligent act or omission of the tenant, a member
48 of the tenant's family or other person on the premises
49 with the tenant's consent.

50 **Sec. 28. NEW SECTION. WRONGFUL FAILURE TO SUPPLY**

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1 **ESSENTIAL SERVICES.**

2 1. If contrary to the rental agreement or section
3 nineteen (19) of this Act, the landlord deliberately
4 or negligently fails to supply essential services,
5 the tenant may give reasonable notice to the landlord
6 specifying the breach under tenant's remedies.

7 2. The rights under this section do not arise
8 until the tenant has given notice to the landlord.
9 Such rights do not arise if the condition was caused
10 by the deliberate or negligent act or omission of
11 the tenant, a member of the tenant's family or other
12 person on the premises with the tenant's consent.

13 **Sec. 29. NEW SECTION. TENANT'S REMEDIES FOR**
14 **LANDLORD'S UNLAWFUL OUSTER, EXCLUSION OR DIMINUTION**
15 **OF SERVICES.** If the landlord unlawfully removes or
16 excludes the tenant from the premises or willfully
17 diminishes services to the tenant by interrupting
18 or causing the interruption of electric, gas, water
19 or other essential service to the tenant, the tenant

20 may recover possession or terminate the rental
21 agreement and, in either case, recover an amount equal
22 to two months' periodic rent and twice the actual
23 damages sustained by the tenant. If the rental
24 agreement is terminated, the landlord shall return
25 all deposits.

26 **Sec. 30. NEW SECTION. NONCOMPLIANCE WITH RENTAL**
27 **AGREEMENT BY TENANT—FAILURE TO PAY RENT.**

28 1. Except as provided in this chapter, if there
29 is a material noncompliance by the tenant with the
30 rental agreement, the landlord may deliver a written
31 notice to the tenant specifying the acts and omissions
32 constituting the breach and that the rental agreement
33 will terminate upon a date not less than thirty days
34 after receipt of the notice if the breach is not
35 remedied in fourteen days. If there is a noncompliance
36 by the tenant with section twenty-one (21) of this
37 Act materially affecting health and safety, the
38 landlord may deliver a written notice to the tenant
39 specifying the acts and omissions constituting the
40 breach and that the rental agreement will terminate
41 upon a date not less than twenty days after receipt
42 of the notice if the breach is not remedied in ten
43 days. However, if the breach is remediable by repair
44 or the payment of damages or otherwise, and the tenant
45 adequately remedies the breach prior to the date
46 specified in the notice, the rental agreement will
47 not terminate.

48 2. If rent is unpaid when due and the tenant fails
49 to pay rent within seven days after written notice
50 by the landlord of nonpayment and of the landlord's

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1 intention to terminate the rental agreement if the
2 rent is not paid within that period of time, the
3 landlord may terminate the rental agreement. Prior
4 to judgment in an action brought by the landlord under
5 this subsection, the tenant may have the rental
6 agreement reinstated by tendering the past due but
7 unpaid periodic rent, reasonable attorney's fees
8 incurred by the landlord and court costs, if any.

9 3. Except as otherwise provided in this chapter,
10 the landlord may recover damages, obtain injunctive
11 relief or recover possession of the premises pursuant
12 to an action in forcible detainer for any noncompliance
13 by the tenant with the rental agreement or with section
14 twenty-one (21) of this Act.

15 4. The remedy provided in subsection three (3)

16 of this section is in addition to any right of the
 17 landlord arising under subsection one (1) of this
 18 section.

19 **Sec. 31. NEW SECTION. FAILURE TO MAINTAIN BY**
 20 **TENANT.** If there is noncompliance by the tenant with
 21 section twenty-one (21) of this Act materially
 22 affecting health and safety that can be remedied by
 23 repair, replacement of a damaged item or cleaning
 24 and the tenant fails to comply as promptly as condi-
 25 tions require in case of emergency or within ten days
 26 after written notice by the landlord specifying the
 27 breach and requesting that the tenant remedy it within
 28 that period of time, the landlord may enter the mobile
 29 home space, and cause the work to be done in a
 30 workmanlike manner and submit an itemized bill for
 31 the actual and reasonable cost or the fair and reason-
 32 able value thereof additional as rent on the next
 33 date when periodic rent is due, or if the rental
 34 agreement was terminated, for immediate payment.

35 **Sec. 32. NEW SECTION. REMEDIES FOR ABANDONMENT-**
 36 **-REQUIRED REGISTRATION.**

37 1. If the tenant abandons the mobile home unit
 38 on a mobile home space, it is encumbent upon the
 39 landlord to locate the legal owner or lienholder of
 40 the mobile home unit within ten days and communicate
 41 to that person his or her liability for any costs
 42 encumbered for the mobile home space for such mobile
 43 home unit, including rent and utilities due and owing.
 44 However, the landlord shall be entitled to a maximum
 45 of sixty days' rent due prior to notice to lienholder.
 46 Any and all costs shall then become the responsibility
 47 of the legal owner or lienholder of the mobile home.
 48 The mobile home unit may not be removed from the
 49 mobile home space without a signed written agreement
 50 from the mobile home park landlord, owner or manager

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1 showing clearance for removal, showing all moneys
 2 due and owing paid in full, or an agreement reached
 3 with the legal owner and the landlord.

4 2. A required standardized registration form shall
 5 be filled out by each mobile home space renter, upon
 6 mobile home space rental, showing mobile home make,
 7 year, serial number and license number if any be
 8 legally required, and also showing if the mobile home
 9 is paid for, if there is a lien on the mobile home,
 10 and if so the lienholder, and who is the legal owner
 11 of the mobile home unit. The registration cards or

12 forms shall be kept on file with the park management
 13 as long as the mobile home is on the mobile home space
 14 within the park. Notice shall be given to park
 15 management within ten days of any new lien, changes
 16 of existing lien or settlement of lien.

17 Sec. 33. NEW SECTION. WAIVER OF LANDLORD'S RIGHT
 18 TO TERMINATE. Acceptance of rent, or any portion
 19 thereof, with knowledge of a default by tenant or
 20 acceptance of performance by the tenant that varied
 21 from the terms of the rental agreement or rules
 22 subsequently adopted by the landlord constitutes a
 23 waiver of the landlord's right to terminate the rental
 24 agreement for that breach, unless otherwise agreed
 25 after the breach has occurred.

26 Sec. 34. NEW SECTION. LANDLORD LIENS. A lien
 27 or security interest on behalf of the landlord in
 28 the tenant's personal property is not enforceable
 29 unless perfected before the effective date of this
 30 chapter.

31 Sec. 35. NEW SECTION. REMEDY AFTER TERMINATION.
 32 If the rental agreement is terminated, the landlord
 33 may have a claim for possession and for rent and a
 34 separate claim for actual damages for breach of the
 35 rental agreement.

36 Sec. 36. NEW SECTION. RECOVERY OF POSSESSION
 37 LIMITED. A landlord may not recover or take possession
 38 of the mobile home space by action or otherwise,
 39 including willful diminution of services to the tenant
 40 by interrupting or causing the interruption of
 41 electric, gas, water or other essential service to
 42 the tenant, except in case of abandonment, surrender
 43 or as permitted in this Act.

44 Sec. 37. NEW SECTION. PERIODIC TENANCY—HOLDOVER
 45 REMEDIES.

46 1. The landlord may terminate a tenancy only as
 47 provided in this chapter.

48 2. If the tenant remains in possession without
 49 the landlord's consent after expiration of the term
 50 of the rental agreement or its termination, the

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1 landlord may bring an action for possession and if
 2 the tenant's holdover is willful and not in good faith
 3 the landlord in addition may recover an amount equal
 4 to not more than two months' periodic rent and twice
 5 the actual damages sustained by the landlord.

6 Sec. 38. NEW SECTION. LANDLORD AND TENANT REMEDIES

7 FOR ABUSE OF ACCESS.

8 1. If the tenant refuses to allow lawful access,
9 the landlord may terminate the rental agreement and
10 may recover actual damages.

11 2. If the landlord makes an unlawful entry or
12 a lawful entry in an unreasonable manner or makes
13 repeated demands for entry otherwise lawful but which
14 have the effect of unreasonably harassing the tenant,
15 the tenant may obtain injunctive relief to prevent
16 the recurrence of the conduct or terminate the rental
17 agreement. In either case, the tenant may recover
18 actual damages not less than an amount equal to one
19 month's rent plus attorney's fees, plus any unused
20 prepaid rent.

21 **Sec. 39. NEW SECTION. RETALIATORY CONDUCT**
22 **PROHIBITED.**

23 1. Except as provided in this section, a landlord
24 may not retaliate by increasing rent or decreasing
25 services or by bringing or threatening to bring an
26 action for possession after any of the following:

27 a. The tenant has complained to a governmental
28 agency charged with responsibility for enforcement
29 of a building or housing code of a violation applicable
30 to the premises materially affecting health and safety.

31 b. The tenant has complained to the landlord of
32 a violation under section nineteen (19) of this Act.

33 c. The tenant has organized or become a member
34 of a tenant's union or similar organization.

35 2. If the landlord acts in violation of subsection
36 one (1) of this section, the tenant is entitled to
37 the remedies provided in section twenty-nine (29)
38 of this Act and has a defense in an action for
39 possession. In an action by or against the tenant,
40 evidence of a complaint within six months prior to
41 the alleged act of retaliation creates a presumption
42 that the landlord's conduct was in retaliation. The
43 presumption does not arise if the tenant made the
44 complaint after notice of termination of the rental
45 agreement. For the purpose of this subsection,
46 "presumption" means that the trier of fact must find
47 the existence of the fact presumed unless and until
48 evidence is introduced which would support a finding
49 of its nonexistence.

50 3. Notwithstanding subsections one (1) and two

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1 (2) of this section, a landlord may bring an action
2 for possession if either of the following occurs:

- 3 a. The violation of the applicable building or
4 housing code was caused primarily by lack of reasonable
5 care by the tenant or other person in the household
6 or upon the premises with the tenant's consent.
7 b. The tenant is in default in rent. The
8 maintenance of the action does not release the landlord
9 from liability under section twenty-five (25),
10 subsection two (2) of this Act.
11 Sec. 40. Section one hundred thirty-five D point
12 one".
13 2. Renumber the sections and correct internal
14 references to conform with this amendment.
15 3. Amend the title, line 1, by striking the words
16 "home tiedowns" and inserting in lieu thereof the
17 word "homes".

HARGRAVE of Johnson

H-3302

- 1 Amend H-3295 to House File 101 as follows:
2 1. Page 1, by striking lines 10 and 11 and
3 inserting in lieu thereof the words "prisoners,
4 and make nighttime".
5 2. Page 1, line 15, by inserting after the
6 word "incarcerated." the following: "A female
7 attendant shall be on the jail premises at all
8 times during the incarceration of one or more
9 female prisoners."

SPEAR of Lee

H-3306

- 1 Amend House File 101 as follows:
2 1. Page 1, by inserting after line 10 the
3 following:
4 "An attendant need not be on the jail premises
5 if the jail is monitored by electronic or other
6 monitoring devices when one or more prisoners
7 are incarcerated."

MILLER of Buchanan

H-3310

- 1 Amend amendment H-3301 to House File 224 as

2 follows:

3 1. Page 18, by striking lines 11 and 12.

HARGRAVE of Johnson

H-3311

1 Amend House File 356 as follows:

2 1. Page 5, by striking line 4 and inserting
3 in lieu thereof the following:

4 "Sec. 3. This Act, except paragraph d, sub-
5 section two (2) of section one (1) shall be effec-
6 tive January 1, 1978. Paragraph d, subsection two
7 (2) of section one (1) of this Act shall be effec-
8 tive July 1, 1977."

WYCKOFF of Benton

H-3312

1 Amend amendment H-3123 to House File 224 as follows:

2 By inserting after line 19 the following:

3 "6. Page 2, by inserting after line 30 the
4 following:

5 Sec. . Section one hundred three A point ten
6 (103A.10), Code 1977, is repealed."

MONROE of Des Moines

H-3313

1 Amend House File 224 as follows:

2 1. Page 1, by inserting before line one (1)
3 the following section:

4 "Section 1. Section one hundred three A
5 point three (103A.3), subsection twelve (12),
6 Code 1977, is amended to read as follows:

7 12. "Factory-built structure" means any
8 structure which is, wholly or in substantial
9 part, made, fabricated, formed, or assembled in
10 manufacturing facilities for installation or
11 assembly and installation, on a building site.
12 "Factory-built structure" includes the term "mobile
13 home" as defined in section one hundred thirty-
14 five D point one (135D.1) of the Code."

KRAUSE of Kossuth
LAGESCHULTE of Bremer
MONROE of Des Moines

H-3320

- 1 Amend House File 418, as follows:
- 2 1. Page 9, line 14, by striking the figures
- 3 "\$51,352,900" and inserting in lieu thereof the
- 4 figures "\$52,584,000".

HINES of Story

H-3327

- 1 Amend House File 418 as follows:
- 2 1. Page 5, line 30, by striking the figures
- 3 "100,000" and inserting in lieu thereof the
- 4 figures "500,000".

DAGGETT of Adams

H-3329

- 1 Amend House File 418, as follows:
- 2 1. Page 2, line 14 by striking the numbers
- 3 "250,000" and inserting in lieu thereof the
- 4 following: "500,000".

BRANSTAD of Winnebago

H-3331

- 1 Amend House File 390, page 1, line 13, by inserting
- 2 after the word "district." the words "Voluntary
- 3 reorganizations under this chapter shall be commenced
- 4 only if the affected school districts are contiguous
- 5 to one another."

BAKER of Buena Vista

H-3332

- 1 Amend House File 356 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "residents" the words "permanently disabled or".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "residents" the words "permanently disabled or".
- 6 3. Page 1, line 27, by inserting after the word
- 7 "residents" the words "permanently disabled or".
- 8 4. Page 1, line 30, by inserting after the word
- 9 "residents" the words "permanently disabled or".
- 10 5. Page 2, line 8, by inserting after the word

- 11 "residents" the words "permanently disabled or".
- 12 6. Page 2, line 10, by inserting after the word
- 13 "residents" the words "permanently disabled or".

LONERGAN of Boone

H-3333

- 1 Amend House File 418 as follows:
- 2 1. Page 1, line 19, by striking the figure
- 3 "83,800" and inserting in lieu thereof the figure
- 4 "30,000".
- 5 2. Page 2, line 14, by striking the figure
- 6 "250,000" and inserting in lieu thereof the figure
- 7 "500,000".
- 8 3. Page 8, line 12, by striking the figure
- 9 "62,331,700" and inserting in lieu thereof the figure
- 10 "63,712,000".

LIPSKY of Linn

H-3335

- 1 Amend House File 418 as follows:
- 2 1. Page 9, by inserting after line 24 the
- 3 following:
- 4 "d. World Food Institute
- 5 For salaries, support, maintenance,
- 6 grants, and miscellaneous purposes for
- 7 research in food production.....\$ 75,000"

PELTON of Clinton

H-3336

- 1 Amend House File 418 as follows:
- 2 1. Page 2, line 8, by inserting after the word
- 3 "students" the words "and half-time students".
- 4 2. Page 2, line 14, by striking the figures
- 5 "250,000" and inserting in lieu thereof the figures
- 6 "500,000".

TAUKE of Dubuque
SHIMANEK of Jones

H-3337

- 1 Amend House File 418 as follows:
- 2 1. Page 8, line 12, by striking the figure

- 3 "62,331,700" and inserting in lieu thereof the figure
 4 "63,712,000".
 5 2. Page 9, line 8, by striking the figure
 6 "1,338,700" and inserting in lieu thereof the figure
 7 "1,363,000".
 8 3. Page 9, line 14, by striking the figure
 9 "51,352,900" and inserting in lieu thereof the figure
 10 "52,514,000".
 11 4. Page 9, line 24, by striking the figure
 12 "5,342,200" and inserting in lieu thereof the figure
 13 "5,489,000".
 14 5. Page 9, line 28, by striking the figure
 15 "21,174,500" and inserting in lieu thereof the figure
 16 "21,612,000".

CRAWFORD of Story
 WULFF of Black Hawk
 LIPSKY of Linn
 PELTON of Clinton

H-3340

- 1 Amend House File 367 as follows:
 2 1. Page 1, line 14, by striking the number
 3 "211,000" and inserting in lieu thereof the
 4 following "201,000".

SCHEELHAASE of Woodbury

H-3344

- 1 Amend House File 418 as follows:
 2 1. Page 11, by inserting after line 12 the
 3 following:
 4 "Sec. . . If monies appropriated to a
 5 department pursuant to this Act are to be expend-
 6 ed to employ consultants, and the fees for such
 7 consulting service are to exceed twenty-five
 8 hundred (2,500) dollars, the department shall
 9 submit copies of such consulting agreements to
 10 the legislative and executive councils within
 11 ten days of entering into such agreements.
 12 Prior to acting on the recommendations of a
 13 consultant employed under the preceding para-
 14 graph, and in no event later than sixty days
 15 after submission of the consultants' report to

16 the department, the department shall submit a
17 copy of such report to the legislative council
18 and executive council. Upon determination of
19 the action to be taken in the area covered by
20 the consultants' report, the department shall
21 submit a memo to the legislative council and
22 executive council outlining the action the depart-
23 ment is proposing."

WOODS of Polk

H-3345

1 Amend House File 418 as follows:

2 1. Page 10, by inserting after line 10 the
3 following:

4 "Sec. . The college of medicine of the state
5 university of Iowa shall give preference to persons
6 applying for admission to the college of medicine
7 to those persons who agree to practice medicine in
8 rural areas and to practice in areas of the state
9 where the doctor-patient ratio indicates there is
10 a shortage of persons engaged in the general practice
11 of medicine."

12 2. Renumber the remaining sections and correct
13 internal references as are necessary in accordance
14 with this amendment.

MILLER of Buchanan

H-3346

1 Amend House File 418, page 3, by inserting after
2 line 6 the following new subsection:

3 " . A person who receives financial benefits
4 under this section shall be required to repay the
5 amount of funds paid on behalf of such person unless
6 such person practices optometry in this state for
7 the same number of years for which the person received
8 benefits. The debt owed to the state shall be prorated
9 based upon the number of years the person attended
10 an optometric school and received benefits from the
11 state and for each year the person practices in this
12 state the prorated amount of debt shall not have to
13 be repaid to the state."

MILLER of Buchanan

H-3347

1 Amend Senate File 149, as amended and reprinted
2 by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 1. NEW SECTION. PURPOSES. The purpose
6 of sections one (1) through forty-three (43) of this
7 Act is to improve and extend by reciprocal legislation
8 the enforcement of duties of support.

9 Sec. 2. NEW SECTION. DEFINITIONS.

10 -1. "Court" means the district court of this state
11 and when the context requires means the court of any
12 other state as defined in a substantially similar
13 reciprocal law.

14 2. "Duty of support" means a duty of support
15 whether imposed or imposable by law or by order,
16 decree, or judgment of any court, whether interlocutory
17 or final or whether incidental to an action for
18 divorce, dissolution, separation, separate maintenance
19 or otherwise and includes the duty to pay arrearages
20 of support past due and unpaid.

21 3. "Governor" includes any person performing the
22 functions of governor or the executive authority of
23 any state covered by sections one (1) through forty-
24 three (43) of this Act.

25 4. "Initiating state" means a state in which a
26 proceeding pursuant to this or a substantially similar
27 reciprocal law is commenced.

28 5. "Initiating court" means the court in which
29 a proceeding is commenced.

30 6. "Law" includes both common and statutory law.

31 7. "Obligee" means a person including a state
32 or political subdivision to whom a duty of support
33 is owed or a person including a state or political
34 subdivision that has commenced a proceeding for
35 enforcement of an alleged duty of support or for
36 registration of a support order. It is immaterial
37 if the person to whom a duty of support is owed is
38 a recipient of public assistance.

39 8. "Obligor" means any person owing a duty of
40 support or against whom a proceeding for the
41 enforcement of a duty of support or registration of
42 a support order is commenced.

43 9. "Prosecuting attorney" means the public official
44 in the appropriate place who has the duty to enforce
45 criminal laws relating to the failure to provide for
46 the support of any person.

47 10. "Register" means to file in the registry of
48 foreign support orders.

49 11. "Registering court" means any court of this
50 state in which a support order of a rendering state

Page 2

1 is registered.

2 12. "Rendering state" means a state in which the
3 court has issued a support order for which registration
4 is sought or granted in the court of another state.

5 13. "Responding state" means a state in which
6 any responsive proceeding pursuant to the proceeding
7 in the initiating state is commenced.

8 14. "Responding court" means the court in which
9 the responsive proceeding is commenced.

10 15. "State" includes a state, territory, or
11 possession of the United States, the District of
12 Columbia, the Commonwealth of Puerto Rico, and any
13 foreign jurisdiction in which this or a substantially
14 similar reciprocal law is in effect.

15 16. "Support order" means any judgment, decree,
16 or order of support in favor of an obligee whether
17 temporary or final, or subject to modification,
18 revocation, or remission, regardless of the kind of
19 action or proceeding in which it is entered.

20 Sec. 3. **NEW SECTION. REMEDIES ADDITIONAL TO THOSE**
21 **NOW EXISTING.** The remedies provided in sections one
22 (1) through forty-three (43) of this Act are in
23 addition to any other remedies.

24 Sec. 4. **NEW SECTION. EXTENT OF DUTIES OF SUPPORT.**
25 Duties of support arising under the law of this state,
26 when applicable under section seven (7) of this Act,
27 bind the obligor present in this state regardless
28 of the presence or residence of the obligee.

29 Sec. 5. **NEW SECTION. INTERSTATE RENDITION.** The
30 governor of this state may:

31 1. Demand of the governor of another state the
32 surrender of a person found in that state who is
33 charged criminally in this state with failing to
34 provide for the support of any person; or

35 2. Surrender on demand by the governor of another
36 state a person found in this state who is charged
37 criminally in that state with failing to provide for
38 the support of any person. Provisions for extradition
39 of criminals not inconsistent with sections one (1)
40 through forty-three (43) of this Act apply to the
41 demand even if the person whose surrender is demanded
42 was not in the demanding state at the time of the
43 commission of the crime and has not fled from the
44 demanding state. The demand, the oath, and any
45 proceedings for extradition pursuant to this section

46 need not state or show that the person whose surrender
47 is demanded has fled from justice or at the time of
48 the commission of the crime was in the demanding
49 state.
50 Sec. 6. NEW SECTION. CONDITIONS OF INTERSTATE

Page 3

1 RENDITION.

2 1. Before making the demand upon the governor
3 of another state for the surrender of a person charged
4 criminally in this state with failing to provide for
5 the support of a person, the governor of this state
6 may require any prosecuting attorney of this state
7 to satisfy him or her that at least sixty days prior
8 to the demand the obligee initiated proceedings for
9 support under sections one (1) through forty-three
10 (43) of this Act or that any proceeding would be of
11 no avail.

12 2. If, under a substantially similar Act, the
13 governor of another state makes a demand upon the
14 governor of this state for the surrender of a person
15 charged criminally in that state with failure to
16 provide for the support of a person, the governor
17 may require any prosecuting attorney to investigate
18 the demand and to report to him or her whether proceed-
19 ings for support have been initiated or would be
20 effective. If it appears to the governor that a
21 proceeding would be effective but has not been
22 initiated he or she may delay honoring the demand
23 for a reasonable time to permit the initiation of
24 a proceeding.

25 3. If the proceedings have been initiated and
26 the person demanded has prevailed in the proceeding
27 the governor may decline to honor the demand. If
28 the obligee prevailed and the person demanded is
29 subject to a support order, the governor may decline
30 to honor the demand if the person demanded is complying
31 with the support order.

32 Sec. 7. NEW SECTION. CHOICE OF LAW. Duties of
33 support applicable under sections one (1) through
34 forty-three (43) of this Act are those imposed under
35 the laws of any state where the obligor was present
36 for the period during which support is sought. The
37 obligor is presumed to have been present in the
38 responding state during the period for which support
39 is sought until otherwise shown.

40 Sec. 8. NEW SECTION. REMEDIES OF STATE OR
41 POLITICAL SUBDIVISION FURNISHING SUPPORT. If a state

42 or a political subdivision furnishes support to an
43 individual obligee it has the same right to initiate
44 a proceeding under this Act as the individual obligee
45 for the purpose of securing reimbursement for support
46 furnished and of obtaining continuing support.

47 **Sec. 9. NEW SECTION. HOW DUTIES OF SUPPORT**
48 **ENFORCED.** All duties of support, including the duty
49 to pay arrearages, are enforceable by a proceeding
50 under sections one (1) through forty-three (43) of

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1 this Act including a proceeding for civil contempt.
2 The defense that the parties are immune to suit because
3 of their relationship as husband and wife or parent
4 and child is not available to the obligor.

5 **Sec. 10. NEW SECTION. JURISDICTION.** Jurisdiction
6 of any proceeding under sections one (1) through
7 forty-three (43) of this Act is vested in the district
8 court.

9 **Sec. 11. NEW SECTION. CONTENTS AND FILING OF**
10 **PETITION FOR SUPPORT—VENUE.**

11 1. The petition shall be verified and shall state
12 the name and, so far as known to the obligee, the
13 address and circumstances of the obligor and the
14 persons for whom support is sought, and all other
15 pertinent information. The obligee may include in
16 or attach to the petition any information which may
17 help in locating or identifying the obligor including
18 a photograph of the obligor, a description of any
19 distinguishing marks on his or her person, other names
20 and aliases by which he or she has been or is known,
21 the name of his or her employer, his or her
22 fingerprints and his or her social security number.

23 2. The petition may be filed in the appropriate
24 court of any state in which the obligee resides.
25 The court shall not decline or refuse to accept and
26 forward the petition on the ground that it should
27 be filed with some other court of this or any other
28 state where there is pending another action for
29 divorce, separation, annulment, dissolution, habeas
30 corpus, adoption, or custody between the same parties
31 or where another court has already issued a support
32 order in some other proceeding and has retained
33 jurisdiction for its enforcement.

34 **Sec. 12. NEW SECTION. OFFICIALS TO REPRESENT**
35 **OBLIGEE.** If this state is acting as an initiating
36 state the prosecuting attorney upon the request of
37 the court, or other official acting as obligee's

38 representative shall represent the obligee in any
39 proceeding under sections one (1) through forty-three
40 (43) of this Act. If the prosecuting attorney neglects
41 or refuses to represent the obligee the attorney
42 general may undertake the representation.

43 **Sec. 13. NEW SECTION. PETITION FOR A MINOR.**

44 A petition on behalf of a minor obligee may be executed
45 and filed by a person having legal custody of the
46 minor without appointment as guardian ad litem.

47 **Sec. 14. NEW SECTION. DUTY OF INITIATING COURT.**

48 If the initiating court finds that the petition sets
49 forth facts from which it may be determined that the
50 obligor owes a duty of support and that a court of

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1 the responding state may obtain jurisdiction of the
2 obligor or his or her property it shall so certify
3 and cause three copies of the petition and its
4 certificate and one copy of sections one (1) through
5 forty-three (43) of this Act to be sent to the respond-
6 ing court. Certification shall be in accordance with
7 the requirements of the initiating state. If the
8 name and address of the responding court is unknown
9 and the responding state has an information agency
10 comparable to that established in the initiating
11 state it shall cause the copies to be sent to the
12 state information agency or other proper official
13 of the responding state, with a request that the
14 agency or official forward them to the proper court
15 and that the court of the responding state acknowledge
16 their receipt to the initiating court.

17 **Sec. 15. NEW SECTION. COSTS AND FEES.** An
18 initiating court shall not require payment of either
19 a filing fee or other costs from the obligee but may
20 request the responding court to collect fees and costs
21 from the obligor. A responding court shall not require
22 payment of a filing fee or other costs from the obligee
23 but it may direct that all fees and costs requested
24 by the initiating court and incurred in this state
25 when acting as a responding state, including fees
26 for filing of pleadings, service of process, seizure
27 of property, stenographic or duplication service,
28 or other service supplied to the obligor, be paid
29 in whole or in part by the obligor or by the state
30 or political subdivision thereof. These costs or
31 fees do not have priority over amounts due to the
32 obligee.

33 **Sec. 16. NEW SECTION. JURISDICTION BY ARREST.**

34 If the court of this state believes that the obligor
35 may flee it may:

36 1. As an initiating court, request in its
37 certificate that the responding court obtain the body
38 of the obligor by appropriate process; or

39 2. As the responding court, obtain the body of the
40 obligor by appropriate process. The court may release
41 him or her upon his or her own recognizance or upon
42 his or her giving a bond in an amount set by the court
43 to assure his or her appearance at the hearing.

44 Sec. 17. NEW SECTION. STATE INFORMATION AGENCY.

45 1. The child support recovery unit of the
46 department of social services is designated as the
47 state information agency under this Act and shall:

48 a. Compile a list of the courts and their addresses
49 in this state having jurisdiction under sections one
50 (1) through forty-three (43) of this Act and transmit

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1 it to the state information agency of every other
2 state which has adopted this or a substantially similar
3 Act. Upon the adjournment of each session of the
4 general assembly the agency shall distribute copies
5 of any amendments to the revised uniform reciprocal
6 enforcement of support Act and a statement of their
7 effective date to all other state information agencies;

8 b. Maintain a register of lists of courts received
9 from other states and transmit copies thereof promptly
10 to every court in this state having jurisdiction under
11 sections one (1) through forty-three (43) of this
12 Act; and

13 c. Forward to the court in this state which has
14 jurisdiction over the obligor or his or her property
15 petitions, certificates and copies of the Act it
16 receives from courts or information agencies of other
17 states.

18 2. If the state information agency does not know
19 the location of the obligor or his or her property
20 in the state and no state location service is available
21 it shall use all means at its disposal to obtain this
22 information, including the examination of official
23 records in the state and other sources such as
24 telephone directories, real property records, vital
25 statistics records, police records, requests for the
26 name and address from employers who are able and willing
27 to cooperate, records of motor vehicle license offices,
28 requests made to the tax offices both state and federal
29 where such offices are able to cooperate and requests

30 made to the social security administration as permitted
31 by the social security act as amended.

32 3. After the deposit of three copies of the
33 petition and certificate and one copy of the Act of
34 the initiating state with the clerk of the appropriate
35 court, if the state information agency knows or
36 believes that the prosecuting attorney is not
37 prosecuting the case diligently it shall inform the
38 attorney general who may undertake the representation.

39 **Sec. 18. NEW SECTION. DUTY OF THE COURT AND**
40 **OFFICIALS OF THIS STATE AS RESPONDING STATE.**

41 1. After the responding court receives copies
42 of the petition, certificate and act from the
43 initiating court the clerk of the court shall docket
44 the case and notify the prosecuting attorney of his
45 or her action.

46 2. The prosecuting attorney shall prosecute the
47 case diligently. He or she shall take all action
48 necessary in accordance with the laws of this state
49 to enable the court to obtain jurisdiction over the
50 obligor or his or her property and shall request the

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1 court to set a time and place for a hearing and give
2 notice thereof to the obligor in accordance with law.

3 3. If the prosecuting attorney neglects or refuses
4 to represent the obligee, the attorney general may
5 undertake the representation as authorized in section
6 thirteen point two (13.2), subsection two (2) of the
7 Code.

8 **Sec. 19. NEW SECTION. FURTHER DUTIES OF COURT**
9 **AND OFFICIALS IN THE RESPONDING STATE.**

10 1. The prosecuting attorney on his or her own
11 initiative shall use all means at his or her disposal
12 to locate the obligor or his or her property, and
13 if because of inaccuracies in the petition or otherwise
14 the court cannot obtain jurisdiction the prosecuting
15 attorney shall inform the court of what he or she
16 has done and request the court to continue the case
17 pending receipt of more accurate information or an
18 amended petition from the initiating court.

19 2. If the obligor or his or her property is not
20 found in the county and the prosecuting attorney
21 discovers that the obligor or his or her property
22 may be found in another county of this state or in
23 another state he or she shall so inform the court.
24 Thereupon the clerk of the court shall forward the
25 documents received from the court in the initiating

26 state to a court in the other county or to a court
27 in the other state or to the information agency or
28 other proper official of the other state with a request
29 that the documents be forwarded to the proper court.
30 All powers and duties provided by sections one (1)
31 through forty-three (43) of this Act apply to the
32 recipient of the documents so forwarded. If the clerk
33 of a court of this state forwards documents to another
34 court he or she shall forthwith notify the initiating
35 court.

36 3. If the prosecuting attorney has no information
37 as to the location of the obligor or his or her
38 property he or she shall so inform the initiating
39 court.

40 **Sec. 20. NEW SECTION. HEARING AND CONTINUANCE.**

41 If the obligee is not present at the hearing and the
42 obligor denies owing the duty of support alleged in
43 the petition or offers evidence constituting a defense
44 the court, upon request of either party, shall continue
45 the hearing to permit evidence relative to the duty
46 to be adduced by either party by deposition or by
47 appearing in person before the court. The court may
48 designate the judge of the initiating court as a
49 person before whom a deposition may be taken.

50 **Sec. 21. NEW SECTION. IMMUNITY FROM CRIMINAL**

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1 **PROSECUTION.** If at the hearing the obligor is called
2 for examination as an adverse party and declines to
3 answer upon the ground that the testimony may tend
4 to incriminate him or her, the court may require the
5 obligor to answer, in which event the obligor is
6 immune from criminal prosecution with respect to
7 matters revealed by his or her testimony, except for
8 perjury committed in this testimony.

9 **Sec. 22. NEW SECTION. EVIDENCE OF HUSBAND AND**
10 **WIFE.** Laws attaching a privilege against or forbidding
11 the disclosure of communications between husband and
12 wife are inapplicable to proceedings under this Act.
13 Husband and wife are competent witnesses and may be
14 compelled to testify to any relevant matter, including
15 marriage and parentage.

16 **Sec. 23. NEW SECTION. RULES OF EVIDENCE.** In
17 any hearing for the civil enforcement of sections
18 one (1) through forty-three (43) of this Act the court
19 is governed by the rules of evidence applicable in
20 a civil court action in the district court. If the
21 action is based on a support order issued by another

22 court a certified copy of the order shall be received
23 as evidence of the duty of support, subject only to
24 any defenses available to an obligor with respect
25 to paternity or to a defendant in an action or a
26 proceeding to enforce a foreign money judgment. The
27 determination or enforcement of a duty of support
28 owed to one obligee is unaffected by an interference
29 by another obligee with rights of custody or visitation
30 granted by a court.

31 Sec. 24. NEW SECTION. ORDER OF SUPPORT. If the
32 responding court finds a duty of support it may order
33 the obligor to furnish support or reimbursement
34 therefor and subject the property of the obligor to
35 the order. Support orders made pursuant to section
36 one (1) through forty-three (43) of this Act shall
37 require that payments be made to the clerk of the
38 court of the responding state. The court and
39 prosecuting attorney of any county in which the obligor
40 is present or has property have the same powers and
41 duties to enforce the order as have those of the
42 county in which it was first issued. If enforcement
43 is impossible or cannot be completed in the county
44 in which the order was issued, the prosecuting attorney
45 shall send a certified copy of the order to the
46 prosecuting attorney of any county in which it appears
47 that proceedings to enforce the order would be
48 effective. The prosecuting attorney to whom the
49 certified copy of the order is forwarded shall proceed
50 with enforcement and report the results of the

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1 proceedings to the court first issuing the order.

2 Sec. 25. NEW SECTION. WELFARE RECIPIENTS—
3 ASSIGNMENT OF SUPPORT PAYMENTS.

4 1. Any person entitled to periodic support payments
5 pursuant to an order of judgment entered in a uniform
6 support action pursuant to sections one (1) through
7 forty-three (43) of this Act, who is also a welfare
8 recipient, shall assign the rights to such payments
9 to the department of social services of the state
10 granting such assistance. The clerk of court shall
11 forward support payments received pursuant to sections
12 one (1) through forty-three (43) of this Act to the
13 department. The department of social services shall
14 have the right to secure support payments in default
15 through proceedings provided in sections one (1)
16 through forty-three (43) of this Act.

17 2. The clerk shall furnish the department of

18 social services with copies of all orders or decrees
19 awarding support to parties having custody of minor
20 children when such parties are receiving welfare
21 assistance.

22 Sec. 26. NEW SECTION. RESPONDING COURT TO TRANSMIT
23 COPIES TO INITIATING COURT. The responding court
24 shall cause a copy of all support orders to be sent
25 to the initiating court.

26 Sec. 27. NEW SECTION. ADDITIONAL POWERS OF
27 RESPONDING COURT. In addition to the foregoing powers
28 a responding court may subject the obligor to any
29 terms and conditions proper to assure compliance with
30 its orders and in particular to:

31 1. Require the obligor to furnish a cash deposit
32 or a bond of a character and amount to assure payment
33 of any amount due;

34 2. Require the obligor to report personally and
35 to make payments at specified intervals to the clerk
36 of the court; and

37 3. Punish under the power of contempt the obligor
38 who violates any order of the court.

39 Sec. 28. NEW SECTION. PATERNITY. If the obligor
40 asserts as a defense that he is not the father of
41 the child for whom support is sought and it appears
42 to the court that the defense is not frivolous, and
43 if both of the parties are present at the hearing
44 or the proof required in the case indicates that the
45 presence of either or both of the parties is not
46 necessary, the court may adjudicate the paternity
47 issue. Otherwise the court may adjourn the hearing
48 until the paternity issue has been adjudicated.

49 Sec. 29. NEW SECTION. ADDITIONAL DUTIES OF
50 RESPONDING COURT. A responding court has the following

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1 duties which may be carried out through the clerk
2 of the court:

3 1. To transmit to the initiating court any payment
4 made by the obligor pursuant to any order of the court
5 or otherwise; and

6 2. To furnish to the initiating court upon request
7 a certified statement of all payments made by the
8 obligor.

9 Sec. 30. NEW SECTION. ADDITIONAL DUTY OF
10 INITIATING COURT. An initiating court shall receive
11 and disburse forthwith all payments made by the obligor
12 or sent by the responding court. This duty may be
13 carried out through the clerk of the court.

14 **Sec. 31. NEW SECTION. PROCEEDINGS NOT TO BE**
15 **STAYED.** A responding court shall not stay the
16 proceeding or refuse a hearing under sections one
17 (1) through forty—three (43) of this Act because of
18 any pending or prior action or proceeding for divorce,
19 separation, annulment, dissolution, habeas corpus,
20 adoption, or custody in this or any other state.
21 The court shall hold a hearing and may issue a support
22 order pendente lite. In aid thereof it may require
23 the obligor to give a bond for the prompt prosecution
24 of the pending proceeding. If the other action or
25 proceeding is concluded before the hearing in the
26 instant proceeding and the judgment therein provides
27 for the support demanded in the petition being heard
28 the court must conform its support order to the amount
29 allowed in the other action or proceeding. Thereafter
30 the court shall not stay enforcement of its support
31 order because of the retention of jurisdiction for
32 enforcement purposes by the court in the other action
33 or proceeding.

34 **Sec. 32. NEW SECTION. APPLICATION OF PAYMENTS.**
35 A support order made by a court of this state pursuant
36 to sections one (1) through forty—three (43) of this
37 Act does not nullify and is not nullified by a support
38 order made by a court of this state pursuant to any
39 other law or by a support order made by a court of
40 any other state pursuant to a substantially similar
41 Act or any other law, regardless of priority of
42 issuance, unless otherwise specifically provided by
43 the court. Amounts paid for a particular period
44 pursuant to any support order made by the court of
45 another state shall be credited against the amounts
46 accruing or accrued for the same period under any
47 support order made by the court of this state.

48 **Sec. 33. NEW SECTION. EFFECT OF PARTICIPATION**
49 **IN PROCEEDING.** Participation in any proceeding under
50 sections one (1) through forty—three (43) of this

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1 Act does not confer jurisdiction upon any court over
2 any of the parties in any other proceeding.

3 **Sec. 34. NEW SECTION. INTRASTATE APPLICATION.**
4 Sections one (1) through forty—three (43) of this
5 Act apply if both the obligee and the obligor are
6 in this state but in different counties, or if both
7 the obligor and the obligee are residents of the same
8 county. If the court of the county in which the
9 petition is filed finds that the petition sets forth

10 facts from which it may be determined that the ob-
11 ligor owes a duty of support and finds that a court
12 of another county in this state may obtain jurisdiction
13 over the obligor or his or her property, the clerk
14 of the court shall send the petition and a
15 certification of the findings to the court of the
16 county in which the obligor or his or her property
17 is found. The clerk of the court of the county
18 receiving these documents shall notify the prosecuting
19 attorney of their receipt. The prosecuting attorney
20 and the court in the county to which the copies are
21 forwarded then shall have duties corresponding to
22 those imposed upon them when acting for this state
23 as a responding state.

24 **Sec. 35. NEW SECTION. APPEALS.** If the attorney
25 general is of the opinion that a support order is
26 erroneous and presents a question of law warranting
27 an appeal in the public interest, the attorney general
28 may:

29 1. Perfect an appeal to the proper appellate court
30 if the support order was issued by a court of this
31 state, or

32 2. If the support order was issued in another
33 state, cause the appeal to be taken in the other
34 state. In either case expenses of appeal may be paid
35 on the attorney general's order from funds appropriated
36 for his or her office.

37 **Sec. 36. NEW SECTION. ADDITIONAL REMEDIES.** If
38 the duty of support is based on a foreign support
39 order, the obligee has the additional remedies provided
40 in the following sections.

41 **Sec. 37. NEW SECTION. REGISTRATION.** The obligee
42 may register the foreign support order in a court
43 of this state in the manner, with the effect, and
44 for the purposes herein provided.

45 **Sec. 38. NEW SECTION. REGISTRY OF FOREIGN SUPPORT**
46 **ORDERS.** The clerk of the court shall maintain a
47 registry of foreign support orders in which the clerk
48 shall file foreign support orders.

49 **Sec. 39. NEW SECTION. OFFICIAL TO REPRESENT**
50 **OBLIGEE.** If this state is acting either as a rendering

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1 or a registering state the prosecuting attorney upon
2 the request of the court shall represent the obligee
3 in proceedings under sections thirty-six (36) to
4 forty-one (41) of this Act.

5 If the prosecuting attorney neglects or refuses
6 to represent the obligee, the attorney general may
7 undertake the representation.

8 **Sec. 40. NEW SECTION. REGISTRATION PROCEDURE—**
9 **—NOTICE.**

10 1. An obligee seeking to register a foreign support
11 order in a court of this state shall transmit to the
12 clerk of the court three certified copies of the order
13 with all modifications, one copy of the reciprocal
14 enforcement of support act of the state in which the
15 order was made, and a statement verified and signed
16 by the obligee, showing the post office address of
17 the obligee, the last known place of residence and
18 post office address of the obligor, the amount of
19 support remaining unpaid, a description and the
20 location of any property of the obligor available
21 upon execution, and a list of the states in which
22 the order is registered. Upon receipt of these
23 documents the clerk of the court, without payment
24 of a filing fee or other cost to the obligee, shall
25 file them in the registry of foreign support orders.
26 The filing constitutes registration under sections
27 one (1) through forty-three (43) of this Act.

28 2. Promptly upon registration the clerk of the
29 court shall send by certified or registered mail to
30 the obligor at the address given a notice of the
31 registration with a copy of the registered support
32 order and the post office address of the obligee.
33 He or she shall also docket the case and notify the
34 prosecuting attorney of his or her action. The
35 prosecuting attorney shall proceed diligently to
36 enforce the order.

37 **Sec. 41. NEW SECTION. EFFECT OF REGISTRATION—**
38 **—ENFORCEMENT PROCEDURE.**

39 1. Upon registration the registered foreign support
40 order shall be treated in the same manner as a support
41 order issued by a court of this state. It has the
42 same effect and is subject to the same procedures,
43 defenses, and proceedings for reopening, vacating,
44 or staying as a support order of this state and may
45 be enforced and satisfied in like manner.

46 2. The obligor has twenty days after the mailing
47 of notice of the registration in which to petition
48 the court to vacate the registration or for other

49 relief. If the obligor does not so petition the
50 registered support order is confirmed.

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1 3. At the hearing to enforce the registered support
2 order the obligor may present only matters that would
3 be available to him or her as defenses in an action
4 to enforce a foreign money judgment. If the obligor
5 shows to the court that an appeal from the order is
6 pending or will be taken or that a stay of execution
7 has been granted the court shall stay enforcement
8 of the order until the appeal is concluded, the time
9 for appeal has expired, or the order is vacated, upon
10 satisfactory proof that the obligor has furnished
11 security for payment of the support ordered as required
12 by the rendering state. If the obligor shows to the
13 court any ground upon which enforcement of a support
14 order of this state may be stayed the court shall
15 stay enforcement of the order for an appropriate
16 period if the obligor furnishes the same security
17 for payment of the support ordered that is required
18 for a support order of this state.

19 **Sec. 42. NEW SECTION. UNIFORMITY OF**
20 **INTERPRETATION.** Sections one (1) through forty-three
21 (43) of this Act shall be so construed as to effectuate
22 its general purpose to make uniform the law of those
23 states which enact it.

24 **Sec. 43. NEW SECTION. SHORT TITLE.** Sections
25 one (1) through forty-three (43) of this Act may be
26 cited as the "Revised Uniform Reciprocal Enforcement
27 of Support Act".

28 2. Page 1, by inserting after line 27 the following
29 section:

30 "Sec. . Chapter two hundred fifty-two A (252A),
31 Code 1977, is repealed."

32 3. By amending the title, line 2, by inserting
33 after the word "orders" the words "and establishing
34 a revised uniform reciprocal enforcement of support
35 Act".

36 4. By renumbering the sections to conform with
37 this amendment.

HARGRAVE of Johnson

H-3354

1 Amend Senate File 214, as passed by the

2 Senate, as follows:

3 1. Page 6, by striking lines 19 through 35
4 and inserting in lieu thereof the following:

5 "the Code the amount of thirty—one million
6 nine hundred ninety thousand nine hundred fifty—
7 four (31,990,954) dollars to be allocated as
8 follows:

9	(1)	Merged Area I.....\$	1,589,790
10	(2)	Merged Area II.....\$	2,147,453
11	(3)	Merged Area III.....\$	1,950,814
12	(4)	Merged Area IV.....\$	729,838
13	(5)	Merged Area V.....\$	2,502,982
14	(6)	Merged Area VI.....\$	2,192,278
15	(7)	Merged Area VII.....\$	2,082,005
16	(8)	Merged Area IX.....\$	2,411,265
17	(9)	Merged Area X.....\$	3,601,128
18	(10)	Merged Area XI.....\$	4,926,965
19	(11)	Merged Area XII.....\$	1,595,964
20	(12)	Merged Area XIII....\$	2,179,749
21	(13)	Merged Area XIV....\$	822,074
22	(14)	Merged Area XV.....\$	1,730,633
23	(15)	Merged Area XVI....\$	1,528,066 "

24 2. Page 7, by striking lines 1 through 3.

25 3. Page 7, line 20, by striking the figures
26 "8,285,900" and inserting in lieu thereof the
27 figures "8,109,056".

28 4. Page 7, by inserting after line 26 the
29 following new subsection:

30 "e. For Merged Area I

31 For planning and construction of a
32 vocational technical education facility..\$ 500,000

33 It is the intent of the general assembly that
34 monies appropriated by this subsection shall not
35 revert and that \$500,000 per year will be approp-
36 riated in the next two succeeding years to finance
37 the construction of such facility."

GILLOON of Dubuque
DYRLAND of Clayton
TAUKE of Dubuque
JOCHUM of Dubuque

H-3360

1 Amend Senate File 214 as follows:

2 1. Page 2, line 17, by striking the numbers

3 "500,000" and inserting in lieu thereof the numbers

4 "1,000,000".

LAGESCHULTE of Bremer
HARVEY of Scott
TOFTE of Winnebick

H-3364

- 1 Amend H-3351, filed by the Committee on Budget, to
 2 Senate File 214, as amended and passed by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 18 the follow-
 5 ing amendment:
 6 " . Page 8, by inserting after line 7 the follow-
 7 ing subsection:
 8 " . The amount of three million one hundred
 9 fifty thousand (3,150,000) dollars is appropriated
 10 to the state board of regents for allocation by such
 11 board to supplement the amounts appropriated in this
 12 section in such amount as will increase the funds
 13 specified to a level equal to that provided for in
 14 the budget submitted by the governor to the general
 15 assembly." "
 16 2. By numbering and renumbering subsections as
 17 necessary.

CRAWFORD of Story
 WULFF of Black Hawk
 PELTON of Clinton
 LIPSKY of Linn

H-3369

- 1 Amend Senate File 214 as follows:
 2 1. Page 9 by inserting after line 29 the
 3 following:
 4 "5. IOWA BRAILLE AND SIGHT-SAVING
 5 SCHOOL
 6 For salaries, support, mainte-
 7 nance, equipment, and miscella-
 8 neous purposes.....\$ 1,512,000
 9 6. STATE SCHOOL FOR THE DEAF
 10 For salaries, support, mainte-
 11 nance, equipment, and miscella-
 12 neous purposes.....\$ 2,825,000"

WYCKOFF of Benton
 PAVICH of Pottawattamie
 DANKER of Pottawattamie
 SCHROEDER of Pottawattamie

H-3371

- 1 Amend Senate File 214, as passed by the
 2 Senate, as follows:

- 3 1. Page 2, line 17, by inserting after the
 4 word "Code" the following:
 5 "and for tuition grants to students who meet
 6 the qualifications prescribed under sections
 7 two hundred sixty—one point nine (261.9) to
 8 two hundred sixty—one point sixteen (261.16) of
 9 the Code and who are enrolled in Gaullaudet
 10 College in Washington, D.C."

BENNETT of Ida

H-3375

- 1 Amend Senate File 214, as passed by the
 2 Senate, as follows:
 3 1. Page 2, line 10, by inserting after the
 4 word "to" the words "part-time and".

BRANDT of Black Hawk

H-3377

- 1 Amend Senate File 214, as passed by the
 2 Senate, as follows:
 3 1. Page 2, line 10, by inserting after the
 4 word "to" the words "half-time and".

BRANDT of Black Hawk

H-3379

- 1 Amend Senate File 205 as follows:
 2 1. Page 1, line 18, by inserting after the
 3 first word "the" the word "sole".
 4 2. Page 1, line 24, by inserting after the
 5 word "valid" the word "only".

MONROE of Des Moines
 WOODS of Polk
 HARVEY of Scott

H-3380

- 1 Amend Senate File 214, as passed by the
 2 Senate, as follows:
 3 1. Page 6, by striking line 23, and insert—
 4 ing in lieu thereof the following:
 5 "located as follows, provided that, as a con—
 6 dition of this appropriation, the state board of
 7 public instruction shall not approve any contract

8 between a community college and any other
9 institution which duplicates any course, program
10 or curriculum offered by the community college
11 as part of any existing degree program.”:

DYRLAND of Clayton

H—3381

1 Amend the Senate Amendment H—3339 to page 8 of
2 House File 327 as follows:

3 1. Page 1, by inserting after line 4 the follow—
4 ing:

5 “Page 8, by inserting after line 33, the
6 following sections:

7 Sec. Section three hundred seven A point
8 two (307A.2), Code 1977, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. Quadrennially beginning July
11 1, 1977, prepare, adopt and cause to be published the
12 results of a study of all secondary, farm—to—market
13 and local secondary roads in the state. The study
14 shall be so designed to investigate present de—
15 ficiencies and future twenty—year maintenance and
16 construction needs of the roads and the ability of
17 each applicable authority to meet the needs for the
18 planning, construction, repair and maintenance of
19 roads within their jurisdiction. The commission shall
20 have the authority to gather information necessary
21 to complete this study and shall be furnished such
22 assistance from any state agency as necessary to
23 prepare, update and publish prior to December thirty—
24 first in odd—numbered years the quadrennial report to
25 be referred to as the “quadrennial needs study” for
26 the purposes of this chapter and chapter three hundred
27 twelve (312) of the Code.

28 Sec. Section three hundred twelve point three
29 (312.3), subsection one (1), Code 1977, is amended
30 by striking the subsection and inserting in lieu
31 thereof the following:

32 1. Apportion among the counties sixty percent
33 of the allocation from the road use tax funds credited
34 to the secondary road fund of the counties based upon
35 the latest quadrennial update of the twenty—year high—
36 way need study report developed by the state depart—
37 ment of transportation referred to as the “quadrennial
38 needs study”.

39 Forty percent of the allocation from the road use
40 tax funds credited to the secondary road fund of
41 counties shall be allocated among the counties in

- 42 the proportion that the area of such county bears
 43 to the total area of the state.
 44 Sec. . Section three hundred twelve point five
 45 (312.5), unnumbered paragraph three (3), Code 1977,
 46 is amended to read as follows:
 47 Need allotment farm—to—market road funds shall be
 48 allotted among the counties in the ratio that the
 49 needs of the farm—to—market roads in each county bear
 50 to the total needs of the farm—to—market roads in

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- 1 the state for the ~~twenty-year~~ program developed by
 2 the ~~automotive safety foundation~~ and filed with the
 3 ~~Iowa highway study committee~~ created by chapter 426
 4 ~~Acts of the Fifty-eighth General Assembly~~, and which
 5 ~~is on record at the department based upon the~~
 6 ~~quadrennial needs study~~”.”

GILLOON of Dubuque

H-3386

- 1 Amend amendment H-3114 to House File 75 as
 2 follows:
 3 1. Page 2, line 22, by striking the words “and
 4 lighting”.

EVANS of Grundy

H-3387

- 1 Amend amendment H-3114 to House File 75 as
 2 follows:
 3 1. Page 2, line 23, by inserting after the word
 4 “made” the words “and that the design is in compliance”.

EVANS of Grundy

H-3394

- 1 Amend House File 354 as follows:
 2 1. Title, page B, line 7, by striking the words
 3 “NOW THEREFORE,” and inserting in lieu thereof the
 4 word “and”.
 5 2. Title, page B, by inserting after line 7 the
 6 following:
 7 “WHEREAS, it is further the policy of this state
 8 to encourage and assist in the creation and operation

9 of regional emergency medical services entities, and
10 to enable and assist providers of emergency medical
11 services in the delivery of adequate and effective
12 emergency medical services to all the people of Iowa,
13 and in the provision of medical care during disaster
14 situations; NOW THEREFORE,".

15 3. Page 1, by inserting after line 2 the following
16 new subsections:

17 " "Advanced life support" means a sophisticated
18 level of pre-hospital and inter-hospital emergency
19 care which includes basic life support functions,
20 including but not limited to cardiopulmonary
21 resuscitation, cardiac monitoring, cardiac
22 defibrillation, telemetered electrocardiography,
23 administration of antiarrhythmic agents, intravenous
24 therapy, administration of specific medications, drugs
25 and solutions, use of adjunctive ventilation devices,
26 trauma care and other authorized techniques and
27 procedures.

28 "Advanced life support personnel" means
29 persons other than physicians, who are engaged in
30 the provision of advanced life support.

31 "Advisory council" means the state emergency
32 medical services advisory council, established by
33 this Act."

34 4. Page 1, by inserting after line 28 the following
35 new subsections:

36 " "Ambulance" means any privately or publicly
37 owned motor vehicle used to transport individuals
38 who are sick, injured, wounded or otherwise
39 incapacitated and who, because of that condition,
40 require emergency medical services while being
41 transported.

42 "Central communications system" means a radio
43 and telephone communications command and control
44 center responsible for accepting calls for emergency
45 medical services, for dispatching of emergency medical
46 services personnel and vehicles, for radio coordination
47 of emergency medical services vehicles and personnel,
48 for coordination of medical communications between
49 emergency medical services personnel and hospitals,
50 for coordination of communications between emergency

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1 medical services personnel and public safety agencies,
2 for coordination and management of radio frequencies
3 devoted to biomedical telemetry, and, where applicable,
4 for hospital paging operations."

5 5. Page 2, by inserting after line 8 the following
6 new subsections:

7 " "Emergency medical services" means the
8 services utilized in responding to the perceived
9 individual needs for immediate medical care in order
10 to prevent loss of life or aggravation of physiological
11 or psychological illness or injury.

12 "Emergency medical technician" means an
13 individual trained in emergency medical care in
14 accordance with standards prescribed by this Act,
15 or by rules promulgated by the department, who provides
16 emergency medical services in accordance with his
17 or her level of training, which may range from basic
18 life support to advanced life support.

19 "Emergency medical technician—paramedic"
20 means an individual trained and authorized to provide
21 life support services.

22 "Emergency patient" means an individual who
23 as a result of illness or injury needs immediate
24 medical attention."

25 6. Page 4, by inserting after line 1 the following
26 new subsections:

27 " "Medical community" means the aggregate
28 physician and medical specialist resources located
29 and available within a specified geographical area.

30 "Medical control" means directions and advice
31 provided from a centrally designated medical facility
32 staffed by appropriate personnel, operating under
33 medical supervision, supplying professional support
34 through radio or telephonic communication for on-site
35 and in-transit basic and advanced life support services
36 given by field and satellite facility personnel.

37 "Medical emergency" means an unforeseen event
38 affecting an individual in such a manner that a need
39 for immediate medical care is created."

40 7. Page 5, by inserting after line 30 the following
41 new subsections:

42 " "Pre-hospital care" means emergency medical
43 services rendered to emergency patients in an out-
44 of-hospital setting, for analytic, stabilizing or
45 preventive purposes, precedent to and during
46 transportation of such patients to emergency treatment
47 facilities.

48 "Public safety personnel" means police
49 officers, fire fighters, communications and dispatch
50 specialists, and other public employees charged with

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1 maintaining the public safety.

2 "Region" means a geographical area found
3 by the commissioner, upon recommendation of the
4 appropriate sub-area advisory body, to be of sufficient
5 size, population, and economic diversity so that an
6 efficient and economically feasible emergency medical
7 services system can be established within the
8 boundaries of the area, taking into consideration
9 existing medical services and facilities, and existing
10 medical patterns and health planning areas.

11 "Regional policy council" means a body or
12 group of individuals, organized and functioning in
13 accordance with section twenty-five (25) of this Act,
14 to serve as the policy-making body for its regional
15 EMS entity.

16 "Regional EMS entity" means a single agency
17 or organization, being a unit of local government,
18 or a public entity administering a compact, consortium
19 or other regional arrangement, or any other public
20 or nonprofit private entity, which shall be chartered
21 or incorporated by the state, which shall have the
22 capacity and authority to receive and disburse public
23 funds, which shall be organized to accommodate a
24 regional EMS advisory council as its policy-making
25 body, which shall comply with all applicable provisions
26 of this Act, and which shall successfully apply to
27 the commissioner for designation as a regional EMS
28 entity.

29 "Sub-area" means either:

30 a. A sub-area of a health systems agency whose
31 jurisdiction includes more than ten counties in this
32 state; or

33 b. Any contiguous group of not more than ten
34 counties in this state which is within the jurisdiction
35 of a health systems agency a portion of whose
36 jurisdiction also includes more than one county in
37 another state.

38 "Sub-area advisory body" means an advisory
39 body previously existing or specifically created
40 within a sub-area, which agrees to assume the
41 responsibility of serving as the advisory body to
42 the commissioner and the department with respect to
43 the establishment of regional EMS entities within
44 that sub-area."

45 8. Page 6, by inserting after line 1 the following
46 new subsection:

47 " "Volunteer personnel" means individuals

48 who provide services without expectation of
49 remuneration, who do not receive payment for services
50 rendered other than reimbursement for expenses, and

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1 who do not depend in any way on the provisions of
2 such services for their livelihood."

3 9. By renumbering the existing subsections of
4 section one (1) of the Act in accordance with the
5 foregoing amendments.

6 10. Page 21, by inserting after line 18 the
7 following new sections:

8 "Sec. 22. NEW SECTION. AUTHORITY OF DEPARTMENT.

9 1. The department shall establish and maintain
10 a program for the planning, development, improvement,
11 expansion and upgrading of emergency medical services
12 throughout the state. The department shall consolidate
13 all state regulatory and developmental functions
14 relating to emergency medical services, which are
15 by law the responsibility of the department, under
16 the auspices of this program.

17 2. The commissioner shall, after consulting with
18 the advisory council, and with such local governments
19 as may be involved, seek the establishment of
20 statewide, regional, and local emergency medical
21 services operations in conformance with the standards
22 established by this Act and by rules promulgated
23 pursuant thereto.

24 3. Pursuant to this Act, the department shall:

25 a. Assist in the creation and operation of regional
26 emergency medical services entities for the purpose
27 of effective and efficient planning, development,
28 coordination, supervision, regulation, monitoring
29 and provision of emergency medical services for all
30 citizens of the state;

31 b. In cooperation with sub-area advisory bodies,
32 define the boundaries of regions so that all areas
33 of the state shall be within defined regions.

34 c. Review, evaluate, and integrate all regional
35 EMS plans, developed by the regional EMS entities
36 pursuant to this Act, prepare a statewide emergency
37 medical services plan, to be completed no later than
38 one year after the effective date of this Act, and
39 publish the plan for distribution to all concerned
40 agencies, entities and individuals throughout the
41 state. The statewide emergency medical services plan
42 shall contain:

43 (1) An inventory of emergency medical services

- 44 resources available within the state for purposes
45 of determining the need for additional services and
46 the effectiveness of existing services;
47 (2) A statement of goals and specific and
48 measurable objectives for delivery of emergency medical
49 services to all citizens of the state;
50 (3) Methods to be used in achieving the stated

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- 1 objectives;
2 (4) A schedule for achievement of the stated
3 objectives;
4 (5) A method for evaluating the stated objectives;
5 and,
6 (6) Estimated and itemized costs for achieving
7 each of the stated objectives;
8 d. Develop regional EMS plans for designated
9 regions if no approved regional plan is developed
10 by a regional EMS entity created pursuant to the
11 authority of this Act.
12 e. Use all reasonable and lawful means to assure
13 availability within each region of an adequate number
14 of health and allied professionals and other health
15 personnel, including ambulance personnel with
16 appropriate training and experience, to provide
17 emergency medical services on a twenty-four hour basis
18 within the region.
19 f. Promulgate and enforce minimum training
20 standards, including certification requirements, for
21 all personnel, whether volunteer or paid, who provide
22 emergency medical services within the state, including
23 public safety personnel, and in so doing shall take
24 into consideration the applicable current standards
25 adopted by the United States department of
26 transportation, and department of health, education
27 and welfare.
28 g. Consistent with rules of the federal
29 communications commission, design, develop, implement
30 and coordinate central communications systems to join
31 the personnel, facilities, and equipment of a region
32 or a regional EMS entity in a manner that will:
33 (1) Provide for medical control of pre-hospital
34 care rendered by ambulance personnel, advanced life
35 support personnel, or other allied health
36 professionals; and
37 (2) Assure all citizens expeditious access to
38 emergency medical services.
39 h. Use all reasonable and lawful means to assure

40 that all regions and regional EMS entities have
41 available an adequate but appropriate number of
42 necessary ground, air and water ambulance vehicles
43 and other transportation facilities to meet the
44 individual characteristics of the region.
45 i. Promulgate and enforce minimum standards,
46 including inspection, operational and licensing
47 requirements, for all ambulance vehicles, whether
48 operated by voluntary, commercial, or governmental
49 agencies or organizations, and in so doing shall take
50 into consideration the applicable current

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1 specifications for emergency medical care vehicles
2 developed by appropriate agencies of the federal
3 government and non-governmental bodies.
4 j. Promulgate and enforce rules establishing
5 minimum standards for transportation of both ambulatory
6 and nonambulatory patients who do not need emergency
7 care to appropriate destinations, including health
8 care facilities.
9 k. Design, develop, implement, and coordinate
10 a standardized emergency patient data collection
11 system for use throughout the state, which records
12 and accumulates all relevant information concerning
13 treatment and care of emergency patients, from initial
14 entry into an EMS system to and including discharge
15 from such system, and which utilizes reporting,
16 recording and informational formats that are consistent
17 with ensuing patient records used in follow-up care
18 and rehabilitation of patients; provided, that all
19 other provisions of applicable law regarding
20 confidentiality shall be respected and preserved in
21 the design, development, implementation, and
22 coordination of the standardized emergency patient
23 data collection system.
24 1. In cooperation with office of disaster services
25 within the department of public defense, develop,
26 implement, and coordinate plans to assure that
27 emergency medical services will be provided at any
28 time mass casualties, major emergencies, natural
29 disasters, or national emergencies occur within the
30 state or affect the people of the state.
31 m. In cooperation with appropriate agencies of
32 all adjoining or neighboring states, develop, implement
33 and coordinate plans and arrangements which will
34 assure that all necessary emergency medical services,
35 including transfers of patients, are provided without

36 undue concern for state boundaries.

37 n. Within forty—five days of their receipt, review
38 and comment on all grant and contract applications
39 for federal, state, or private funds concerning
40 emergency medical services or related activities,
41 and forward those applications to appropriate agencies,
42 organizations or funding sources. An application
43 not acted on by the department within forty—five days
44 shall be considered reviewed and favorably commented
45 on.

46 Sec. 23. **NEW SECTION. ADVISORY COUNCIL.** There
47 is established within the department a state emergency
48 medical services advisory council, composed of fourteen
49 members appointed by the governor, with advice and
50 consent of two—thirds of the members of the senate.

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1 The advisory council shall include one physician with
2 regular and frequent involvement in the provision
3 of emergency care, one representative each from fire
4 protection organizations, law enforcement agencies,
5 hospitals, ambulance service organizations, emergency
6 care nurses, and emergency medical technicians, and
7 seven consumers. One consumer shall be appointed
8 from each sub—area.

9 Members shall receive forty dollars per diem and
10 shall be reimbursed for their actual and necessary
11 expenses incurred, for each day devoted to the duties
12 of their office. The advisory council shall meet
13 at least four times each year, and may meet more often
14 on the call of the chairperson or at the request of
15 any five members. Eight members shall constitute
16 a quorum of the advisory council for the transaction
17 of business, provided that at least four of the members
18 present are consumer members.

19 Advisory council members shall serve terms of four
20 years, beginning July first of the year of appointment.
21 Seven members shall be appointed in each odd—numbered
22 year, except that in making the initial appointments
23 the governor shall designate three consumer members
24 and four other members to serve terms of two years.

25 Sec. 24. **NEW SECTION. DUTIES OF ADVISORY COUNCIL.**
26 The advisory council shall:

27 1. Approve or disapprove a proposed statewide
28 emergency medical services plan, and any subsequent
29 proposed revisions prepared by the department pursuant
30 to section twenty—two (22) therein, subsection three
31 (3), paragraph c of this Act; provided, that if any

32 such proposed statewide plan or revision therein is
33 not disapproved by the advisory council within forty—
34 five days of its submission to the council, it shall
35 be considered approved.

36 2. Advise the department on all aspects of its
37 responsibilities pursuant to section twenty—two (22)
38 of this Act, including the format and content of any
39 standards, rules promulgated by the department.

40 3. Serve as the statewide focal point for
41 discussion, inquiry and investigation of any and all
42 complaints or grievances concerning emergency medical
43 services, or any aspect thereof, which are brought
44 to the advisory council's attention from any source.

45 **Sec. 25. NEW SECTION. REGIONAL POLICY COUNCILS.**

46 Each regional EMS entity officially designated by
47 the commissioner shall function under the direction
48 of a regional policy council.

49 Each regional policy council shall:

50 1. Be acknowledged by resolution of the elected

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1 representatives of at least two—thirds of the city
2 and county governments located within the designated
3 service area of its respective regional EMS entity.

4 2. Provide the opportunity for council membership
5 to consumers and to representatives of local
6 governments, fire protection organizations, law
7 enforcement agencies, licensed practicing physicians
8 with regular and frequent involvement in the provision
9 of emergency care, emergency care nurses, mental
10 health professionals, emergency medical technicians
11 and other allied health practitioners, providers of
12 ambulance services, including both paid and volunteer
13 services, and hospitals. Consumers shall comprise
14 at least fifty percent of the total number of regional
15 policy council members.

16 3. Meet frequently enough to provide effective
17 policy direction to the respective regional EMS entity.

18 4. Cooperate with the regional EMS entity in the
19 development of a regional emergency medical services
20 plan and provide for public hearings on the plan with
21 adequate opportunity for public and professional
22 response to the proposed plan, and upon completion
23 of the development, hearing and consideration process,
24 formally adopt a regional emergency medical services
25 plan not more than one year after official designation
26 of the regional EMS entity.

27 5. Serve as the regional focal point for

28 discussion, inquiry and investigation of any and all
29 complaints or grievances concerning emergency medical
30 services or any aspect thereof within that region.

31 **Sec. 26. NEW SECTION. REGIONAL EMS ENTITIES.**

32 Eligible regional EMS entities may apply to the
33 commissioner for official designation on forms
34 prescribed by the department. The commissioner shall
35 grant or deny designation in writing within ninety
36 days of receipt of the application. The commissioner's
37 decision regarding designation shall be made after
38 an appropriate investigation, including an evaluation
39 of staff and organizational resources and competencies
40 and a determination of the applicant's ability to
41 function appropriately within the entire area
42 previously defined as a region, and after consultation
43 with the advisory council and with such local
44 governments as may be involved.

45 **Sec. 27. NEW SECTION. FUNCTIONS AND DUTIES OF**
46 **REGIONAL EMS ENTITIES.** Each regional EMS entity
47 shall:

- 48 1. Function under the policy direction of a
49 regional policy council.
- 50 2. Within one year after official designation,

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1 develop a regional emergency medical services plan.
2 which addresses all system components enumerated in
3 the federal emergency medical services Act of 1973,
4 as amended to January 1, 1977, and which contains:

- 5 a. An inventory of emergency medical services
6 resources available within the region for purposes
7 of determining the need for additional services and
8 the effectiveness of existing services.
- 9 b. A statement of goals and specific and measurable
10 objectives for delivery of emergency medical services
11 to all citizens of the region.
- 12 c. Methods to be used in achieving the stated
13 objectives.
- 14 d. A schedule for achievement of the stated
15 objectives.
- 16 e. A method for evaluating the stated objectives.
- 17 f. Estimated and itemized costs for achieving
18 each of the stated objectives.

19 3. Apply for and receive federal, state, local
20 and private funds (under either grants or contracts)
21 for planning, development, coordination, supervision,
22 monitoring, and improvement or provision of emergency
23 medical services within the region.

24 Sec. 28. NEW SECTION. ADVANCED LIFE SUPPORT
25 SERVICES. Notwithstanding any other provision of
26 law, advanced life support personnel may be authorized
27 to provide advanced life support services subject
28 to rules promulgated by the department. These rules
29 shall:

30 1. Provide descriptive titles and define minimum
31 prerequisites for advanced life support personnel.

32 2. Define and authorize training programs for
33 advanced life support personnel. In formulating these
34 rules, the department shall take into consideration
35 the applicable current requirements of the training
36 program for the emergency medical technician—paramedic,
37 developed for the United States department of
38 transportation.

39 3. Define and authorize appropriate advanced life
40 support functions to be performed by advanced life
41 support trainees and personnel.

42 4. Specify minimum operational requirements which
43 will assure medical control over all advanced life
44 support services.

45 5. Specify minimum testing and certification
46 requirements, and provide for certification of all
47 advanced life support personnel.

48 6. Specify continuing education and periodic
49 recertification requirements for all advanced life
50 support personnel.

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1 7. Provide for the decertification of advanced
2 life support personnel under specified circumstances
3 and where it is determined that the best interests
4 of the public would be served by such action.

5 8. Require cooperation and compliance with regional
6 and statewide standardized emergency patient data
7 collection systems.

8 Sec. 29. NEW SECTION. IMMUNITY FROM LIABILITY.

9 1. No person, certified and authorized pursuant
10 to this Act or rules promulgated under this Act, shall
11 be liable for any civil damages for any act or omission
12 in connection with that person's training or in
13 connection with services rendered outside a hospital
14 where the life of a patient is in immediate danger,
15 unless the act or omission is inconsistent with that
16 person's training, and the act or omission was the
17 result of gross negligence or willful misconduct.

18 2. No agency, organization, institution,
19 corporation, or entity of state or local government,
20 or agent thereof, which sponsors, authorizes, supports,

21 finances or supervises the functions of emergency
22 medical services personnel certified and authorized
23 pursuant to this Act or rules promulgated under this
24 Act, including advanced life support personnel, shall
25 be liable for any civil damages for any act or omission
26 in connection with sponsorship, authorization, support,
27 finance or supervision of such emergency medical
28 services personnel, where the act or omission occurs
29 in connection with the training of such personnel
30 or with services rendered outside a hospital and where
31 the life of a patient is in immediate danger, unless
32 the act or omission is inconsistent with the training
33 of the emergency medical services personnel, and
34 unless the act or omission was the result of gross
35 negligence or willful misconduct.

36 3. No physician, who in good faith arranges for,
37 requests, recommends or initiates the transfer of
38 a patient from a hospital to a critical medical care
39 facility in another hospital, shall be liable for
40 any civil damages as a result of such transfer where
41 sound medical judgment indicates that the patient's
42 medical condition is beyond the care capability of
43 the transferring hospital, or the medical community
44 in which that hospital is located, and where the
45 physician has confirmed that the transferee facility
46 possesses a more appropriate level of capability for
47 treating the patient's medical needs, and has secured
48 a prior agreement from the transferee facility to
49 accept and render necessary treatment to the patient.

50 Sec. 30. NEW SECTION. GENERAL PROVISIONS.

Page 11

1 1. All rules promulgated by authority of this
2 Act shall be adopted and enforced in compliance with
3 chapter seventeen A (17A) of the Code.

4 2. Authority for emergency patient management
5 in a medical emergency shall be vested in that licensed
6 or certified person at the scene of the emergency
7 who has the highest degree of training or certification
8 specific to the provisions of emergency medical care.
9 If a licensed or certified person is not available
10 at the scene of the emergency, the authority shall
11 be vested in the most appropriately trained
12 representative of other public safety agencies at
13 the scene, and shall be effective until relieved by
14 a person with a higher or more appropriate degree
15 of training and certification specific to the provision
16 of emergency medical care.

3. Authority for the management of the scene of

18 a medical emergency shall be vested in appropriate
19 public safety agencies. The scene of a medical
20 emergency shall be managed in a manner designed to
21 minimize the risk of death or health impairment to
22 the emergency patient and to other persons who may
23 be exposed to risks as a result of the emergency
24 condition, and priority shall be placed upon the
25 interests of those persons exposed to the more serious
26 risks to life and health. Public safety personnel
27 shall ordinarily consult emergency medical services
28 personnel or other authoritative medical professionals
29 at the scene in the determination of relevant risks.

30 4. The department may revoke any license,
31 certificate, or other authorization provided for by
32 this Act, or by rules promulgated under this Act,
33 for failure to comply with, or for violation of any
34 of the provisions of this Act or such rules, but only
35 after appropriate warning has occurred and reasonable
36 time has been allowed for compliance with chapter
37 seventeen A (17A) of the Code.

38 5. Upon revocation of any license, certificate,
39 or other authorization provided for by this Act, or
40 by rules promulgated under this Act, the person whose
41 license, certificate or other authorization has been
42 revoked shall immediately cease to engage in the
43 activity for which the license, certificate, or other
44 authorization was issued.

45 6. No employer shall employ nor permit any employee
46 to perform any services for which a license,
47 certificate, or other authorization is required by
48 this Act, or by rules promulgated under this Act,
49 unless the person so employed possesses all licenses,
50 certificates, or authorizations which are so required.

Page 12

1 7. The standards established and rules promulgated
2 by the department under section twenty-two (22),
3 subsection three (3) of this Act shall:
4 a. Provide a fee structure for applications and
5 for licenses, permits, certificates, or authorizations
6 which may be required by this Act, however agencies
7 of the state and local governments and their agencies
8 shall be exempt from these fees.
9 b. Require providers of emergency medical services
10 to obtain and maintain policies of insurance, or
11 acceptable means of self-insurance, in amounts and
12 types of coverage as shall be deemed necessary by
13 the commissioner, in consultation with the commissioner

- 14 of insurance or that commissioner's designee.
15 c. Provide for all licenses, permits, certificates,
16 or authorizations to be renewed and reissued annually,
17 except that renewal of certification of specified
18 classes of emergency medical services personnel need
19 not be required oftener than once every three years.
20 d. Provide that no license, permit, certificate,
21 or authorization issued by the department under this
22 Act shall be transferable.
23 e. Provide for semiannual inspections of all
24 emergency medical services vehicles and ambulance
25 service facilities.
26 f. Provide minimum equipment, maintenance and
27 operational standards for vehicles which are routinely
28 used, or are designated as available for use in
29 providing pre-hospital emergency care and life support,
30 but which are not designed for, nor capable of,
31 transporting emergency patients.
32 g. Provide for minimum staffing requirements for
33 all emergency care vehicles, including the requirement
34 that no ambulance vehicle shall be allowed to operate
35 while transporting a patient or patients unless at
36 least one certified emergency medical technician is
37 attending to the patient or patients.
38 8. No person shall furnish, operate, conduct,
39 maintain, advertise, or otherwise be engaged in or
40 profess to be engaged in the provision of any form
41 of emergency medical services which is regulated by
42 this Act or by rules promulgated under this Act,
43 unless that person is fully licensed, permitted,
44 certified or authorized by the department to engage
45 in the provision of emergency medical services. No
46 person shall advertise nor disseminate information
47 leading the public to believe that that person provides
48 emergency medical services, including advanced life
49 support services, unless that person or agency does
50 in fact provide such services in compliance with the

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- 1 provisions of this Act, or rules promulgated under
2 this Act on a twenty-four hour per day, seven day
3 per week basis.
4 9. Any vehicle which is subject to licensing,
5 permit, certificate or authorization pursuant to this
6 Act, or by rules promulgated pursuant to this Act,
7 may be impounded where it is determined that the said
8 vehicle is being used without the required license,
9 permit, certificate or authorization. Authority for
10 impoundment and release of any vehicle so impounded

- 11 shall be vested in the department.”
12 11. Page 21, line 19, by striking the number “22”
13 and inserting in lieu thereof the number “31”.
14 12. Title, line 9, by inserting after the word
15 “submitted,” the words “to establish a comprehensive
16 emergency medical services program and to vest
17 authority for administration of that program in the
18 department of health and in certain regional and local
19 bodies.”

MONROE of Des Moines
LIPSKY of Linn

H-3398

- 1 Amend House File 356 as follows:
2 1. Page 5, by striking line 4 and inserting
3 in lieu thereof the following:
4 “Sec. 3. This Act, except paragraphs d and f,
5 subsection two (2) of section one (1) shall be
6 effective January 1, 1978. Paragraphs d and f,
7 subsection two (2) of section one (1) of this Act
8 shall be effective July 1, 1977.”

WYCKOFF of Benton

H-3403

- 1 Amend House File 354 as follows:
2 1. Page 7, by inserting after line 27, the
3 following:
4 “ . The charges proposed by the applicant
5 for the proposed health services.”

EVANS of Grundy
BROCKETT of Marshall
WEST of Marshall
HALVORSON of Clayton

H-3404

- 1 Amend House File 417 as follows:
2 1. Page 14, by striking lines 13 and 14 and
3 inserting in lieu thereof the words “shall include
4 railroad facilities.”

KRAUSE of Kossuth

H-3406

- 1 Amend House File 410 as follows:
- 2 1. Page 3, line 21, by striking the words
- 3 "Code 1975" and inserting in lieu thereof "Code 1977."

KRAUSE of Kossuth

H-3409

- 1 Amend House File 354 as follows:
- 2 1. Page 20, by inserting after line 11 the
- 3 following new section:
- 4 "Sec. . NEW SECTION. ASSESSMENTS FOR COST
- 5 OF ADMINISTRATION. The costs incurred by the
- 6 department in administering sections fourteen (14)
- 7 through nineteen (19) of this Act shall be offset,
- 8 to the greatest extent possible, by an assessment
- 9 not to exceed five one-hundredths of one percent of
- 10 the gross operating costs of each hospital and each
- 11 health care facility licensed and operating in this
- 12 state. The assessment shall be computed and collected
- 13 as soon as reasonably possible after January first
- 14 of each year, beginning January 1, 1979, against the
- 15 gross operating costs of each hospital and each health
- 16 care facility for the preceding calendar year. The
- 17 department shall notify each hospital and each health
- 18 care facility of the amount of its assessment. Within
- 19 thirty days after receipt of the notice, the hospital
- 20 or health care facility shall pay the amount of the
- 21 assessment to the department, which shall remit the
- 22 moneys so received to the treasurer of state for
- 23 deposit in the general fund of the state."
- 24 2. Title, page A, line 9, by inserting after the
- 25 word "providing" the words "for an annual assessment
- 26 against gross operating costs of hospitals and health
- 27 care facilities to offset the cost of administering
- 28 the financial reporting provisions and for".

HARGRAVE of Johnson

H-3418

- 1 Amend House File 439 as follows:
- 2 1. Page 1, by striking lines 31 through 35.
- 3 2. Page 2, by striking lines 1 and 2 and insert-
- 4 ing in lieu thereof the following:
- 5 "3. Adopt rules to establish classes of solid

- 6 waste disposal facilities based on the nature of the
 7 waste to be disposed of. Consideration shall be given
 8 to the physical, chemical and biological characteris-
 9 tics of the particular class of waste and the mini-
 10 mum requirements for subsoil conditions, amount and
 11 frequency of application of earth cover, and super-
 12 vision necessary to provide that the waste may be dis-
 13 posed of with the least expenditure of dollars and
 14 energy and the best use of land and still not create
 15 a hazard to the public health or to the environment."

WELDEN of Hardin

H-3430

- 1 Amend House File 464 as follows:
 2 1. Page 5, by striking line 18 and inserting in
 3 lieu thereof "to twenty dollars and that the
 4 department".

HARVEY of Scott
 SCHNEKLOTH of Scott
 STROMER of Hancock

H-3431

- 1 Amend House File 464 as follows:
 2 1. Page 4, line 30 by striking the figure
 3 "74,000,000" and inserting in lieu thereof the figure
 4 "75,551,200".

HARVEY of Scott
 SCHNEKLOTH of Scott
 STROMER of Hancock

H-3438

- 1 Amend House Concurrent Resolution 9, found on
 2 page 291 of the House Journal, as follows:
 3 1. Page 1, line 19, by striking the semi-colon
 4 and inserting in lieu thereof a period.
 5 2. Page 1, by striking lines 20 through 25.

HUSAK of Tama
 HALVORSON of Clayton
 PERKINS of Greene
 CRABB of Crawford
 SCHEELHAASE of Woodbury
 HARBOR of Mills
 MILLER of Buchanan
 WYCKOFF of Benton

H-3443

- 1 Amend Senate File 156 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 4, by striking lines 4 through 31 and
4 inserting in lieu thereof the following:
5 "3. For state aid to fairs and societies as
6 defined by section one hundred seventy-four point
7 one (174.1) of the Code a sum from the general fund
8 not otherwise appropriated sufficient to pay for aid
9 conditional upon full compliance with all other statutes
10 which regulate and prescribe the conditions under which
11 such aid is available."

MONROE of Des Moines
WALTER of Pottawattamie
WOODS of Polk
HALVORSON of Clayton
VARLEY of Adair
TAUKE of Dubuque
KRAUSE of Kossuth
CUSACK of Scott
SMALL of Johnson
HARGRAVE of Johnson

H-3446

- 1 Amend House File 477 as follows:
2 1. Page 1, by striking lines 3 through 12 and
3 inserting in lieu thereof the following:
4 "The state conservation commission and any
5 political subdivision of the state acquiring
6 abandoned railroad rights-of-way for recreational
7 or conservation purposes shall have the following
8 responsibilities concerning that right-of-way:
9 1. the responsibility for fencing as outlined
10 in chapter one hundred thirteen of the Code;
11 2. the duty to allow for private crossings as
12 provided for in section three hundred twenty-seven
13 G point eleven (327G.11) of the Code;
14 3. the responsibility for drainage as delineated
15 in chapter four hundred sixty-five (465) of the Code;
16 4. the responsibility for overhead, underground
17 or multiple crossings in accord with section three
18 hundred twenty-seven G point twelve (327G.12) of
19 the Code; and
20 5. the responsibility for weed control in
21 accord with chapter three hundred seventeen (317) of

- 22 the Code.
 23 This section shall not be construed to absolve
 24 the state conservation commission or a political
 25 subdivision of other duties and responsibilities that
 26 they may, by law, be assigned as property owners."

KRAUSE of Kossuth

H-3451

- 1 Amend House File 479, page 1, by inserting after
 2 line 18 the following paragraph:
 3 " For the retired senior
 4 volunteer program.....\$50,000"

SPEAR of Lee
 THOMPSON of Polk
 TOFTE of Winneshiek
 CRAWFORD of Story
 KREWSON of Polk
 HANSEN of O'Brien
 HOFFMANN of Muscatine
 CLARK of Cerro Gordo
 PELTON of Clinton
 SHIMANEK of Jones

H-3452

- 1 Amend House File 72 as follows:
 2 1. Page 2, by inserting after line 25 the follow-
 3 ing new sections:
 4 "Sec. 2. Section four hundred twenty-two point
 5 three (422.3), Code 1977, is amended by adding the
 6 following new subsection:
 7 NEW SUBSECTION, "Solar energy device" means a
 8 man-made system for converting or upgrading the natural
 9 energy of the sun into mechanical, electrical or heat
 10 energy which is more useful to humans than the natural
 11 solar energy, and includes equipment used to store
 12 such natural energy so converted or upgraded which
 13 meets standards adopted and recommended by the American
 14 National Standards Institute.
 15 Sec. 3. Section four hundred twenty-two point
 16 twelve (422.12), Code 1977, as amended by Acts of
 17 the Sixty-seventh General Assembly, 1977 Session,
 18 Senate File thirty-two (32), section six (6), is
 19 amended to read as follows:
 20 422.12 DEDUCTIONS FROM COMPUTED TAX. There shall
 21 be deducted from but not to exceed the tax, after

22 the same shall have been computed as provided in this
23 division, the following:

24 1. A personal exemption credit in the following
25 amounts:

26 a. For a single individual, or a married person
27 filing a separate return, fifteen dollars.

28 b. For a head of household, or a husband and wife
29 filing a joint return, thirty dollars.

30 c. For each dependent, an additional ten dollars.
31 As used in this section, the term "dependent" shall
32 have the same meaning as provided by the Internal
33 Revenue Code of 1954.

34 d. For a single individual, husband, wife or head
35 of household, an additional exemption of fifteen
36 dollars for each of said individuals who has attained
37 the age of sixty-five years before the close of the
38 tax year or on the first day following the end of
39 the tax year.

40 e. For a single individual, husband, wife or head
41 of household, an additional exemption of fifteen
42 dollars for each of said individuals who is blind
43 at the close of the tax year. For the purposes of
44 this paragraph, an individual is blind only if the
45 individual's central visual acuity does not exceed
46 twenty-two hundredths in the better eye with correcting
47 lenses, or if the individual's visual acuity is greater
48 than twenty-two hundredths but is accompanied by a
49 limitation in the fields of vision such that the
50 widest diameter of the visual field subtends an angle

Page 2

1 no greater than twenty degrees.

2 For the purpose of this section, the determination
3 of whether an individual is married shall be made
4 as of the close of the individual's tax year unless
5 the individual's spouse dies during the individual's
6 tax year, in which case such determination shall be
7 made as of the date of such death. An individual
8 legally separated from his or her spouse under a
9 decree of divorce or of separate maintenance shall
10 not be considered as married.

11 2. A child and dependent care credit equal to
12 five percent of the qualifying employment-related
13 expenses and subject to the same limitations provided
14 by section forty-four A (44A) of the Internal Revenue
15 Code of 1954.

16 Married taxpayers electing to file separate returns
17 or filing separately on a combined return must allocate

18 the child and dependent care credit to each spouse
19 in the proportion that his or her respective net
20 income bears to the total combined net income.
21 Taxpayers affected by the allocation provisions of
22 section four hundred twenty-two point eight (422.8)
23 of the Code shall be permitted a deduction for the
24 credit only in such amount as is fairly and equitably
25 allocable to Iowa under rules prescribed by the
26 director.

27 3. An amount subject to the limitations provided
28 in this subsection paid by the taxpayer during the
29 taxable year for the purchase of a solar energy device
30 or materials purchased for the construction of a solar
31 energy device. The credit provided shall be limited
32 as follows:

33 a. The credit is limited to certain tax years
34 and subject to the maximum credit, subject to the
35 provisions of paragraph e of this subsection, as
36 follows:

37 (1) For tax years beginning on or after January
38 1, 1977 and ending on or before December 31, 1979,
39 the credit shall not exceed one thousand dollars.

40 (2) For any tax year beginning on or after January
41 1, 1980 and ending on or before December 31, 1980,
42 the credit shall not exceed eight hundred dollars.

43 (3) For any tax year beginning on or after January
44 1, 1981 and ending on or before December 31, 1981,
45 the credit shall not exceed five hundred dollars.

46 (4) For any tax year beginning on or after January
47 1, 1982 and ending on or before December 31, 1982,
48 the credit shall not exceed two hundred fifty dollars.

49 (5) For tax years beginning on or after January
50 1, 1983, no credit shall be allowed.

Page 3

1 b. The amount paid by the taxpayer for the solar
2 energy device or for the materials for the construction
3 of a solar energy device shall be equal to the actual
4 purchase price of the device or materials.

5 c. A husband and wife who file separate returns
6 for a taxable year in which they could have filed
7 a joint return may each claim one-half of the tax
8 credit that would be allowed on a joint return.

9 d. The credit may only be deducted from the
10 taxpayer's state income tax liability for the taxable
11 year in which the solar energy device or materials
12 purchased for the construction of the device was

13 installed or placed into service. If the tax credit
 14 exceeds the taxpayer's computed tax liability, the
 15 excess shall be refunded to the taxpayer.

16 e. The total amount in credits which may be granted
 17 for any tax year shall not exceed one hundred thousand
 18 dollars and if the total amount of credits claimed
 19 exceeds one hundred thousand dollars, the director
 20 of revenue shall prorate the amount of credits allowed
 21 for the taxable year.

22 f. If the director of revenue determines that
 23 the number of claims for the credit will require the
 24 proration of the credits claimed, the director shall
 25 withhold payment of any claims for refunds on those
 26 returns until the director determines that all claims
 27 for the credit have been filed so that the claims
 28 may be prorated.

29 g. The director of revenue shall adopt such rules
 30 pursuant to chapter seventeen A (17A) of the Code
 31 as are necessary to implement the provisions of this
 32 subsection.

33 Sec. 4. It is not the intent of section three
 34 (3) of this Act to provide general tax relief but
 35 to create an incentive to encourage citizens of this
 36 state to use solar energy.

37 Sec. 5. The provisions of sections two (2) and
 38 three (3) of this Act shall apply to all tax years
 39 beginning on or after January 1, 1977 and to this
 40 extent the provisions of sections two (2) and three
 41 (3) of this Act are retroactive."

42 2. Amend the title, line 2, by inserting after
 43 the word "systems" the words ", providing a state
 44 income tax credit for solar energy devices, and making
 45 certain provisions of the Act retroactive".

SVOBODA of Iowa

H-3454

1 Amend House File 356 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Chapter one hundred nine (109), Code
 5 1977, is amended by adding the following new section:
 6 NEW SECTION. Notwithstanding section one hundred
 7 nine point thirty-nine (109.39) of the Code, the
 8 season for the taking of pheasants shall consist of
 9 not more than twenty days during the month of Nov-
 10 ember. A person having a pheasant stamp may take
 11 pheasants only between the hours of ten o'clock a.m.

12 and four thirty o'clock p.m. The daily bag limit for
 13 a person having a pheasant stamp shall not exceed two
 14 pheasants and the possession limit shall not exceed
 15 four pheasants."

16 2. Page 1, by inserting after line 35 the
 17 following:

18 "f. Pheasant stamps for residents.....\$2.00

19 g. Pheasant stamp for nonresidents.....\$5.00"

20 3. Page 4, by inserting after line 30 the
 21 following:

22 "NEW SECTION. Any person required to have a hunting
 23 license shall not possess pheasant unless that person
 24 has on his or her person an unexpired pheasant stamp
 25 validated by that person's signature written across
 26 the face of the stamp in ink, a receipt, or other
 27 evidence showing that the pheasant was lawfully
 28 acquired. The proceeds from the sale of this stamp
 29 shall be used exclusively to restock pheasants and
 30 to acquire interests in land providing wildlife habitat
 31 conducive to pheasants."

32 4. Renumber and reletter the sections and para-
 33 graphs to conform with this amendment.

SPENCER of Clay

H-3455

1 Amend Senate File 167, as amended, passed and
 2 reprinted by the Senate as follows:

3 1. Page 22, by inserting after line 19 the
 4 following: "All motor vehicle registration
 5 plates shall be treated with a retro-reflective
 6 material according to specifications prescribed
 7 by the director."

DIELEMAN of Marion

H-3463

1 Amend Senate File 167 as amended, passed and
 2 reprinted by the Senate as follows:

3 1. Page 1, line 20, by striking the word "section"
 4 and inserting in lieu thereof the word "sections".

5 2. Page 1, by inserting after line 28, the
 6 following:

7 "NEW SECTION. PROOF OF FINANCIAL RESPONSIBILITY.

8 1. Notwithstanding the provisions of chapter three
 9 hundred twenty-one A (321A) of the Code, as it pertains
 10 to who is required to maintain proof of financial

11 responsibility to operate a motor vehicle on the
12 highways of this state, a person shall not operate
13 a motor vehicle on the highways of this state unless
14 the person has demonstrated proof of financial
15 responsibility as defined in section three hundred
16 twenty—one A point one (321A.1) of the Code.

17 2. The department shall not issue a license or
18 a permit to operate a motor vehicle in this state
19 unless the applicant has demonstrated proof of
20 financial responsibility in a manner provided in this
21 section or such other manner as prescribed by the
22 department to substantiate that a person has the
23 ability to respond in damages for liability in the
24 amounts specified in section three hundred twenty—
25 one A point one (321A.1), subsection ten (10), of
26 the Code. A certificate of insurance from an insurance
27 company licensed to conduct business in Iowa, an
28 appropriate bond or a certificate from the state
29 treasurer shall be adequate evidence of proof of
30 financial responsibility.

31 3. An insurance company operating in the state
32 shall notify the state department of transportation
33 in a manner prescribed by the department pursuant
34 to rules of a cancellation of an insurance policy
35 issued to a person to satisfy the requirements for
36 proof of financial responsibility in a manner
37 prescribed by the commissioner of insurance. The
38 department shall revoke the motor vehicle license
39 or permit of a person who is unable to demonstrate
40 proof of financial responsibility.

41 4. The state department of transportation and
42 the insurance department shall promulgate rules to
43 implement the provisions of this Act.”

44 3. Page 25, by inserting after line 27, the
45 following:

46 “Sec. . Section three hundred twenty—one point
47 two hundred nine (321.209), Code 1977, is amended
48 by adding the following new paragraph:

49 **NEW PARAGRAPH.** The department shall revoke the
50 license or permit of an individual to operate a motor

Page 2

1 vehicle on the highways of this state if the person
2 is not able to demonstrate proof of financial responsi—
3 bility as defined in section three hundred twenty—
4 one A point one (321A.1) of the Code.”

5 4. Amend the title, line 1, by inserting after
6 the word “for” the words “mandatory proof of financial

- 7 responsibility of all persons licensed to operate
 8 a motor vehicle on the highways of this state,"
 9 5. Renummer the sections and correct internal
 10 references as necessary.

MILLER of Buchanan
 DUNTON of Keokuk
 WYCKOFF of Benton
 WELLS of Linn
 CUSACK of Scott
 DAGGETT of Adams
 HUSAK of Tama
 ANDERSON of Jasper
 BENNETT of Ida
 PERKINS of Greene
 MILLEN of Van Buren
 BYERLY of Polk
 BAKER of Buena Vista
 LAGESCHULTE of Bremer
 DYRLAND of Clayton
 SCHEELHAASE of Woodbury
 SPEAR of Lee
 BINNEBOESE of Plymouth
 PATCHETT of Johnson
 HOWELL of Floyd
 CHIDO of Polk
 STROMER of Hancock
 OXLEY of Linn
 GENTLEMAN of Polk
 SCHNEKLOTH of Scott
 HORN of Linn
 BRUNOW of Appanoose
 HANSEN of O'Brien

GARRISON of Black Hawk
 DAVITT of Warren
 HARBOR of Mills
 PONCY of Wapello
 KOOGLER of Mahaska
 STEPHENS of Plymouth
 AVENSON of Fayette
 MENKE of O'Brien
 TOFTE of Winneshiek
 WULFF of Black Hawk
 CRABB of Crawford
 PAVICH of Pottawattamie
 WOODS of Polk
 RINAS of Linn
 EVANS of Grundy
 HINKHOUSE of Cedar
 CLARK of Cerro Gordo
 JUNKER of Woodbury
 HINES of Story
 HIGGINS of Scott
 WALTER of Pottawattamie
 BRANDT of Black Hawk
 LONERGAN of Boone
 GILLOON of Dubuque
 GILSON of Guthrie
 BINA of Scott
 PELLETT of Cass
 MILLER of Calhoun

H-3466

- 1 Amend House File 488 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section twenty point three (20.3),
 5 subsection seven (7), Code 1977, is amended to read
 6 as follows:
 7 7. a. "Confidential employee" means any public
 8 employee who works in the personnel offices and
 9 maintains a close, continuing relationship with the
 10 representatives of a public employer or who has access
 11 to information subject to use by the public employer
 12 in negotiating or who works in a close continuing
 13 working relationship with public officers or repre-
 14 sentatives associated with negotiating on behalf of

15 the public employer who formulate, determine, and
16 effectuate managerial decisions in the field of labor
17 relations.

18 b. "Confidential employee" also includes the
19 personal secretary of any of the following: Any
20 elected official or person appointed to fill a vacancy
21 in an elective office, member of any board or
22 commission, the administrative officer, director,
23 or chief executive officer of a public employer or
24 major division thereof, or the deputy or first assis-
25 tant of any of the foregoing.

26 Sec. 2. Section twenty point four (20.4),
27 subsection five (5), Code 1977, is amended by striking
28 the subsection and inserting in lieu thereof the
29 following:

30 5. Temporary, casual, and seasonal public em-
31 ployees.

32 Sec. 3. Section twenty point four (20.4), Code
33 1977, is amended by adding the following new
34 subsection:

35 NEW SUBSECTION. Employees of the board, except
36 secretarial and clerical personnel.

37 Sec. 4. Section twenty point five (20.5),
38 subsection four (4), Code 1977, is amended to read
39 as follows:

40 4. The board may employ such persons as are
41 necessary for the performance of its functions.
42 Personnel of the board, after initial appointment
43 by the board, shall be employed pursuant to the
44 provisions of chapter 19A. Secretarial and clerical
45 personnel employed by the board may engage in col-
46 lective bargaining subject to the provisions of this
47 chapter.

48 Sec. 5. Section twenty point six (20.6), Code
49 1977, is amended by adding the following new
50 subsection:

Page 2

1 NEW SUBSECTION. The board may be represented in
2 any proceeding in the district court, court of appeals
3 or the state supreme court by any licensed attorney
4 employed by the board.

5 Sec. 6. Section twenty point ten (20.10),
6 subsection one (1), Code 1977, is amended to read
7 as follows:

8 1. It shall be a prohibited practice for any
9 public employer, ~~public employee~~ or employee
10 organization to willfully refuse to negotiate in good

11 faith with respect to the scope of negotiations as
12 defined in section 20.9.

13 Sec. 7. Section twenty point ten (20.10),
14 subsection two (2), unnumbered paragraph one (1),
15 Code 1977, is amended to read as follows:

16 It shall be a prohibited practice for a public
17 employer ~~or his designated representative~~ willfully
18 to:

19 Sec. 8. Section twenty point ten (20.10),
20 subsection three (3), unnumbered paragraph one (1),
21 Code 1977, is amended to read as follows:

22 It shall be a prohibited practice for public
23 employees or an employee organization or for any
24 person, ~~union~~ or organization ~~or their agents~~ willfully
25 to:

26 Sec. 9. Section twenty point ten (20.10),
27 subsection three (3), paragraph b, Code 1977, is
28 amended to read as follows:

29 b. Interfere, restrain or coerce a public employer,
30 with respect to rights granted in this chapter or
31 with respect to selecting a representative for the
32 purposes of negotiating collectively ~~on the adjustment~~
33 ~~of or adjusting~~ grievances.

34 Sec. 10. Section twenty point ten (20.10),
35 subsection three (3), Code 1977, is amended by adding
36 the following new lettered paragraph:

37 NEW LETTERED PARAGRAPH. Cause or attempt to cause
38 a public employer to discriminate against a public
39 employee who is exercising his or her right to refuse
40 to join or participate in any activity of an employee
41 organization.

42 Sec. 11. Section twenty point ten (20.10), Code
43 1977, is amended by adding the following new
44 subsection:

45 NEW SUBSECTION. Violations by agents or
46 representatives of a public employer or employee
47 organization shall be deemed to constitute a violation
48 of this section by that public employer or employee
49 organization.

50 Sec. 12. Section twenty point eleven (20.11),

Page 3

1 subsection four (4), Code 1977, is amended to read
2 as follows:

3 4. The board shall file its findings of fact and
4 conclusions of law. If the board finds that the party
5 accused has committed a prohibited practice, the board
6 shall recommend an appropriate remedy. Thereafter,
7 the board may, within thirty days of its decision,

8 enter into a consent order with the party to
9 ~~discontinue the practice with respect to a remedy,~~
10 or petition the district court for injunctive
11 ~~appropriate relief pursuant to rules of civil procedure~~
12 ~~320 to 330. The court may accept, modify, or reject~~
13 ~~the board's recommended remedy, but shall make its~~
14 ~~determination on the basis of the record before the~~
15 ~~board.~~

16 Sec. 13. Section twenty point eleven (20.11),
17 Code 1977, is amended by striking subsections five
18 (5) through eleven (11).

19 Sec. 14. Section twenty point thirteen (20.13),
20 subsection two (2), Code 1977, is amended to read
21 as follows:

22 ~~2. Within thirty days of receipt of a petition~~
23 ~~or Upon notice to all interested parties if on its~~
24 ~~own initiative and in the absence of informal~~
25 ~~settlement as provided by board rule, the board shall~~
26 conduct a public hearing, receive written or oral
27 testimony, and promptly thereafter file an order
28 defining the appropriate bargaining unit. In defining
29 the unit, the board shall take into consideration,
30 along with other relevant factors, the principles
31 of efficient administration of government, the
32 existence of a community of interest among public
33 employees, the history and extent of public employee
34 organization, geographical location, and the recommen-
35 dations of the parties involved.

36 Sec. 15. Section twenty point thirteen (20.13),
37 Code 1977, is amended by striking subsection three
38 (3).

39 Sec. 16. Section twenty point fourteen (20.14),
40 subsection six (6), Code 1977, is amended to read
41 as follows:

42 6. The hearing and appeal procedures shall be
43 the same as provided in ~~section 20.11~~ chapter seventeen
44 A (17A) of the Code.

45 Sec. 17. Section twenty point fourteen (20.14),
46 Code 1977, is amended by adding the following new
47 subsection:

48 NEW SUBSECTION. The sufficiency of the written
49 evidence in support of a petition required by this
50 section or section twenty point fifteen (20.15) of

Page 4

1 the Code shall be administratively determined by the
2 board and such written evidence shall be a confidential
3 record of the board until returned to the party which

4 submitted it.

5 Sec. 18. Section twenty point fifteen (20.15),
6 subsections three (3) and five (5), Code 1977, are
7 amended to read as follows:

8 3. If none of the choices on the ballot receive
9 the vote of a majority of the public employees ~~who~~
10 could be represented by an employee organization
11 voting, the board shall conduct a runoff election
12 among the two choices receiving the greatest number
13 of votes.

14 5. Upon completion of a valid election in which
15 the majority choice of the employees ~~who could be~~
16 ~~represented by an employee organization voting~~ is
17 determined, the board shall certify the results of
18 the election and shall give reasonable notice of the
19 order to all employee organizations listed on the
20 ballot, the public employers, and the public employees
21 in the appropriate bargaining unit.

22 Sec. 19. Section twenty point fifteen (20.15),
23 Code 1977, is amended by striking subsection six (6)
24 and inserting in lieu thereof the following:

25 6. No election shall be conducted in any bargaining
26 unit for a period of one year from the date of
27 certification or noncertification of an exclusive
28 bargaining representative, or during the duration
29 of a collective bargaining agreement; provided,
30 however, that where there is in effect a valid
31 collective bargaining agreement petition filed not
32 more than two hundred ten nor less than one hundred
33 seventy days prior to the budget certification date
34 immediately preceding the expiration of the collective
35 bargaining agreement shall be processed by the board,
36 which shall award an election not more than one hundred
37 eighty days nor less than one hundred fifty days prior
38 to the budget certification date. Collective
39 bargaining agreements which exceed two years in
40 duration shall be deemed for purposes of this section
41 to be for two years. A collective bargaining agreement
42 with the state, its boards, commissions, departments,
43 and agencies shall be for two years and the effective
44 date of any such agreement shall be July first of
45 odd-numbered years. In the event that a bargaining
46 representative is certified to represent a unit of
47 state employees following March first of any odd-
48 numbered year, the state may enter into a collective
49 bargaining agreement with such representative; how-
50 ever, such collective bargaining agreements shall

Page 5

1 become effective July first of the even-numbered year
2 following certification and shall be for one year
3 only.

4 Sec. 20. Section twenty point seventeen (20.17),
5 subsection one (1), Code 1977, is amended to read
6 as follows:

7 1. The employee organization certified as the
8 bargaining representative shall be the exclusive
9 representative of all public employees in the
10 bargaining unit and shall represent all public
11 employees fairly. However, any public employee may
12 meet and adjust individual complaints with a public
13 employer without the intervention of the bargaining
14 representative if the adjustment is consistent with
15 the existing collective bargaining contract or
16 agreement.

17 Sec. 21. Section twenty point seventeen (20.17),
18 subsection six (6), Code 1977, is amended to read
19 as follows:

20 6. No collective bargaining agreement or
21 arbitrators' decision shall be valid or enforceable
22 if its implementation would be inconsistent with any
23 statutory limitation on the public employer's funds,
24 spending or budget or would substantially impair or
25 limit the performance of any statutory duty by the
26 public employer. A collective bargaining agreement
27 or arbitrators' award may provide for benefits
28 conditional upon specified funds to be obtained by
29 the public employer, but in such cases, which shall
30 include all agreements or awards covering employees
31 of the state, the agreement shall provide either for
32 automatic reduction of such conditional benefits or
33 for additional bargaining if the funds are not obtained
34 or if a lesser amount is obtained. A collective
35 bargaining agreement entered into, or an arbitrator's
36 award rendered after the commencement of a public
37 employer's fiscal year, may provide that the
38 implementation of this provision shall be retroactive
39 to the beginning of such fiscal year.

40 Sec. 22. Section twenty point eighteen (20.18),
41 unnumbered paragraph two (2), Code 1977, is amended
42 to read as follows:

43 Public employees of the state shall follow ~~either~~
44 the grievance procedures provided in a collective
45 bargaining agreement, ~~or in the event that, if no~~
46 such procedures are so provided, such employees shall
47 follow grievance procedures established pursuant to
48 chapter 19A.

49 Sec. 23. Section twenty point nineteen (20.19),
50 Code 1977, is amended to read as follows:

Page 6

1 20.19 IMPASSE PROCEDURES—AGREEMENT OF PARTIES.

2 As the first step in the performance of their duty
3 to bargain, the public employer and the employee
4 organization shall endeavor to agree upon impasse
5 procedures. ~~Such agreement shall provide for~~
6 ~~implementation of these impasse procedures not later~~
7 ~~than one hundred twenty days prior to the certified~~
8 ~~budget submission date of the public employer. If~~
9 the parties fail to agree upon impasse procedures
10 under the provisions of this section, the impasse
11 procedures provided in sections 20.20 to 20.22 shall
12 apply.

13 Sec. 24. Section twenty point twenty (20.20),
14 Code 1977, is amended to read as follows:

15 20.20 MEDIATION. In the absence of an impasse
16 agreement between the parties or the failure of either
17 party to utilize its procedures, one hundred twenty
18 days prior to the certified budget submission date
19 or thereafter, the board shall, upon the request of
20 either party, appoint an impartial and disinterested
21 person to act as mediator. It shall be the function
22 of the mediator to bring the parties together to
23 effectuate a settlement of the dispute, but the
24 mediator may not compel the parties to agree. ~~Not~~
25 withstanding the provisions of sections twenty point
26 twenty-one (20.21) and twenty point twenty-two (20.22)
27 of the Code, the board may provide mediation services
28 at any time to facilitate resolution of an impasse.

29 Sec. 25. Section twenty point twenty-one (20.21),
30 unnumbered paragraph one (1), Code 1977, is amended
31 to read as follows:

32 If the impasse persists ~~ten~~ twenty-one days after
33 the mediator has been appointed, the board shall
34 appoint a fact-finder representative of the public,
35 from a list of qualified persons maintained by the
36 board. The fact-finder shall conduct a hearing, may
37 administer oaths, and may request the board to issue
38 subpoenas. The fact-finder shall make written findings
39 of facts and recommendations for resolution of the
40 dispute and, not later than fifteen days from the
41 day of appointment, shall serve such findings on the
42 public employer and the certified employee
43 organization.

44 Sec. 26. Section twenty point twenty-two (20.22),

45 subsection five (5), Code 1977, is amended to read
46 as follows:

47 5. If the third member has not been selected
48 within four days of notification as provided in
49 subsection 2, a list of ~~three~~ five arbitrators shall
50 be submitted to the parties by the board. The two

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1 arbitrators selected by the public employer and the
2 employee organization shall determine by lot which
3 arbitrator shall remove the first name from the list
4 submitted by the board. The arbitrator having the
5 right to remove the first name shall do so within
6 two days ~~and the second arbitrator shall have one~~
7 ~~additional day to remove one of the two remaining~~
8 ~~names. Within one day from removal of the first name~~
9 ~~the parties shall alternately remove a name from the~~
10 ~~list until only one name remains.~~ The person whose
11 name remains shall become the chairman of the panel
12 of arbitrators and shall call a meeting within ten
13 days at a location designated by him or her.

14 Sec. 27. Section twenty point twenty-five (20.25),
15 subsection three (3), paragraph b, Code 1977, is
16 amended to read as follows:

17 b. Business or financial interests of its officers
18 and agents, their spouses, minor children, or parents
19 ~~or otherwise~~, that conflict with the fiduciary
20 obligation of such persons to the organization shall
21 be prohibited.

22 Sec. 28. Chapter twenty (20), Code 1977, is amended
23 by adding the following new section:

24 NEW SECTION. TESTIMONY PROHIBITED. A mediator,
25 fact-finder, arbitrator, labor relations examiner,
26 hearing officer, member of the board or other officer
27 or employee of the board shall not be required to
28 testify in behalf of any party to a prohibited
29 practice, representation or impasse resolution
30 proceeding pending before any court, arbitrator,
31 fact-finder, or the board, with respect to any in-
32 formation, facts or other matters coming to his or
33 her knowledge through a party or parties in his or
34 her official capacity as a resolver of disputes.

35 Sec. 29. Section thirteen point seven (13.7),
36 Code 1977, is amended to read as follows:

37 13.7 SPECIAL COUNSEL. No compensation shall be
38 allowed to any person for services as an attorney
39 or counselor to any executive department of the state
40 government, or the head thereof, or to any state board

41 or commission, but the executive council may employ
 42 legal assistance, at a reasonable compensation, in
 43 any pending action or proceeding to protect the in-
 44 terests of the state, but only upon a sufficient
 45 showing, in writing, made by the attorney general,
 46 that the department of justice cannot for reasons
 47 stated by the attorney general perform said service,
 48 which reasons and action of the council shall be
 49 entered upon its records. When the attorney general
 50 determines that the department of justice cannot

Page 8

1 perform legal service in an action or proceeding,
 2 the executive council shall request the department
 3 involved in the action or proceeding to recommend
 4 legal counsel to represent the department. If the
 5 attorney general concurs with the department that
 6 the person recommended is qualified and suitable to
 7 represent the department, the person recommended shall
 8 be employed. If the attorney general does not concur
 9 in the recommendation, the department shall submit
 10 a new recommendation. This section shall not affect
 11 the office of the commerce counsel, the transportation
 12 regulation board counsel, or the legal counsel of
 13 the Iowa department of job service, or the legal
 14 counsel of the public employment relations board.
 15 Sec. 30. Section nineteen A point three (19A.3),
 16 Code 1977, is amended by striking subsection twenty-
 17 one (21)."

EGENES of Story
 BRANSTAD of Winnebago
 BROCKETT of Marshall
 CRABB of Crawford
 HALVORSON of Clayton
 LAGESCHULTE of Bremer
 SMALLEY of Polk
 THOMPSON of Polk

H-3467

1 Amend House File 303 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "persons" the word "reside".
 4 2. Page 1, line 11, by striking the words
 5 "residential care facility" and inserting in lieu
 6 thereof the words "facility which would otherwise
 7 be required to be licensed as a residential care

- 8 facility, which has applied for licensure under this
9 special category, and”.

BRANDT of Black Hawk

H-3468

- 1 Amend House File 187 as follows:
2 1. Page 3, by inserting after line 18 the following
3 new subsection:
4 “ . A dealer may refuse to accept and to pay
5 the refund value of any empty metal beverage container
6 if the dealer does not sell or offer for sale beverages
7 in metal beverage containers at his or her place of
8 business for off premise consumption.”
9 2. By renumbering subsections to conform to this
10 amendment.

SPENCER of Clay

H-3474

- 1 Amend House File 417 as follows:
2 1. Page 1, by striking lines 16 through 29.
3 2. Page 12, by striking lines 31 through 35.
4 3. Page 13, by striking lines 1 through 6.

WELDEN of Hardin

H-3475

- 1 Amend House File 417 as follows:
2 1. Page 14, by striking lines 9 through 14.
3 2. By renumbering the remaining sections.

NIELSEN of Polk

H-3484

- 1 Amend House File 476 as follows:
2 1. Page 7, line 24, by striking the word “entire”.
3 2. Page 7, line 24, by inserting after the word
4 “county” the words “located outside the corporate
5 limits of any city in the county”.
6 3. Page 7, line 29, by striking the word “entire”.
7 4. Page 7, line 29, by inserting after the word

- 8 "county" the words "located outside the corporate
 9 limits of any city in the county".
 10 5. By striking page 7, line 35 through page 8,
 11 line 8, and inserting in lieu thereof the following:
 12 "2. After the county auditor has determined the
 13 rate, under section four hundred forty-four point
 14 three (444.3) of the Code, needed to raise the total
 15 amount computed in dollars, as provided in section
 16 four hundred forty-four point two (444.2) of the Code,
 17 the county auditor shall reduce the rate to be applied
 18 to land located outside the corporate limits of any
 19 city in the county by the levy which would be
 20 necessary to raise the amount credited to the special
 21 account for property tax relief during the last,
 22 preceding twelve-month period."

SPEAR of Lee
 SCHNEKLOTH of Scott

H-3486

- 1 Amend House File 285 as follows:
 2 1. Page 1, line 8, by striking the word "art".

BRANDT of Black Hawk

H-3488

- 1 Amend amendment H-3410 to House File 354 as
 2 follows:
 3 1. Page 2, by inserting after line 24 the
 4 following:
 5 " . Notwithstanding the provisions of
 6 subsections one (1) and two (2) of this section,
 7 the department shall not implement rate regulation
 8 prior to the delivery to the general assembly of
 9 the report the department is required to submit
 10 under section twenty-one (21) of this Act, or
 11 January 1, 1981, whichever is later."

HARGRAVE of Johnson

H-3489

- 1 Amend House File 476 as follows:
 2 1. Page 5, lines 31 and 32, by striking the words
 3 "proportionately to the other qualified homesteads"
 4 and inserting in lieu thereof the words "to the general
 5 fund".

- 6 2. Page 7, lines 33 and 34, by striking the words
7 "proportionately to the other qualified homesteads"
8 and inserting in lieu thereof the words "to the general
9 fund".

SPEAR of Lee

H-3490

1 Amend House File 125 as follows:

2 1. Page 1, by striking lines 1 through 3 and
3 inserting in lieu thereof the following:

4 "Section 1. Section three hundred twenty-one
5 point one hundred seventy-eight (321.178), subsection
6 two (2), Code 1977, is amended to read as follows:

7 2. YOUTHS NOT ATTENDING SCHOOL—NO DRIVER'S
8 TRAINING REQUIRED.

9 a. Any person ~~under the age of~~ between seven-
10 teen and eighteen years of age who is not attending
11 a public or private school in which an approved
12 driver's education course is offered or available,
13 shall not be required to complete an approved driver's
14 education course prior to being entitled to receive
15 a one-year probationary operator's license from the
16 department. ~~Any person who re-enters any private or~~
17 ~~public school prior to age eighteen shall be required~~
18 ~~to attend an approved driver's education course. A~~
19 ~~person shall not lose a probationary operator's~~
20 ~~license upon reentering school prior to age eighteen.~~

21 b. The department shall revoke a probationary
22 operator's license upon proof of a conviction for
23 a moving traffic violation. The department shall
24 not issue a probationary operator's license to a
25 person whose probationary operator's license has
26 been revoked."

SPEAR of Lee

H-3496

1 Amend House File 495 as follows:

2 1. Page 3, by inserting after line 3 the following
3 new section:

4 "Sec. NEW SECTION. For the purposes of this
5 Act, the provisions of section three hundred fifty-
6 nine point seventeen (359.17) of the Code shall not
7 apply when any township trustee has a conflict of
8 interest relating to any parcel of land where the
9 erection and maintenance of a partition fence is the

10 issue. The chairman of the board of supervisors shall
 11 then designate three members of the board to act as
 12 fence viewers and they shall have all the rights and
 13 powers of fence viewers provided in chapter one hundred
 14 thirteen (113) of the Code."

WYCKOFF of Benton

H-3500

1 Amend House File 490 as follows:
 2 1. Page 1, line 21, by striking the words
 3 "or probable" and inserting the following: "or
 4 the probability of imminent".

WYCKOFF of Benton

H-3506

1 Amend the Harvey amendment, H-3225, to House File
 2 125 as follows:
 3 1. Page 1, line 8, by striking the word "sixteen"
 4 and inserting in lieu thereof the word "seventeen".
 5 2. Page 1, by striking lines 16 through 19 and
 6 inserting in lieu thereof the words "license. A
 7 probationary".
 8 3. Page 1, by striking lines 20 and 21 and
 9 inserting in lieu thereof the words "operator's license
 10 shall be revoked upon proof of a conviction for a
 11 moving traffic violation. The department shall not
 12 issue a probationary operator's license to a person
 13 whose probationary operator's license has been
 14 revoked".
 15 4. Page 1, line 27, by striking the word "six-
 16 teen" and inserting in lieu thereof the word
 17 "seventeen".
 18 5. Page 1, by striking lines 34 through 40 and
 19 inserting in lieu thereof the following:
 20 "1. To any person, as an operator, ~~who is under~~
 21 ~~the age of sixteen years; provided that, effective~~
 22 ~~August 1, 1966, the department shall not issue a~~
 23 ~~license to any person, as an operator, who is under~~
 24 ~~the age of seventeen years and effective August 1,~~
 25 ~~1967, the department shall not issue a license to~~
 26 ~~any person, as an operator, who is under the age of".~~
 27 6. Page 1, line 47, by striking the words "~~four-~~
 28 ~~teen fifteen~~" and inserting in lieu thereof the word
 29 "fourteen".
 30 7. Page 2, by striking lines 16 through 21 and

31 inserting in lieu thereof the following: "operator's
 32 license from the department. ~~Any person who re-enters~~
 33 ~~any private or public school prior to age eighteen.~~
 34 ~~shall be required to attend an approved driver's~~
 35 ~~education course~~ A person shall not lose a probation-
 36 ary operator's license upon reentering school prior
 37 to age eighteen".

38 8. Page 2, line 26, by striking the words "four--
 39 ~~teen fifteen~~" and inserting in lieu thereof the word
 40 "fourteen".

41 9. Page 3, line 13, by inserting after the word
 42 "shown" the words "and the individual has an instruc-
 43 tion permit under the provisions of section three
 44 hundred twenty-one point one hundred eighty (321.180)
 45 of the Code, and has successfully completed, or is
 46 currently enrolled in an approved driver education
 47 course".

48 10. Page 3, line 15, by striking the words "four--
 49 ~~teen fifteen~~" and inserting in lieu thereof the word
 50 "fourteen".

Page 2

1 11. Page 3, by striking lines 22 through 26 and
 2 inserting in lieu thereof the following: "scheduled
 3 courses of instruction at such school ~~or at any time~~
 4 ~~when accompanied by a parent or guardian who is a~~
 5 ~~holder of a valid operator's or chauffeur's license;~~
 6 ~~and who is actually occupying a seat beside the driver.~~
 7 Such license shall expire on the".

SPEAR of Lee

H-3507

1 Amend House File 480 as follows:

2 1. Page 1, by striking lines 6 through 9 and
 3 inserting in lieu thereof the following: "used to
 4 indemnify and pay on behalf of any ~~elected~~ county
 5 officer and any deputies, assistants or employees
 6 of the county, all sums that such officers, deputies,
 7 assistants or".

8 2. Page 1, by striking lines 17 and 18 and
 9 inserting in lieu thereof the following: "of any
 10 ~~elected~~ county officer or any deputy, assistant or
 11 employee of the county".

12 3. Page 1, line 19, by striking the word and
 13 figures "July 1, 1975" and inserting in lieu thereof
 14 the following: "July 1, 1975 January 1, 1978".

- 15 4. Page 1, by striking lines 29 and 30 and
 16 inserting in lieu thereof the following: "obtained
 17 against any elected county officer, or any deputies,
 18 assistants, or".
- 19 5. Page 1, line 32, by striking the word and
 20 figures "July 1, 1975" and inserting in lieu thereof
 21 the following: "~~July 1, 1975~~ January 1, 1978".
- 22 6. Page 2, by striking lines 10 through 26.
- 23 7. Amend the title, line 2, by inserting after
 24 the word "board" the words "and other appointed county
 25 officers".

SPEAR of Lee

H-3508

- 1 Amend House File 488 as follows:
 2 1. Page 7, by inserting after line 29 the
 3 following:
 4 "Sec. 25. Section twenty point seventeen (20.17),
 5 subsection three (3), Code 1977, is amended to read
 6 as follows:
 7 3. Negotiating sessions, including strategy
 8 meetings of public employers or employee organiza-
 9 tions, mediation and the deliberative process of
 10 arbitrators shall be exempt from the provisions of
 11 chapter 28A. However, negotiating sessions, except
 12 strategy meetings, shall be open to the public upon
 13 the request of either the public employer or the
 14 employee organization. Hearings conducted by
 15 arbitrators shall be open to the public."

HALVORSON of Clayton

H-3511

- 1 Amend House File 463 as follows:
 2 1. Page 13, by striking lines 11 through 22.
 3 2. By renumbering sections as necessary.

DYRLAND of Clayton

H-3512

- 1 Amend House File 187 as follows:
 2 1. Page 3, by inserting after line 2 the following
 3 subsection:
 4 " . A person operating a redemption center
 5 shall not refuse to accept from a consumer any empty

- 6 beverage container or refuse to pay to the consumer
 7 for beverage containers accepted the refund value
 8 of the beverage containers as determined under section
 9 two (2) of this Act.
 10 2. Page 3, line 9, by inserting after the word
 11 "dealer" the words "or person operating a redemption
 12 center".
 13 3. Page 3, line 34, by inserting after the word
 14 "return" the word "any".
 15 4. Page 4, lines 5, 6, and 7, by striking the
 16 words "the kind and brand names of the beverage
 17 containers which will be accepted at the redemption
 18 center,".
 19 5. Page 4, lines 16 and 17, by striking the words
 20 "and the kind and brand names of empty beverage
 21 containers which the redemption center must accept".

VARLEY of Adair

H-3513

- 1 Amend Senate File 302, as passed by the
 2 Senate and reprinted, as follows:
 3 1. Page 1, by inserting after line 21 the
 4 following:
 5 " For the retired senior
 6 volunteer program.....\$ 50,000".

SPEAR of Lee
 THOMPSON of Polk
 TOFTE of Winneshiek
 CRAWFORD of Story
 KREWSON of Polk
 HANSEN of O'Brien
 HOFFMANN of Muscatine
 CLARK of Cerro Gordo
 PELTON of Clinton
 SHIMANEK of Jones
 GILSON of Guthrie

H-3515

- 1 Amend Senate File 302, as passed by the
 2 Senate and reprinted, as follows:
 3 1. Page 1, line 16, by striking the figures
 4 "96,000" and inserting in lieu thereof the
 5 figures "196,000".

DAGGETT of Adams
 PELTON of Clinton

H-3520

1 Amend House File 63 as follows:

2 1. Page 1, by inserting before line 1 the
3 following section:

4 "Section 1. Section eighteen point three
5 (18.3), subsection one (1), Code 1977, is amended
6 to read as follows:

7 "1. Establishing and developing, in co—opera—
8 tion with the various state agencies, a system of
9 uniform standards and specifications for purchasing.
10 When the system is developed, all items of general
11 use shall be purchased through the department, ex—
12 cept items used by the state department of trans—
13 portation, the communications division of the de—
14 partment of public safety or any communication
15 device used by local law enforcement agencies, in—
16 stitutions under the control of the board of regents,
17 the commission for the blind, and any other agencies
18 exempted by law."

MONROE of Des Moines

H-3523

1 Amend House File 400 as follows:

2 1. Page 1, by striking lines 2 through 12 and
3 inserting in lieu thereof the following:

4 "1. Any accident or health, or accident and
5 sickness, policy issued, renewed, or amended in this
6 state on or after the effective date of this Act,
7 under the authority of chapters five hundred nine
8 (509), five hundred fourteen (514), or five hund—
9 red fourteen A (514A) of the Code, shall offer to
10 each insured that purchases coverage for mental,
11 emotional, or nervous disorders or conditions, the".

12 2. The title page by striking lines 1 through
13 3 and inserting in lieu thereof the following:

14 "An Act providing for treatment by a qualified
15 psychologist in health insurance policies which
16 provide benefits for the treatment of mental,
17 emotional, and nervous disorders and conditions."

HIGGINS of Scott

H-3534

- 1 Amend House File 469 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 "agent," the word "nominee,"
 4 2. Page 1, by inserting after line 12 the following
 5 subsection:
 6 " "Conveyance" means the transfer of legal
 7 or equitable title to any interest in real property
 8 with or without consideration. "Conveyance" shall
 9 include the payment of installments for the purchase
 10 of any interest in real property where legal title
 11 does not pass until the last payment is made."

SVOBODA of Iowa

H-3535

- 1 Amend House File 476 as follows:
 2 1. Page 2, line 28, by striking the word "A".
 3 2. Page 2, line 29, by inserting before the word
 4 "local" the following:
 5 "1. A".
 6 3. Page 2, lines 31 through 33, by striking the
 7 words "motor vehicle, machine or equipment exclusively
 8 designed for and used for agricultural purposes" and
 9 inserting in lieu thereof the words "item enumerated
 10 in subsection two (2) of this section".
 11 4. Page 3, by inserting after line 12 the following
 12 subsection:
 13 "2. The gross receipts of the following items
 14 taxed by the state under chapter four hundred twenty-
 15 two (422), division four (IV), of the Code are exempt
 16 from the tax imposed under this section:
 17 a. Any motor vehicle, machine or equipment
 18 exclusively designed for and used for agricultural
 19 purposes.
 20 b. Any mobile home as defined in section three
 21 hundred twenty-one point one (321.1) of the Code."

CLARK of Lee

H-3536

- 1 Amend Senate File 267 as follows:
 2 1. Page 3, line 16, by striking the figure
 3 "20,600" and inserting in lieu thereof the figure
 4 "21,600".

STROMER of Hancock

H-3537

- 1 Amend House File 488 as follows:
2 1. Page 2, by striking lines 22 through 24 and
3 inserting in lieu thereof the words "use of indepen-
4 dent judgment. All school superintendents, assistant
5 superintendents, principals and assistant principals
6 shall be deemed to be supervisory employees."

BRANSTAD of Winnebago

H-3538

- 1 Amend House File 488 as follows:
2 1. Page 2, by inserting after line 9 the follow-
3 ing:
4 "Sec. . Section twenty point three (20.3),
5 Code 1977, is amended by adding the following new
6 subsection:
7 NEW SUBSECTION. "Impasse item" means the entire
8 proposal proposed for inclusion in a collective bar-
9 gaining agreement on a subject of negotiation specified
10 in section twenty point nine (20.9) of the Code and
11 not each word, sentence or paragraph within a
12 proposal."
13 2. By renumbering sections to conform to this
14 amendment.

BRANSTAD of Winnebago

H-3539

- 1 Amend House File 488 as follows:
2 1. Page 7, by inserting after line 29 the follow-
3 ing:
4 "Sec. . Section twenty point seventeen (20.17),
5 subsection three (3), Code 1977, is amended to read
6 as follows:
7 3. ~~Negotiating sessions, including strategy~~
8 Strategy meetings of public employers or employee
9 organizations, mediation and the deliberation process
10 of arbitrators shall be exempt from the provisions
11 of chapter 28A. Hearings Negotiating sessions and
12 hearings conducted by arbitrators shall be open to
13 the public."
14 2. By renumbering sections to conform to this
15 amendment.

BRANSTAD of Winnebago

H-3540

1 Amend House File 488 as follows:

2 1. Page 8, by inserting after line 13 the follow-
3 ing:

4 "Sec. 26. Section twenty point seventeen (20.17),
5 Code 1977, is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. A collective bargaining agreement
8 with state employees or an arbitrators' decision
9 affecting such agreement shall not be valid or
10 enforceable until it has been approved by the general
11 assembly. Within thirty days after receipt of a
12 collective bargaining agreement or arbitrators'
13 decision, the general assembly shall act to approve
14 or disapprove it. If a collective bargaining agreement
15 is reached or an arbitrators' decision is rendered
16 after the adjournment of a regular or special session
17 of the general assembly, the general assembly shall
18 act within thirty days after convening of the next
19 regular or special session. If the general assembly
20 disapproves an agreement or arbitrators' decision
21 or takes no action within the thirty-day period, the
22 agreement or arbitrators' decision shall be returned
23 to the negotiating parties for renegotiation."

24 2. Page 10, by inserting after line 12 the follow-
25 ing:

26 "Sec. . Section twenty point twenty-two (20.22),
27 subsection thirteen (13), Code 1977, is amended to
28 read as follows:

29 13. The determination of the panel of arbitrators
30 shall be by majority vote and shall be final and
31 binding subject to the provisions of section 20.17,
32 subsection 6 and section twenty-six (26) of this Act.
33 The panel of arbitrators shall give written explanation
34 for its selection and inform the parties of its
35 decision."

36 3. By renumbering sections to conform to this
37 amendment.

BRANSTAD of Winnebago

H-3541

1 Amend House File 488 as follows:

2 1. Page 9, by striking lines 22 through 24 and
3 inserting in lieu thereof the following: "diator
4 has been appointed, the board shall appoint a fact-
5 finder representative of the public choose, from a

6 list of qualified persons maintained by the board,
7 five names and submit the names to both parties.
8 The public employer and the employee organization
9 shall determine by lot which party shall remove the
10 first name from the list submitted by the board.
11 The party having the right to remove the first name
12 shall do so within two days. Within one day from
13 removal of the first name, the parties shall
14 alternately remove a name from the list until only
15 one name remains. The person whose name remains shall
16 serve as the fact-finder. The fact-finder shall
17 conduct”.

BRANSTAD of Winnebago

H-3542

1 Amend House File 488 as follows:
2 1. Page 11, by inserting after line 2 the follow-
3 ing:
4 “Sec. . Chapter twenty (20), Code 1977, is
5 amended by adding the following new section:
6 **NEW SECTION. REPORTING.** Annually, each public
7 employer and each certified public employee organiza-
8 tion shall file a report with public employment
9 relations board within thirty days after a collective
10 bargaining agreement is signed, but not later than
11 June thirtieth of each year, disclosing all
12 expenditures incurred for all services relating to
13 collective bargaining during the fiscal year ending
14 June thirtieth. The reports shall include the cost
15 of providing negotiators, consultants, data
16 accumulation and preparation, legal services, printing,
17 postage, telephone, travel, mediators, fact finders,
18 arbitrators, and any service which is directly related
19 to the collective bargaining process. The salaries
20 and benefits of employees of the public employer and
21 the public employee organization shall be prorated
22 in proportion to the amount of time that each employee
23 performed a service necessary to the collective
24 bargaining effort. Each service provided to the
25 public employer or employee organization shall be
26 described showing the amount of time that service
27 required, the cost of providing that service or if
28 the service is donated, a statement of that fact,
29 the name of each person performing such service, their
30 employment status, name of employer organization,
31 and location of employment shall be reported on forms
32 provided by the public employment relations board.

- 33 The report required by this section shall be filed
 34 each year not later than June thirtieth regardless
 35 of whether or not actual contract bargaining took
 36 place during that fiscal year.”
 37 2. By renumbering sections to conform to this
 38 amendment.

BRANSTAD of Winnebago

H-3543

- 1 Amend House File 488 as follows:
 2 1. Page 1, by striking lines 20 through 26 and
 3 inserting in lieu thereof the words “kind in which
 4 public employees participate and which exists for
 5 the primary purpose of representing public employees
 6 in their employment relations. An employee organi-
 7 zation shall not represent in employment relations
 8 nonpublic employees nor shall an employee organization
 9 be affiliated with an organization that represents
 10 in employment relations nonpublic employees.”
 11 2. Page 11, by inserting after line 30 the follow-
 12 ing:
 13 “Sec. . Any employee organization certified
 14 before July 1, 1977 which does not qualify as an
 15 employee organization as defined in section two (2)
 16 of this Act on or after July 1, 1977 shall be
 17 decertified effective July 1, 1978.”
 18 3. By renumbering sections to conform to this
 19 amendment.

BRANSTAD of Winnebago

H-3547

- 1 Amend amendment H-3454 to House File 356 as
 2 follows:
 3 1. Page 1, line 10, by inserting after “ember”
 4 the words “in the years 1977 and 1978”.
 5 2. Page 1, line 15, by inserting after the
 6 word “pheasants.” the following: “This section
 7 shall become effective on July 1, 1977.”
 8 3. Page 1, line 31, by inserting after the
 9 word “pheasants.” the following: “This section
 10 shall become effective on July 1, 1977.”
 11 4. Page 1, by inserting after line 31, the
 12 following:
 13 “ . Page 5, by striking line 4 and insert-
 14 ing in lieu thereof the following:

- 15 Sec. . Section one (1) of this Act shall
16 become effective July 1, 1977.
17 Sec. . Unless otherwise provided, the
18 provisions of this Act shall become effective
19 January 1, 1978."

SPENCER of Clay

H-3548

- 1 Amend House File 463 as follows:
2 1. Page 4, by inserting after line 28 the following
3 section:
4 "Sec. . Section two hundred seventy-four point
5 thirteen (274.13), Code 1977, is amended by striking
6 the section and inserting in lieu thereof the
7 following:
8 **274.13 ATTACHING TERRITORY TO ADJOINING DISTRICT.**
9 Any portion of the landowners in a school district
10 may file a petition with the area education agency
11 administrator to include their land or a portion of
12 their land within the boundaries of an adjacent school
13 district. The area education agency administrator
14 shall transmit the petition to the board of directors
15 of the area education agency for review. If the board
16 approves the transfer, the area education agency
17 administrator, following approval by the board of
18 the affected adjacent district, shall by a written
19 order attach the part thus affected to the adjoining
20 school district. One copy of the order shall be
21 transmitted to the secretary of each school district
22 involved in the transfer who shall record the transfer
23 and make the proper designation on the plat of the
24 district. One copy of the order shall also be
25 transmitted to the department of public instruction."
26 2. Page 13, by inserting after line 22 the
27 following section:
28 "Sec. . Section two hundred seventy-four point
29 fourteen (274.14), Code 1977, is repealed."
30 3. By numbering and renumbering sections as
31 necessary.

SCHROEDER of Pottawattamie

H-3549

- 1 Amend House File 463 as follows:
2 1. Page 4, by inserting after line 28 the following
3 section:

4 "Sec. . Section two hundred seventy—five point
5 twenty—five (275.25), Code 1977, is amended by striking
6 the section and inserting in lieu thereof the
7 following:

8 275.25 ELECTION OF DIRECTORS. If the proposition
9 to establish a new corporation carries under the
10 method provided, the board of the reorganized district
11 shall consist of the members of the boards of the
12 districts involved in the reorganization who are
13 residents of the reorganized district until the second
14 regular school election held thereafter, except as
15 otherwise provided in this section. Terms of office
16 of such members shall be extended beyond their
17 expiration to the organizational meeting after the
18 second regular school election held thereafter.
19 Vacancies occurring on the board during the period
20 shall be filled by appointment of the remaining
21 members.

22 At the first election at which members will be
23 elected, three members of the board shall remain in
24 office, one for a one—year term, one for a two—year
25 term, and one for a three—year term. The determination
26 of the members to be retained shall be made by lot.
27 At the election, one member shall be elected for a
28 one—year term and one for a two—year term, except
29 in districts which include all or part of a city of
30 fifteen thousand or more population and in districts
31 in which the proposition to establish a new corporation
32 provides for seven directors, two directors shall
33 be elected for a three—year term. Provided, however,
34 that in all community school districts which include
35 a city of fifteen thousand or more population and
36 which became effective prior to July 4, 1955, and
37 in all community school districts containing a city
38 which has attained a population of fifteen thousand
39 or more as shown by the most recent decennial federal
40 census, the board of directors shall consist of seven
41 members. The county board of supervisors shall canvass
42 the votes and the county commissioner of elections
43 report the results to the area education agency
44 administrator who shall notify the persons who are
45 elected directors.

46 The board consisting of members of the former
47 school districts shall organize within fifteen days
48 following the effective date of the reorganization
49 upon call of the administrator. The board of directors
50 shall have complete control of the employment of all

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1 personnel for the newly-formed community school
 2 district for the ensuing school year. Following the
 3 organization of the board, the board shall establish
 4 policy, organize curriculum, enter into contracts
 5 and complete such other planning and take such action
 6 as is essential for the efficient management of the
 7 newly-formed community school district."

8 2. By numbering and renumbering sections as
 9 necessary.

SCHROEDER of Pottawattamie

H-3556

1 Amend House File 449 as follows:

2 1. Page 2, by striking lines 18, 19, and 20 and
 3 inserting in lieu thereof the words "as the case may
 4 be, not later than thirty days from the time the
 5 vacancy is created, for the balance of the unexpired
 6 term."

STROMER of Hancock

H-3559

1 Amend House File 311 as follows:

2 1. Page 1, insert after line 19, the
 3 following new subsection:
 4 NEW SUBSECTION. The gross receipts from
 5 the sale of admission tickets for athletic or
 6 other events sponsored by public or private
 7 elementary and secondary educational institutions.

JUNKER of Woodbury

H-3560

1 Amend House File 182 as follows:

2 1. Page 1, insert after line 6, the following
 3 new subsection:
 4 NEW SUBSECTION. The gross receipts from the sale
 5 of admission tickets for athletic or other events
 6 sponsored by public or private elementary and
 7 secondary educational institutions.

JUNKER of Woodbury

H-3561

- 1 Amend House File 449 as follows:
 2 Page 2, by striking all of lines 17, 18 and 19
 3 and inserting in lieu thereof the following: "the
 4 senate and the speaker of the house shall designate
 5 from that person's party another person to serve
 6 on the legislative council."

HARBOR of Mills

H-3562

- 1 Amend House File 449 as follows:
 2 1. Page 5, by striking lines 19, 20 and 21
 3 and inserting in lieu thereof the following:
 4 "council. The legislative council shall appoint a
 5 subcommittee to hear appeals of aggrieved employees
 6 of the office of the citizens' aide. The sub-
 7 committee shall present its recommendations to the
 8 general assembly. If action is required it shall
 9 be as provided in the joint rules of the House and
 10 Senate."
 11 2. Page 5, line 26, by inserting after the
 12 word "in" the words "Cedar Rapids Gazette".
 13 3. Page 5, line 27, by inserting after the
 14 first word "in" the words "Cedar Rapids".
 15 4. Page 5, line 27, by inserting after the
 16 words "and in" the words "Shell Rock News and New
 17 Hartford Chronicle".
 18 5. Page 5, line 28, by inserting after the
 19 word "in" the words "Shell Rock".

LIPSKY of Linn

H-3565

- 1 Amend House File 187 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. NEW SECTION. LEGISLATIVE FINDINGS.
 5 Recognizing that the people of the state of Iowa have
 6 a fundamental right and need for a healthful, clean
 7 and beautiful environment; and recognizing that the
 8 proliferation and accumulation of litter discards
 9 throughout this state and the nation subvert this
 10 right, impair this need and constitute a public health
 11 hazard; and recognizing that the proliferation and
 12 accumulation of litter is national in scope and that

13 uniform state action rather than a piecemeal state,
14 local, or regional solution is necessary to accomplish
15 effective litter control; and recognizing that
16 uniformity among local, regional and state governments
17 in control programs including signs, symbols and
18 regulations is desirable and necessary to accomplish
19 effective litter control; therefore, the general
20 assembly finds that there is an imperative need to
21 anticipate, plan for, and accomplish effective litter
22 control.

23 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
24 purpose of this Act is to accomplish litter control
25 throughout this state by delegating to the department
26 of environmental quality the authority to conduct
27 a continuous program to control and remove litter
28 from this state to the maximum practical extent
29 possible. Every other department of state government
30 and all local governmental units and agencies of this
31 state shall cooperate with the department of
32 environmental quality in the administration and
33 enforcement of this Act. The intent of this Act is
34 to add to and to coordinate existing litter control
35 and resource recovery.

36 Sec. 3. NEW SECTION. TITLE. This Act shall be
37 known as the "State Litter Control and Resource
38 Recovery Act".

39 Sec. 4. NEW SECTION. DEFINITIONS. As used in
40 this Act:

41 1. "Beverage" means beer as defined in section
42 one hundred twenty-three point three (123.3),
43 subsection nine (9) of the Code, beer containing more
44 than four percent alcohol by weight, mineral water,
45 soda water, pop and similar liquid soft drinks whether
46 carbonated or not.

47 2. "Department" means the department of
48 environmental quality.

49 3. "Executive director" means the executive
50 director of the department of environmental quality

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1 or his or her designee.

2 4. "Litter" means all waste material including
3 but not limited to disposable packages or containers
4 thrown or deposited as prohibited by law, but not
5 including the wastes of the primary processes of
6 mining, logging, sawmilling, farming, or manufacturing.

7 5. "Litter bag" means a bag, sack, or other
8 container made of any material which is large enough

9 to serve as a receptacle for litter inside a vehicle
10 or watercraft.

11 6. "Litter receptacle" means those containers
12 adopted by the department for the deposit of litter
13 and which may be standardized as to size, shape,
14 capacity, and color.

15 7. "Watercraft" means any boat, ship, vessel,
16 barge, or other floating craft.

17 8. "Public place" means any area that is used
18 or held out for use by the public whether owned or
19 operated by public or private interests.

20 Sec. 5. NEW SECTION. POWERS AND DUTIES OF
21 EXECUTIVE DIRECTOR.

22 1. In addition to his or her other powers and
23 duties, the executive director may propose and adopt
24 pursuant to chapter seventeen A (17A) of the Code,
25 rules necessary to carry out the provisions, purposes
26 and intent of this Act.

27 2. The executive director may designate trained
28 employees of the department to be vested with police
29 powers to enforce and administer the provisions of
30 this Act and all rules adopted under this Act. The
31 executive director may contract with other state and
32 local governmental agencies having law enforcement
33 capabilities for services and personnel reasonably
34 necessary to carry out the enforcement provisions
35 of this Act. In addition, Iowa highway safety patrol
36 officers, officers of the state conservation
37 commission, sheriffs and marshals and their deputies,
38 police officers, and those employees of the depart-
39 ment of environmental quality vested with police
40 powers shall enforce the provisions of this Act and
41 any rules adopted under this Act and are empowered
42 to issue citations to or arrest without warrant persons
43 violating any provisions of this Act or any of the
44 rules adopted under this Act. All of these enforcement
45 officers may serve and execute all warrants, citations
46 and other process issued by the courts in enforcing
47 the provisions of this Act and rules adopted under
48 this Act. The mailing, by restricted certified mail,
49 of such warrant, citation or other process to the
50 last known place of residence of a person shall be

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1 deemed personal service upon the person charged.
2 Sec. 6. NEW SECTION. LITTER RECEPTACLE—ANTI—
3 LITTER SYMBOL.
4

1. The executive director may design and shall

5 adopt by rule one or more types of litter receptacles
6 which are reasonably uniform as to size, shape,
7 capacity and color, for wide distribution throughout
8 the public places of this state. Such litter
9 receptacle may bear an anti-litter symbol as designed
10 and adopted by the executive director, as well as
11 a statement of the penalties which may be levied for
12 littering in this state. In addition, the litter
13 receptacles shall be designed to attract attention
14 and to encourage the depositing of litter. In
15 selecting the anti-litter symbol and the size, shape
16 and color for litter receptacles, the executive
17 director shall in the interest of national uniformity
18 and standardization, attempt to emulate the anti-
19 litter symbol and receptacles used by other states
20 which have litter laws or litter control programs
21 similar to this Act. The litter receptacles shall
22 be placed along the public highways of this state
23 and at all parks, campgrounds, trailer parks, drive-
24 in restaurants, gasoline service stations, tavern
25 parking lots, shopping centers, grocery store parking
26 lots, parking lots of major industrial firms, marinas,
27 boat launching areas, boat moorage and fueling
28 stations, public and private piers, beaches and bathing
29 areas, and such other public places within this state
30 as specified by rule of the executive director. The
31 number of such receptacles required to be placed as
32 specified in this section shall be determined by a
33 formula related to the need for such receptacles.

34 2. It shall be the responsibility of persons
35 operating any establishment or operating a public
36 place in which litter receptacles of the uniform
37 design are required by this section to procure and
38 place such receptacles at their own expense on the
39 premises in accord with the rules adopted by the
40 executive director.

41 3. Any person who fails to place such litter
42 receptacles on the premises in the numbers required
43 by rule of the executive director in violation of
44 the provisions of this section or rules adopted under
45 this section shall be guilty of a misdemeanor and,
46 upon conviction, shall be subject to a fine of twenty-
47 five dollars. Each day of violation shall constitute
48 a separate offense.

49 **Sec. 7. NEW SECTION. LITTERING PROHIBITED—**
50 **PENALTY.**

Page 4

1 1. A person shall not throw, drop, deposit,
2 discard, or otherwise dispose of litter upon any
3 public property in the state or upon private property
4 in this state not owned by him or her or in the waters
5 of this state including, but not limited to, any
6 public highway, public park, beach, campground, forest
7 land, recreational area, trailer park, highway, road,
8 street or alley except:

9 a. When such property is designated by the state
10 or by any of its agencies or political subdivisions
11 for the disposal of garbage and refuse, and such
12 person is authorized to use such property for such
13 purpose.

14 b. Into a litter receptacle in such a manner that
15 the litter will be prevented from being carried away
16 or deposited by the elements upon any private or
17 public property or waters.

18 2. Any person violating the provisions of this
19 section shall be guilty of a misdemeanor and, upon
20 conviction, shall be subject to a fine of not less
21 than ten dollars for each offense and, in addition,
22 in the discretion of any court in which conviction
23 is obtained, such person may be directed by the court
24 to pick up and remove from any public place or any
25 private property with prior permission of the legal
26 owner upon which it is established by competent
27 evidence that such person has deposited litter, any
28 litter deposited by anyone before the date of execution
29 of sentence.

30 **Sec. 8. NEW SECTION. LITTERING FROM MOTOR VEHICLE**
31 **OR WATERCRAFT—PENALTY.** The operator of any motor
32 vehicle or watercraft who fails to keep and use a
33 litter bag in his or her vehicle or watercraft shall
34 be guilty of a misdemeanor and, upon conviction, shall
35 be subject to a fine of not less than ten dollars,
36 and at the discretion of the court, a labor of litter
37 gathering as provided in section seven (7), subsec-
38 tion two (2) of this Act.

39 **Sec. 9. NEW SECTION. POSTING OF ANTI-LITTERING**
40 **PROVISIONS.** A summary of requirements of this Act
41 shall be posted along the public highways of this
42 state and in all campgrounds and trailer parks, at
43 all entrances to state parks, forest lands, and
44 recreational areas, at all public beaches, and at
45 other public places in this state where persons are
46 likely to be informed of the existence and content
47 of such provisions and the penalties for violations.

48 Sec. 10. NEW SECTION. SERVICING OF LITTER
49 RECEPTACLES. The responsibility for the removal of
50 litter from litter receptacles placed at public parks,

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1 beaches, campgrounds, trailer parks and other public
2 places shall be upon those state and local agencies
3 performing litter removal. The removal of litter
4 from litter receptacles placed on private property
5 which is used by the public shall be the responsibility
6 of the operator of such private property.

7 Sec. 11. NEW SECTION. TAX IMPOSED—ADMINISTRATION.

8 1. There is imposed a tax at a rate of three
9 hundredths of one percent of the sale price of any
10 of the following tangible personal properties sold
11 to a retailer for use, consumption or resale within
12 this state:

- 13 a. Groceries.
- 14 b. Cigarettes and tobacco products.
- 15 c. Soft drinks and carbonated waters.
- 16 d. Beer containing more than four percent alcohol
- 17 by weight.
- 18 e. Wine.
- 19 f. Liquor and other distilled alcohol beverages.
- 20 g. Newspapers and magazines.
- 21 h. Household paper and paper products.
- 22 i. Glass containers.
- 23 j. Metal containers.
- 24 k. Plastic or fiber containers made of synthetic
- 25 material.
 - 26 l. Cleaning agents and toiletries.
 - 27 m. Nondrug drugstore sundry products.
 - 28 n. Prepared food for consumption off premise.

29 2. The tax imposed under subsection one (1) of
30 this section shall be collected by the department
31 of revenue from each person engaged in the business
32 of selling any of the tangible personal property items
33 specified in subsection one (1) of this section to
34 a retailer doing business in this state. The amount
35 of the tax shall be based on the value of such products
36 or the gross receipts of the sales of such tangible
37 personal property to the retailer.

38 3. The director of revenue shall provide, by rule,
39 for the administration of the tax imposed by this
40 section. The rules shall provide for the issuance
41 of permits, the payment of taxes, penalties for late
42 payments, records, the filing of tax returns, and
43 such other procedures as deemed appropriate by the

44 director of revenue for the effective administration
45 of this section. The administration of this section
46 shall be based on the same procedures and requirements
47 as provided for the administration of the retail sales
48 tax, as applicable.

49 4. The director of revenue may define, by rule,
50 the categories of property or products subject to

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1 the tax imposed under subsection one (1) of this
2 section. In making such definitions, the director
3 shall be guided by the following standards:
4 a. It is the purpose of this Act to promote
5 resource recovery, recycling, and accomplish effective
6 control of litter within this state.

7 b. It is the purpose of this Act to impose a tax
8 on industries manufacturing or distributing at
9 wholesale, products and the packages, wrapping or
10 containers of such products which are reasonably
11 related to the litter problem in this state.

12 Sec. 12. NEW SECTION. PRODUCTS EXEMPT FROM
13 TAXATION. The tax imposed under section eleven (11)
14 of this Act shall not apply to the sales of beer made
15 by the holder of a class "A" beer permit as defined
16 in section one hundred twenty-three point one hundred
17 twenty-four (123.124) of the Code or to the value
18 of products or the gross receipts from the sale of
19 any animal, bird, or insect or the milk, eggs, wool,
20 fur, meat, honey or other substance obtained from
21 such animal, bird, or insect if the seller is a person
22 who performs only the growing or raising function
23 of such animal, bird, or insect.

24 Sec. 13. NEW SECTION. ACCOUNT CREATED—
25 DISPOSITION.

26 1. There is created in the general fund of the
27 state a litter control and resource recovery account,
28 to which shall be credited the receipts from the tax
29 imposed under sections eleven (11) and eighteen (18)
30 of this Act. The proceeds of the litter control and
31 resource recovery account are appropriated to the
32 department for the purpose of carrying out the
33 provisions of subsections two (2), three (3) and four
34 (4) of this section.

35 2. The department shall expend fifteen percent
36 of the proceeds of the account to acquire, prepare,
37 and distribute such educational and informational
38 material through elementary and secondary schools,
39 colleges, universities and political subdivisions

40 of this state, by contract with corporations or
41 associations, or by dissemination through the public
42 news media for the purpose of informing the public
43 of the purposes of this Act.

44 3. The department shall expend forty—five percent
45 of the proceeds of the account for grants to interested
46 private or public agencies for research or development
47 of solid waste recovery programs, including systems
48 and facilities. A grant may be made only if it is
49 designed to provide regional or area—wide resource
50 recovery for cities and counties and provides an

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1 equitable system for distributing the costs associated
2 with the construction, operation and maintenance of
3 any resource recovery system among the users of the
4 system.

5 4. The department shall expend forty percent of
6 the proceeds of the account to control and remove
7 litter. The executive director may enter into
8 agreements with public or private agencies, which
9 agreements shall contain such terms and conditions
10 as deemed necessary or desirable by the executive
11 director to accomplish litter control and removal.
12 However, an agreement shall not provide for making
13 payments to a private person solely for the purpose
14 of placing or installing a litter receptacle on private
15 property.

16 **Sec. 14. NEW SECTION. ADDITIONAL DUTIES.** In
17 addition to other powers and duties provided by law,
18 the department in carrying out litter control and
19 resource recovery responsibilities shall:

20 1. Serve as the coordinating agency between the
21 various industry organizations.

22 2. Recommend to the governing bodies of all local
23 governments that they adopt ordinances similar to
24 the provisions of this Act.

25 3. Cooperate with all state and local government
26 agencies.

27 4. Encourage, organize, and coordinate all
28 voluntary local anti—litter campaigns seeking to focus
29 the attention of the public on the programs of this
30 state to control and remove litter.

31 **Sec. 15. NEW SECTION. SNAP TAB CANS PROHIBITED.**
32 Effective January 1, 1979, a person shall not sell
33 or offer for sale at retail in this state any metal
34 beverage container which is so constructed that the
35 metal opener is designed to be completely detachable

36 from the container.

37 Sec. 16. NEW SECTION. UNIFORM APPLICATION. To
38 avoid the inequities of piecemeal or inconsistent
39 regulations or ordinances enacted by cities, counties
40 and other political subdivisions of this state, the
41 provisions of this Act shall supersede any regulation
42 or ordinance of a political subdivision of this state
43 relating to a tax, ban or mandatory deposit on
44 manufacture or sale of convenience packages or
45 containers to the extent that such ordinance or
46 regulation is inconsistent with or duplicative of
47 this Act.

48 Sec. 17. NEW SECTION. GENERAL PENALTY. Any
49 person convicted of a violation of this Act for which
50 a penalty is not specifically provided shall be subject

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1 to a fine of not more than ten dollars for each
2 violation.

3 Sec. 18. Section one hundred twenty-three point
4 one hundred thirty-six (123.136), unnumbered paragraph
5 one (1), Code 1977, is amended to read as follows:

6 In addition to the annual permit fee to be paid
7 by all class "A" permittees under the provisions of
8 this chapter there shall be levied and collected from
9 such permittees on all beer manufactured for sale
10 or sold in this state at wholesale and on all beer
11 imported into this state for sale at wholesale and
12 sold in this state at wholesale, a tax of four and
13 thirty-four hundredths dollars for every barrel
14 containing thirty-one gallons, and at a like rate
15 for any other quantity or for the fractional part
16 of a barrel. In addition, a litter tax of one cent
17 per gallon shall be added, making the total tax to
18 be collected four and sixty-five hundredths dollars
19 per barrel containing thirty-one gallons or equivalent
20 rate for fractional parts of a barrel. The litter
21 tax shall not be considered a part of the barrel tax
22 accruing to the state general fund, but it shall be
23 separated by the department of revenue and credited
24 to the litter control and resource recovery account
25 in the state general fund. However, r.o tax shall be
26 levied or collected on beer shipped outside this state
27 by a class "A" permittee or sold by one class "A"
28 permittee to another class "A" permittee.

29 Sec. 19. Sections four hundred fifty-five B point
30 ninety-five (455B.95), four hundred fifty-five B point
31 ninety-six (455B.96), four hundred fifty-five B point

- 32 ninety-seven (455B.97), and four hundred fifty-five
 33 B point ninety-eight (455B.98), Code 1977, are
 34 repealed.
 35 Sec. 20. This Act is effective January 1, 1978.”
 36 2. Amend the title, lines 1 and 2, by striking
 37 everything after the word “Act” and inserting in lieu
 38 thereof the words “relating to the control of litter,
 39 authorizing the department of environmental quality
 40 to establish and maintain a comprehensive antilitter
 41 program, imposing a tax levy on certain beverage con-
 42 tainers and products, and providing penalties for
 43 violations.”

MILLER of Buchanan

H-3567

- 1 Amend the Spear, et al amendment H-3513 to Senate
 2 File 302 as amended, passed by the Senate and
 3 reprinted, as follows:
 4 1. Page 1, line 6, by inserting after the word
 5 “program” the words “, to be used only for one-time
 6 grants of funds to area agencies on aging in whose
 7 jurisdictions that program is not available on the
 8 effective date of this Act”.

MILLER of Buchanan

H-3568

- 1 Amend House File 230 as follows:
 2 1. Page 1, line 14 by inserting after the word
 3 “conditions” the words “for a poultry or livestock
 4 operation”.
 5 2. Page 1, by striking all of lines 17 through
 6 25 and inserting in lieu thereof the following:
 7 “Act as amended to December 31, 1976.”

SCHROEDER of Pottawattamie

H-3572

- 1 Amend House File 518 as follows:
 2 1. Page 1, by striking all of line 27 and in-
 3 serting in lieu thereof the following:
 4 “or any part thereof, five percent.”

SCHROEDER of Pottawattamie

H-3577

- 1 Amend House File 518 as follows:
- 2 1. Page 1, line 31 by striking the words
- 3 "~~seven eight~~" and inserting in lieu thereof the
- 4 word "seven".
- 5 2. Page 1, line 33 by striking the words
- 6 "~~eight ten~~" and inserting in lieu thereof the
- 7 word "eight".

BRANSTAD of Winnebago

H-3578

- 1 Amend House File 518 as follows:
- 2 1. Page 1, by striking lines 13, 14 and 15,
- 3 and inserting in lieu thereof, "securities, and any
- 4 amount of franchise taxes paid or accrued under this
- 5 division during the taxable year, shall".

PERKINS of Greene
HARVEY of Scott
KOOGLER of Mahaska
WEST of Marshall
BAKER of Buena Vista
MIDDLESWART of Warren

H-3579

- 1 Amend House File 518 as follows:
- 2 1. Page 1, by striking lines 7 through 20.

BRANSTAD of Winnebago

H-3580

- 1 Amend Senate File 337 as follows:
- 2 1. Page 6, by striking lines 27 through 31 and
- 3 inserting in lieu thereof the following:
- 4 "a. Six thousand dollars, or".

DANKER of Pottawattamie

H-3591

- 1 Amend House Concurrent Resolution 26 as found on
- 2 page 1295 of the House Journal as follows:
- 3 1. Page 3, by striking all of lines 2 through

- 4 15 and inserting in lieu thereof the following:
 5 "Be It Further Resolved, That the governor's
 6 mental health task force shall approve jointly with
 7 the legislative committee through review, comment and
 8 recommended changes the hiring of persons or firm
 9 to do the study, the research design, work, plan, find-
 10 ings, and tentative conclusions of the persons or firm
 11 employed to carry out the study; and to present to the
 12 governor and the legislature, within sixty days after
 13 receipt of such findings and conclusions, their rec-
 14 ommendations, if any, for changes in Iowa's mental
 15 health care delivery systems."

SCHROEDER of Pottawattamie

H-3599

- 1 Amend House File 488 as follows:
 2 1. Page 3, by striking lines 11 through 32.
 3 2. Page 6, by striking lines 10 through 24.
 4 3. Page 10, by striking lines 34 and 35.
 5 4. Page 11, by striking lines 1 and 2.

WELDEN of Hardin

H-3604

- 1 Amend House File 248 as follows:
 2 1. Page 11, by striking lines 17 through 22
 3 and inserting in lieu thereof the following:
 4 "1. A child shall have the right to counsel in
 5 all cases where a petition in delinquency is filed
 6 and during the following procedures:"
 7 2. Page 11, line 34, by striking the words
 8 " paragraphs b through f".
 9 3. Page 18, by striking from lines 18 and 19
 10 the words "the assistance of counsel and the right
 11 to".
 12 4. Page 19, line 15, by striking the words
 13 "attorney and of the child's".

PELTON of Clinton

H-3620

- 1 Amend House File 187 as follows:
 2 1. Page 3, line 2, by inserting after the word
 3 "Act." the following: "However, a dealer shall not
 4 be required to accept or to pay refunds on empty

5 beverage containers in excess of the number of beverage
6 containers that the dealer sells in the normal course
7 of business."

WYCKOFF of Benton

H-3621

1 Amend House File 518 as follows:

2 1. Page 1, by inserting after line 6 the follow-
3 ing:

4 "Sec. . Section four hundred twenty-two point
5 sixty-one (422.61), subsection one (1), Code 1977,
6 is amended to read as follows:

7 1. "Financial institution" means a state bank
8 as defined in section 524.103, subsection 19, a
9 national banking association having its principal
10 office within this state, a trust company, a federally
11 chartered savings and loan association, a financial
12 institution chartered by the federal home loan bank
13 board, an association incorporated or authorized to
14 do business under chapter 534, a credit union
15 incorporated or authorized to do business under chap-
16 ter five hundred thirty-three (533) of the Code, or
17 a production credit association."

18 2. Page 1, line 16, by inserting after the word
19 "subtracted" the words "and provided that net income
20 of a credit union for the purposes of this division
21 shall be computed without regard to the exemption
22 of the credit union from payment of federal income
23 tax provided by section 501(c) of the Internal Revenue
24 Code of 1954".

25 3. Page 1, by inserting after line 33 the follow-
26 ing:

27 "Sec. 5. Chapter four hundred twenty-two (422),
28 division five (V), Code 1977, is amended by adding
29 the following new section:

30 **NEW SECTION. FEDERAL CREDIT UNIONS—VOLUNTARY**
31 **PAYMENT IN LIEU OF FRANCHISE TAX.** A credit union
32 chartered under the laws of the United States and
33 relieved, by twelve (12) U.S.C. section one thousand
34 seven hundred sixty-eight (1768), from its obligation
35 to support the government of this state, may
36 voluntarily pay to the treasurer of state an amount
37 equal to the amount which would be required to be
38 paid by that credit union under this division if the
39 credit union were chartered under the laws of this
40 state.

41 1. Upon receipt of a payment permitted by this

42 section, if the payment is received on or before the
43 last day of the fourth month following the close of
44 the fiscal year of the credit union to which the
45 payment is applicable, and if the payment is
46 accompanied by such forms and information as the
47 director may prescribe as being necessary to determine
48 if the conditions of this section have been met, the
49 director shall issue to the credit union a certificate
50 of payment in lieu of franchise tax. Such a

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1 certificate may be revoked by the director, upon
2 ninety days notice to the credit union, upon a
3 determination by the department that the amount paid
4 was less than the amount which the credit union would
5 have been required to pay under this division if it
6 were chartered under the laws of this state; provided
7 that such a determination shall be made by the
8 department within the time which would be prescribed
9 by section four hundred twenty-two point twenty-five
10 (422.25) of the Code for determination of tax if the
11 credit union were chartered under the laws of this
12 state, unless the credit union agrees in writing to
13 an extension of the applicable period; and provided
14 further that the certificate shall not be revoked,
15 or if revoked shall be reinstated, if, following such
16 a determination, the credit union shall pay to the
17 treasurer of state an amount which is at least equal
18 to the amount of the deficiency so determined plus
19 all amounts which the credit union would have been
20 obligated to pay as interest and penalty if the credit
21 union were chartered under the laws of this state
22 and the deficiency, interest and penalty had pertained
23 to a franchise tax required to be paid by this
24 division. In the event of a determination under this
25 subsection which is adverse to the credit union, the
26 credit union may appeal to the director for revision
27 of the determination in accordance with section four
28 hundred twenty-two point twenty-eight (422.28) of
29 the Code, and may seek judicial review of the actions
30 of the director in accordance with section four hundred
31 twenty-two point twenty-nine (422.29) of the Code,
32 each in the same manner as if such determination or
33 actions pertained to a franchise tax imposed by this
34 division on a state chartered credit union. A
35 certificate of payment in lieu of franchise tax shall
36 be valid for a period of one year from the date of
37 issuance and may be renewed for succeeding one-year

38 periods upon continued compliance with the requirements
39 of this subsection, unless revoked by the director
40 in the manner described above.

41 2. A credit union, other than a credit union
42 organized under chapter five hundred thirty-three
43 (533) of the Code, shall not, after April 30, 1978,
44 be entitled to the following privileges and benefits
45 unless the credit union shall hold a current
46 certificate of payment in lieu of franchise tax;
47 provided that failure to hold such a certificate shall
48 not impair the validity of any contract in force on
49 or prior to such date:

50 a. The privilege of maintaining any action, suit

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1 or proceeding in any court of this state by the credit
2 union or any successor or assignee of the credit union
3 on any right, claim or demand; provided that this
4 paragraph shall not prevent a credit union from
5 defending any action, suit or proceeding.

6 b. The privilege of contracting with members of
7 the credit union and employers of members of the
8 credit union for the voluntary withholding, from wages
9 payable by such employers to such employees, of amounts
10 to be paid to the credit union on behalf of such
11 members in payment for shares of or deposits in the
12 credit union or in retirement of any debt owed by
13 such a member to the credit union. Any employer who
14 withholds an amount from an employee in furtherance
15 of an agreement prohibited by this paragraph shall
16 be liable to the employee for all amounts so withheld
17 plus additional damages equal to fifty percent of
18 the amounts so withheld.

19 c. The privileges of perfecting a security interest
20 in personal property under the provisions of chapter
21 five hundred fifty-four (554) of the Code; or recording
22 a mortgage under the provisions of chapter five hundred
23 fifty-eight (558) of the Code; or perfecting a security
24 interest in any vehicle subject to registration, under
25 the provisions of section three hundred twenty-one
26 point fifty (321.50) of the Code. In any action to
27 enforce such a security interest or mortgage it shall
28 be a valid defense and release that such security
29 interest or mortgage was perfected or recorded at
30 a time when the credit union did not hold a current
31 certificate of payment in lieu of franchise tax as
32 required by this subsection.

33 d. The privilege of contracting to receive interest

34 in excess of the statutory rate prescribed by section
 35 five hundred thirty-five point two (535.2), subsection
 36 one (1) of the Code, regardless of the provisions
 37 of that subsection or of any other law of this state
 38 permitting the credit union to agree in writing to
 39 receive interest at a higher rate.

40 3. A certificate of payment in lieu of franchise
 41 tax shall be displayed prominently in the place of
 42 business of the credit union which has been issued
 43 the certificate, and the serial number thereof shall
 44 be provided by the credit union at the request of
 45 any person who desires to conduct business with the
 46 credit union.

47 4. After April 30, 1978, any person who provides
 48 a credit union which is not organized under chapter
 49 five hundred thirty-three (533) of the Code or which
 50 does not hold a current certificate of payment in

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1 lieu of franchise tax with a location from which to
 2 conduct the business of the credit union shall be
 3 considered, for the purposes of divisions two (II)
 4 and three (III) of this chapter, to have received
 5 income in an amount equal to the fair rental value
 6 of the location so provided, and shall not be entitled
 7 to deduct any portion of such amount as a business
 8 expense or gift to the credit union.

9 5. For tax years beginning on or after January
 10 1, 1978, no person shall be entitled, in computing
 11 the amount of income on which any tax is imposed under
 12 divisions two (II) or three (III) of this chapter,
 13 to deduct any interest amount paid after April 30,
 14 1978 to a credit union which was not organized under
 15 chapter five hundred thirty-three (533) of the Code
 16 or which did not, at the time such interest was paid,
 17 hold a current certificate of payment in lieu of
 18 franchise tax.

19 Sec. 6. Section five hundred thirty-three point
 20 twenty-four (533.24), Code 1977, is amended by striking
 21 unnumbered paragraph one (1)."

22 4. By renumbering the sections as necessary.

SCHROEDER of Pottawattamie

H-3624

1 Amend amendment H-3605 to Senate amendment H-3589
 2 to House File 464, as follows:

- 3 1. Page 7, by inserting after line 31 the
4 following:
5 "Sec.
6 1. There is appropriated from the
7 general fund of the state for the
8 fiscal year beginning July 1,
9 1977 and ending June 30, 1978 to
10 the department of social services,
11 to be used to extend availability of
12 homemaker—home health aide services
13 to additional elderly persons in
14 this state\$1,500,000
15 2. The department may retain not to exceed one
16 percent of the amount appropriated by this section,
17 to be used to pay the costs of administering this
18 section. The remainder shall be allocated for use
19 in the several counties of the state as follows:
20 a. One—fourth of the total amount to be allocated
21 shall be divided so that an equal amount is available
22 for use in each county in the state; and
23 b. Three—fourths of the total amount to be
24 allocated shall be divided so that the share available
25 for use in each county is proportionate to the number
26 of elderly persons living in that county in relation
27 to the total number of elderly persons living in the
28 state.
29 3. The department shall make the money allocated
30 for use in each county under subsection two (2) of
31 this section available to be expended in that county
32 as follows:
33 a. The department may contract with any suitable
34 local governmental body or independent nonprofit
35 agency to use funds available for use in the county
36 under this subsection to establish or extend homemaker—
37 home health aide services to elderly persons living
38 in the county.
39 b. It is the intent of the general assembly that
40 the department of social services not use any of the
41 funds appropriated by this Act to replace, directly
42 or indirectly, funds previously received either from
43 taxes levied by any county or from other sources and
44 used to pay all or any part of the cost of homemaker—
45 home health aide services maintained in that county.
46 4. Any of the funds appropriated by this section
47 and allocated for use in a county in this state shall
48 remain available for use in that county during the
49 fiscal year beginning July 1, 1978 and ending June
50 30, 1979, pursuant to all applicable requirements

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1 of this section. The balance of those funds retained
2 by the department for administrative purposes, as
3 authorized by subsection two (2) of this section,
4 which remains unexpended on June 30, 1978 shall revert
5 to the general fund of the state as provided by section
6 eight point thirty-three (8.33) of the Code.

7 5. For the purposes of this section, an "elderly
8 person" is one who is sixty years of age or older.

9 6. The department of social services shall within
10 thirty days after the effective date of this Act
11 promulgate rules not contrary to this Act defining
12 eligibility for homemaker-home health aide services
13 paid for by funds appropriated by this Act, and
14 imposing a sliding fee scale for those persons deemed
15 able to pay all or a portion of the cost of such
16 services.

17 7. The department of social services shall prepare
18 a report containing a critical evaluation of the
19 programs funded under this Act, including quantitative
20 measures of the level of services provided, proportion
21 of the eligible population served, and the number
22 of elderly in health care facilities before and after
23 the programs funded under this Act were implemented.
24 An interim report shall be submitted to the second
25 session of the Sixty-seventh General Assembly not
26 later than thirty days after its convening, and a
27 final report shall be submitted to the first session
28 of the Sixty-eighth General Assembly not later than
29 thirty days after its convening.

30 8. The department of social services is authorized
31 to reallocate fifty-five existing vacancies to the
32 employment category of homemaker, for the purpose
33 of extending availability of homemaker services and
34 thereby facilitating implementation of this Act.
35 It is the intent of the general assembly that the
36 department of social services employ additional persons
37 as homemakers on a less than full-time basis, as
38 necessary to insure the widest possible availability
39 of homemaker services in this state, so long as the
40 total number of vacancies reallocated to homemaker
41 positions and filled does not exceed the equivalent
42 of fifty-five full-time positions."

SCHROEDER of Pottawattamie

H-3640

- 1 Amend the amendment H-3598 to House File 246 as
- 2 follows:
- 3 1. Page 2, by striking line 13 and inserting in
- 4 lieu thereof "government upon the request of five
- 5 members of the general".

HARVEY of Scott

H-3645

- 1 Amend amendment H-3624 to amendment H-3605 to
- 2 Senate amendment H-3589 to House File 464 as follows:
- 3 1. Page 1, by striking all of line 33 and in-
- 4 serting in lieu thereof the following:
- 5 "a. The department may provide directly or may
- 6 contract with any suitable".

SCHROEDER of Pottawattamie

H-3646

- 1 Amend Senate File 329, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 19, line 6, by inserting after the
- 4 comma the word "and".
- 5 2. Page 19, line 7, by striking the following:
- 6 ", and one hundred eighty-six A (186A)".

MIDDLESWART of Warren

H-3647

- 1 Amend House File 426 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following:
- 4 "Sec. 2. Section one hundred six point thirty-
- 5 one (106.31), subsection one (1), Code 1977, is amended
- 6 by adding the following new subparagraph:
- 7 NEW SUBPARAGRAPH. Motorboats engaged in racing
- 8 or timing contests approved by the commission."
- 9 2. By renumbering sections of the bill and
- 10 correcting internal references as necessary.
- 11 3. Title page, line 1, by inserting after the
- 12 word "inspection" the words "and use".

WYCKOFF of Benton
JUNKER of Woodbury

H-3649

1 Amend House File 356 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section one hundred nine point
5 one hundred seven (109.107), Code 1977, unnumbered
6 paragraph one, is amended to read as follows:

7 It shall be lawful to use seines, dip nets,
8 trammel nets, gill nets, basket traps, hoop nets,
9 wing nets, pound, fyke and trap nets and trotlines
10 in the Missouri river or Mississippi river, except
11 as hereinafter provided in this section but only
12 when such nets, seines, traps or trotlines have been
13 properly licensed, and properly tagged, in accordance
14 with the provisions of chapter 110, and of this section,
15 and only when such nets, seines, traps or trotlines
16 comply with the provisions of law and at such times
17 and in such manner and for the taking of such species
18 of fish as are permitted by law. Commercial fishing
19 tackle must be checked at least once every seventy-
20 two hours."

AVENSON of Fayette

H-3650

1 Amend amendment H-3516 to House File 248 as
2 follows:

3 1. Page 1, by striking lines 36 and 37.

PELTON of Clinton

H-3652

1 Amend House File 248 as follows:

2 1. Page 30, line 20, by inserting after the word
3 "admissible" the words "as evidence in chief".

4 2. Page 32, line 23, by striking the words "into
5 evidence" and inserting in lieu thereof the words
6 "as evidence in chief".

CONLON of Muscatine

H-3653

1 Amend House File 248 as follows:

2 1. Page 32, by striking lines 18 through 21, and
3 inserting in lieu thereof the following:

4 "5. Except as otherwise provided by this section,
5 the rules of privilege applicable to the trial of
6 criminal cases shall apply at the hearing."

CONLON of Muscatine

H-3656

- 1 Amend House File 248 as follows:
 2 1. Page 23, line 12, by inserting after the word
 3 "notification" the words ", or if the court finds
 4 that a reasonably diligent effort has been made to
 5 notify the child's parent, guardian, or custodian,
 6 and the effort was unavailing".

CONLON of Muscatine

H-3657

- 1 Amend House File 248 as follows:
 2 1. Page 13, by inserting after line 11 the
 3 following:
 4 "Sec. . **NEW SECTION. SUSPENSION OF TIME**
 5 **LIMITATIONS.** Where the child requests a continuance
 6 of delinquency proceedings, the court, in an order
 7 granting the continuance, may suspend the time
 8 limitations imposed on the state by this division
 9 for a period of time not to exceed the length of the
 10 continuance."

CONLON of Muscatine

H-3658

- 1 Amend House File 248 as follows:
 2 1. Page 1, by inserting after line 10 the
 3 following:
 4 "Sec. . **NEW SECTION. WAIVERABILITY OF**
 5 **PROCEDURAL REQUIREMENTS.** Unless otherwise provided,
 6 and to the extent permitted by constitution and
 7 statute, the procedural requirements of this chapter
 8 may be waived by knowing and voluntary consent of
 9 the parties."

CONLON of Muscatine

H-3659

- 1 Amend House File 248 as follows:
 2 1. Page 1, by inserting after line 10 the
 3 following:
 4 "Sec. . **NEW SECTION. RULES OF EVIDENCE.**
 5 Unless otherwise provided, hearings held under this
 6 Act shall be informal. As far as is practical, the
 7 court shall follow the rules of evidence as prescribed
 8 for administrative agencies under section seventeen
 9 A point fourteen (17A.14) of the Code."
 10 2. Page 29, by striking lines 17 and 18.
 11 3. Page 47, by striking lines 27 through 29.

CONLON of Muscatine

H-3660

- 1 Amend House File 248 as follows:
- 2 1. Page 28, line 35, by striking the words “,
- 3 without a jury,”.
- 4 2. Page 32, by striking lines 3 through 8, and
- 5 inserting in lieu thereof the words “ing a petition
- 6 alleging a child to be delinquent.”
- 7 3. Page 32, line 15, by striking the words “or
- 8 a jury”.
- 9 4. Page 33, line 4, by striking the words “or
- 10 jury”.
- 11 5. Page 33, line 5, by striking the words “In
- 12 a case heard without a”.
- 13 6. Page 33, line 6, by striking the words “jury,
- 14 the” and inserting in lieu thereof the word “The”.
- 15 7. Page 33, line 9, by striking the words “or
- 16 jury”.
- 17 8. Page 33, line 12, by striking the words “or
- 18 jury”.

BENNETT of Ida

H-3661

- 1 Amend House File 248 as follows:
- 2 1. Page 60, line 28, by striking the words “or
- 3 other services” and inserting in lieu thereof the
- 4 words “and to comply with any other reasonable orders”.

CONLON of Muscatine

H-3663

- 1 Amend House File 248 as follows:
- 2 1. Page 14, by striking lines 32 and 33 and
- 3 inserting in lieu thereof the following:
- 4 “may commit a felony, or may commit an act which
- 5 would inflict serious bodily harm on himself or
- 6 herself or another.”.

BENNETT of Ida

H-3664

- 1 Amend House File 248 as follows:
- 2 1. Page 2, line 10, by striking the words
- 3 “or creates a” and by striking all of lines 11
- 4 and 12, and inserting in lieu thereof the words

- 5 "conditions harmful to the physical or mental
6 health and welfare of the child".

BRANSTAD of Winnebago

H-3665

- 1 Amend House File 248 as follows:
2 1. Page 1, line 20, by striking the words
3 "a long or".

BRANSTAD of Winnebago

H-3668

- 1 Amend House File 90 as follows:
2 1. Page 1, by striking lines 1 through 16 and
3 inserting in lieu thereof the following:
4 "Section 1. **NEW SECTION.**
5 1. When either a borrower of money using real
6 estate as security for the money borrowed or a buyer
7 of real estate by contract (referred to in this section
8 as the "borrower") is required, in addition to paying
9 interest or interest and principal, to periodically
10 pay in advance to the lender or seller (referred to
11 in this section as the "lender") the whole or any
12 part of the estimated annual property taxes,
13 assessments, insurance premiums, or other charges
14 upon the real estate involved, the lender shall give
15 to the borrower the option of a noninterest-bearing
16 escrow account or an interest-bearing pledged savings
17 account. If the borrower elects to maintain a pledged
18 savings account, the borrower initially shall deposit
19 and shall maintain at all times a minimum balance
20 at least equal to one-half of the estimated total
21 annual charges to be made against the account. The
22 borrower shall make periodic payments into the account
23 sufficient to maintain a minimum balance equal to
24 one-half of the estimated total charges to be incurred
25 in each succeeding twelve-month period, and to enable
26 the lender to pay charges when accrued without reducing
27 the account balance below the required minimum balance.
28 The lender shall be entitled to make withdrawals from
29 the account to pay accrued charges unless the parties
30 otherwise agree to the manner of payment. The minimum
31 balance specified by this subsection shall not be
32 adjusted by the lender more frequently than once each
33 year. The borrower shall have the option of
34 discontinuing the pledged savings account once each

35 year at the time the adjustment is made in the required
 36 minimum balance, and if discontinued the lender shall
 37 have the right to retain so much of the existing
 38 balance of the account as is necessary for payment
 39 of charges which will accrue during the succeeding
 40 six-month period.

41 2. If the borrower elects to maintain an interest-
 42 bearing pledged savings account the lender shall pay
 43 to the borrower interest at the rate which is paid
 44 by the lender on its passbook savings account.

45 3. An escrow account shall not be required by
 46 a lender at any time the borrower's equity in the
 47 real estate is equal to or greater than twenty percent
 48 of the appraised value of the real estate.

49 4. A provision of this section shall not apply
 50 to any loan to the extent federal law or federal

Page 2

1 regulations preclude its application to that loan.
 2 Sec. 2. This Act shall apply to any loan for which
 3 an escrow account is to be established on or after
 4 January 1, 1978."

5 2. Amend the title by striking lines 1 and 2 and
 6 inserting in lieu thereof the words "An Act relating
 7 to the establishment of and the payment of interest
 8 on escrow accounts respecting real property."

KOOGLER of Mahaska

H-3674

1 Amend amendment H-3522 to House File 90 as
 2 follows:

3 1. Page 1, line 4, by inserting after the
 4 word "lender" the words "or seller on contract".

CHIODO of Polk

H-3675

1 Amend House File 90 as follows:

2 1. Page 1, by striking lines 13 through 16
 3 and inserting in lieu thereof the following:
 4 "loan or contract and which must be no lower
 5 than one percent below the rate of interest paid
 6 on regular savings accounts by federally chartered
 7 savings and loans in the state of Iowa at the time
 8 of making the loan or contract."

CHIODO of Polk

H-3676

- 1 Amend amendment H-3598, to House File 246, as
- 2 follows:
- 3 1. Page 2, line 8, by inserting after the word
- 4 "government" the following: ", area education
- 5 agencies established in chapter two hundred seventy-
- 6 three (273), of the Code, and area vocational schools
- 7 and community colleges defined in chapter two
- 8 hundred eighty A (280A), of the Code."

GILSON of Guthrie
PERKINS of Greene

H-3677

- 1 Amend House File 90 as follows:
- 2 1. Page 1, line 13, by striking the word
- 3 "above".
- 4 2. Page 1, line 14, by striking the words
- 5 "or below" and inserting in lieu thereof the
- 6 word "of".

JUNKER of Woodbury

H-3678

- 1 Amend House File 90 as follows:
- 2 1. Page 1, line 16, by inserting after the
- 3 word "contract." the following: "The interest
- 4 paid shall be subject to a ten (10) dollar annual
- 5 withholding fee. If the interest to be paid is
- 6 less than ten (10) dollars, the fee shall consist
- 7 of the interest which would be payable under this
- 8 section."

JUNKER of Woodbury

H-3679

- 1 Amend House File 90 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "required" the following: "by the lender or seller".

CONLON of Muscatine

H-3680

- 1 Amend House File 248 as follows:
- 2 1. Page 65, by inserting after line 12 the

- 3 following subsection:
4 " . The juvenile court judge for each
5 county in which a juvenile home has been established
6 as provided in this section shall annually review
7 the practices of said home and order the discontin-
8 uance of any practice found not to be in the best
9 interests of children placed therein by the court."

SMALLEY of Polk

H-3681

- 1 Amend House File 248 as follows:
2 1. Page 34, by inserting after line 22 the
3 following subsection:
4 " . At any time after the filing of a
5 delinquency petition the court may order a physical
6 or mental examination of the child if the following
7 circumstances apply:
8 a. The court finds such examination to be in
9 the best interest of the child; and
10 b. The parent, guardian or custodian and the
11 child's counsel agree."

SMALLEY of Polk

H-3682

- 1 Amend House File 248 as follows:
2 1. Page 1, line 21, by inserting after the word
3 "time." the words "Abandonment includes, but does
4 not require, willful and unreasonable delay by a
5 parent, guardian, or custodian in taking custody of
6 a child who has been taken into custody under section
7 nine (9), subsection one (1), paragraph c, of this
8 Act, or placed in shelter care under section ten (10),
9 subsection one (1), paragraph c, of this Act."

CONLON of Muscatine

H-3683

- 1 Amend House File 248 as follows:
2 1: Page 29, line 22, by inserting after the word
3 "determines" the words ", or has previously determined"
4 in a detention hearing under section twenty-four (24)
5 of this Act,".

CONLON of Muscatine

H-3691

- 1 Amend Senate amendment H-3589 to House File
- 2 464 as follows:
- 3 1. Page 3, line 24, by striking the figures
- 4 "6,200,000" and inserting in lieu thereof the figures
- 5 "6,100,000".

JESSE of Polk

H-3694

- 1 Amend House File 248 as follows:
- 2 1. Page 2, line 8, by striking the word
- 3 "physically".
- 4 2. Page 2, by striking from lines 9 and 10
- 5 the words "or is imminently likely to abuse or
- 6 neglect the child".

BRANSTAD of Winnebago

H-3695

- 1 Amend House File 248 as follows:
- 2 1. Page 47, by striking line 25, and by inserting
- 3 in lieu thereof the following:
- 4 "2. When a child is alleged to be a child in need
- 5 of assistance under section two (2), subsection six
- 6 (6), paragraphs f, g, or h, of this Act, the state
- 7 shall have the burden of proving the allegations
- 8 beyond a reasonable doubt. In all other child in
- 9 need of assistance proceedings, the state shall have
- 10 the burden of proving the alle—".

CONLON of Muscatine

H-3696

- 1 Amend House File 248 as follows:
- 2 1. Page 4, by inserting after line 11 the following
- 3 paragraph:
- 4 "c. Willful and material disobedience to a lawful
- 5 order of court."

CONLON of Muscatine

H-3698

- 1 Amend House File 488 as follows:

- 2 1. Page 1, by striking lines 12 through 16 and
 3 inserting in lieu thereof the words and figure "(341.1)
 4 of the Code."

EGENES of Story

H-3699

- 1 Amend House File 488 as follows:
 2 1. By striking page 1, line 27 through page 2,
 3 line 9.
 4 2. By renumbering sections to conform to this
 5 amendment.

EGENES of Story

H-3700

- 1 Amend House File 488 as follows:
 2 1. Page 10, lines 22 and 23, by striking the words
 3 "fact-finder, arbitrator,".

EGENES of Story

H-3701

- 1 Amend House File 488 as follows:
 2 1. Page 8, by inserting after line 13 the
 3 following section:
 4 "Sec. . Section twenty point seventeen (20.17),
 5 Code 1977, is amended by adding the following new
 6 subsection:
 7 NEW SUBSECTION. The terms of employment of
 8 superintendents, principals, and teachers, for any
 9 current school year shall not be affected by the
 10 formation of the new district. However, if a school
 11 district has entered into a collective bargaining
 12 agreement with its employees and prior to the date
 13 upon which the agreement expires the school district
 14 is reorganized under this chapter, the collective
 15 bargaining agreement shall be terminated upon the
 16 date the reorganized school district comes into
 17 existence."
 18 2. Page 11, by inserting after line 30 the following
 19 section:
 20 "Sec. . Section two hundred seventy-five point
 21 thirty-three (275.33), Code 1977, is repealed."

STROMER of Hancock

H-3707

- 1 Amend House File 248 as follows:
- 2 1. By striking the enacting clause.

MILLER of Buchanan

H-3711

- 1 Amend the Committee on State Government amend—
- 2 ment H-3088, to House File 57 as follows:
- 3 1. Page 1, by striking lines 7 through 21, and
- 4 inserting in lieu thereof the following:
- 5 "NEW SECTION. Bid specifications shall not be
- 6 so restrictive as to exclude products which are sub—
- 7 stantially equivalent and meet the requirements of
- 8 the purchasing agency. An aggrieved vendor may
- 9 appeal the action of the bidding agency in adopting
- 10 such specifications to the district court not less
- 11 than five days prior to the time set for opening
- 12 bids, but not thereafter."

KRAUSE of Kossuth
RINAS of Linn
EGENES of Story

H-3723

- 1 Amend House File 488 as follows:
- 2 1. Page 1, by striking lines 19 through 26 and
- 3 inserting in lieu thereof the following:
- 4 "4. "Employee organization" means an organization
- 5 of any kind in which public employees participate and
- 6 which exists for the primary purpose of representing
- 7 public employees in their employment relations. An
- 8 employee organization representing public safety
- 9 employees in their employee relations shall not
- 10 represent any nonpublic employees or any public
- 11 employees other than public safety employees in their
- 12 employment relations or be affiliated with any organ—
- 13 ization that represents any nonpublic employees or
- 14 any public employees other than public safety
- 15 employees in their employment relations."
- 16 2. Page 11, by inserting after line 30 the
- 17 following:
- 18 "Sec. . Any employee organization certified
- 19 before July 1, 1977 which does not qualify as an
- 20 employee organization as defined in section two (2)
- 21 of this Act on or after July 1, 1977 shall be

- 22 decertified effective July 1, 1978.”
 23 3. By numbering sections to conform to this
 24 amendment.

TAUKE of Dubuque

H-3724

- 1 Amend Senate File 154 as follows:
 2 1. Page 2, by inserting after line 3 the follow—
 3 ing new section:
 4 NEW SECTION. On the date the last office of city
 5 assessor within the county is abolished, the voting
 6 units of the conference board and the membership
 7 of the board of review shall be changed as follows:
 8 1. The voting units of the county conference board
 9 shall be increased from three to five voting units.
 10 The voting units shall consist of the board of super—
 11 visors; the mayor of the largest city in the county;
 12 the representative from the board of directors of
 13 the largest high school district in the largest city;
 14 the mayors of all the incorporated cities in the
 15 county, except the mayor of the largest city; and
 16 the representatives from the board of directors of
 17 each high school district of the county, except the
 18 representative from the board in the largest city.
 19 An action of the conference board shall not be valid
 20 except by the vote of not less than three out of the
 21 five voting units.
 22 2. The membership of the county board of review
 23 shall consist of five members, two of whom shall be
 24 farmers; two of whom shall be contractors; and one
 25 who shall be a licensed real estate broker or who
 26 is knowledgeable in the area of real estate
 27 transactions.
 28 This section shall apply only to the conference
 29 boards and boards of review in those counties which
 30 have a city assessor's office in existence on the
 31 effective date of this Act.

SCHNEKLOTH of Scott

H-3735

- 1 Amend House File 476 as follows:
 2 1. Page 5, lines 31 and 32, by striking the words
 3 “proportionately to the other qualified homesteads”
 4 and inserting in lieu thereof the words “to the general
 5 fund”.

- 6 2. Page 6, line 14, by striking the words
 7 "proportionately to the other qualified homesteads"
 8 and inserting in lieu thereof the words "to the general
 9 fund".
 10 3. Page 7, lines 33 and 34, by striking the words
 11 "proportionately to the other qualified homesteads"
 12 and inserting in lieu thereof the words "to the general
 13 fund".

SPEAR of Lee

H-3736

- 1 Amend Senate File 279 as amended and passed by
 2 the Senate as follows:
 3 1. Page 2, by inserting after line 24, the
 4 following:
 5 "Sec. 3. Section three hundred seventeen point
 6 one (317.1), subsection two (2), Code 1977, is amended
 7 to read as follows:
 8 2. Secondary noxious weeds, which shall include
 9 butterprint (*Abutilon theophrasti*) annual, cocklebur
 10 (*Xanthium commune*) annual, wild mustard (*Brassica*
 11 *arvensis*) annual, wild carrot (*Daucus carota*) biennial,
 12 buckhorn (*Plantago lanceolata*) perennial, sheep sorrel
 13 (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*)
 14 perennial, smooth dock (*Rumex altissimus*) perennial,
 15 poison hemlock (*conium maculatum*), wild sunflower
 16 (wild strain of *Helianthus annuus* L.) annual, puncture
 17 vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*)
 18 biennial, and ragweed (genus *Ambrosia*) perennial."
 19 2. By renumbering the remaining section in
 20 accordance with this amendment.

HORN of Linn

H-3737

- 1 Amend House File 248 as follows:
 2 1. Page 59, by striking lines 24 through 28
 3 and inserting in lieu thereof the following:
 4 "2. Such a petition may be filed by the
 5 child's parent, guardian, custodian, the child, or
 6 by any competent person having knowledge of the
 7 circumstances. The judge, county attorney, or
 8 probation officer may authorize such petition filed
 9 with the clerk of court without payment of a filing
 10 fee."
 11 2. Page 60, by striking lines 19 and 20.

- 12 3. Page 60, by striking lines 33 through 35
13 and inserting in lieu thereof the following:
14 "6. The court may order the child placed
15 on probation, in a foster home, in a nonsecure
16 facility or in a secure facility. In".

KOOGLER of Mahaska

H-3740

- 1 Amend House File 248 as follows:
2 1. Page 18, by inserting after line 10 the
3 following:
4 "d. Examine any physical evidence pertinent
5 to the complaint.
6 e. Interview such persons as are necessary to
7 determine whether the filing of a petition would be
8 in the best interest of the child and the com-
9 munity as provided in section sixteen (16), sub-
10 sections two (2) and three (3) of this Act."
11 2. By renumbering sections and internal re-
12 ferences required by this amendment.

HARBOR of Mills

H-3743

- 1 Amend House File 491 as follows:
2 1. Page 10, by striking lines 32 through 34
3 and inserting in lieu thereof the following:
4 "4. Motor fuel sold to the state of Iowa or
5 any of its agencies, ~~but this exemption shall~~
6 ~~not apply to political subdivisions of this~~
7 ~~state.~~
8 5. Motor fuel sold to area education agencies,
9 merged area schools, or public school districts,
10 but to no other political subdivision.

SCHNEKLOTH of Scott

H-3744

- 1 Amend House File 269 as follows:
2 Page 2, line 27, by inserting after the word
3 "program." the following: "In the event that
4 implementation shall cause a loss of revenue to a
5 utility, the additional revenue shall be obtained
6 from all other classes of energy use in a just and
7 reasonable manner."

- 8 Page 2, by striking line 35.
 9 Page 3, by striking lines 1 through 3 and
 10 inserting in lieu thereof the following:
 11 "Sec. 6. HEARING AND REPORT. After the completion
 12 of the one-year program, the Iowa state commerce
 13 commission shall hold a public hearing or hearings
 14 to review the lifeline service rate and to assess
 15 whether it is adequate to effect the purposes of
 16 section one (1) of this Act. The commission shall
 17 submit a report on the program, including recommend-
 18 ations, to the general assembly not later than March
 19 15, 1979."

SVOBODA of Iowa

H-3745

- 1 Amend House File 488 as follows:
 2 1. Page 3, by inserting after line 32 the
 3 following:
 4 "Sec. . Section twenty point nine (20.9), Code
 5 1977, is amended by adding the following new unnumbered
 6 paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Nothing herein shall
 8 limit a public employer's right to control any matter
 9 of educational policy, including the determination
 10 of class size, curriculum or instructional program."
 11 2. By renumbering sections to conform to this
 12 amendment.

HALVORSON of Clayton

H-3746

- 1 Amend House File 488 as follows:
 2 1. Page 3, by inserting after line 10 the
 3 following:
 4 "Sec. . Section twenty point eight (20.8),
 5 Code 1977, is amended by adding the following new
 6 subsection:
 7 NEW SUBSECTION. Represent themselves individually
 8 in their employment relations with the public
 9 employer."
 10 2. By renumbering sections to conform to this
 11 amendment.

HALVORSON of Clayton

H-3747

- 1 Amend House File 488 as follows:
2 1. Page 2, by striking lines 25 through 28 and
3 inserting in lieu thereof the following:
4 "Sec. 5. Section twenty point four (20.4),
5 subsection five (5), Code 1977, is amended by striking
6 the subsection and inserting in lieu thereof the
7 following:
8 5. Casual or seasonal public employees, and
9 temporary public employees hired for less than six
10 months employment."

HALVORSON of Clayton

H-3748

- 1 Amend House File 248 as follows:
2 Page 26, line 13, by inserting after the
3 period the following: "The hearing may be waived
4 for not more than fourteen days upon agreement by
5 the child, the child's counsel, and the parent,
6 guardian or custodian."

WYCKOFF of Benton

H-3749

- 1 Amend House File 248 as follows:
2 1. Page 40, by striking lines 7 and 8 and
3 inserting in lieu thereof the words "hearing at
4 which a preponderance of the evidence supports
5 such an action, either grant or deny a".

CONLON of Muscatine

H-3754

- 1 Amend House File 488 as follows:
2 1. Page 8, line 21, by inserting after the word
3 "employees" the words "and those public employees
4 for whom a grievance procedure or procedure concerning
5 resignation or termination is otherwise specifically
6 provided in the Code".
7 2. Page 8, line 25, by inserting after the period
8 the words "Public employees for whom a grievance
9 procedure or procedure concerning resignation or
10 termination is specifically provided in the Code,
11 shall follow the procedure provided in the Code in

- 12 lieu of the procedure provided in the collective
13 bargaining agreement."

HALVORSON of Clayton

H-3755

- 1 Amend House File 488 as follows:
2 1. Page 7, by striking lines 27 through 29
3 and inserting in lieu thereof the following:
4 "existing collective bargaining contract or agree-
5 ment."

THOMPSON of Polk

H-3756

- 1 Amend House File 248 as follows:
2 1. Page 33, line 25, by striking the words
3 "or any other".
4 2. Page 33, line 26, by striking the words
5 "agency or individual".

CHIODO of Polk

H-3757

- 1 Amend House File 488 as follows:
2 1. Page 7, by striking lines 19 through 29 and
3 inserting in lieu thereof the following: "one (1),
4 Code 1977, is amended by striking the subsection and
5 inserting in lieu thereof the following:
6 1. The employee organization certified as the
7 bargaining representative of the public employees
8 in the bargaining unit shall represent all employees
9 fairly. However, nothing in this section shall
10 prohibit any employee from appearing in his or her
11 own behalf in employment relations with the public
12 employer."

HALVORSON of Clayton

H-3768

- 1 Amend House File 488 as follows:
2 1. Page 10, line 17, by striking the words "or
3 parents or otherwise" and inserting in lieu thereof
4 the words "parents or otherwise other relatives within
5 the second degree of consanguinity".

THOMPSON of Polk

H-3769

- 1 Amend amendment H-3452 to House File 72 as
- 2 follows:
- 3 1. Page 1, line 13 by striking the word
- 4 "American".
- 5 2. Page 1, line 14 by striking the words
- 6 "National Standards Institute" and inserting in lieu
- 7 thereof the words "Energy Policy Council".

SVOBODA of Iowa

H-3770

- 1 Amend House File 248 as follows:
- 2 1. Page 18, by inserting after line 10 the fol-
- 3 lowing:
- 4 "d. Examine any physical evidence pertinent to
- 5 the complaint.
- 6 e. Interview such persons as are necessary to
- 7 determine whether the filing of a petition would be
- 8 in the best interests of the child and the community."

SMALLEY of Polk

H-3772

- 1 Amend amendment H-3565 to House File 187
- 2 as follows:
- 3 1. Page 7, line 8, by striking the words "or
- 4 private agencies" and inserting in lieu thereof
- 5 the following: "public agencies or the private
- 6 sector".

PELLETT of Cass

H-3774

- 1 Amend House File 248 as follows:
- 2 1. Page 57, by striking lines 25 through
- 3 35.
- 4 2. Page 58, by striking lines 1 and 2.

HALVORSON of Clayton

H-3778

- 1 Amend House File 491 as follows:
- 2 1. Page 1, line 2, by striking the word "section"

3 and inserting in lieu thereof the word "sections".

4 2. Page 1, by inserting after line 18 the follow-
5 ing:

6 **"NEW SECTION. MAINTENANCE OF LAND ACCESS ROADS.**

7 Roads classified and properly designated as land
8 access roads shall be maintained by the adjoining
9 landowners and not by the jurisdiction having control
10 over the road.

11 **NEW SECTION. ABANDONED RIGHT-OF-WAY REHABILITA-**
12 **TION FUND.** There is hereby created a fund which shall
13 be known as the abandoned right-of-way rehabilitation
14 fund and shall consist of funds allocated from the
15 road use tax fund.

16 **NEW SECTION. USE OF ABANDONED RIGHT-OF-WAY**
17 **REHABILITATION FUND.** Funds allocated to the abandoned
18 right-of-way rehabilitation fund shall be used to
19 pay for a part of the cost incurred to return to
20 agricultural productivity the right-of-way which has
21 been vacated and closed pursuant to the provisions
22 of this chapter. The board of supervisors of any
23 county may make written application to the department
24 on behalf of the affected property owner for
25 rehabilitation assistance at any time following the
26 publishing of a notice of a proposed vacating or
27 closing as required in section three hundred six point
28 twelve (306.12) of the Code. Rehabilitation assistance
29 shall be limited to a reimbursement of seventy percent
30 of the total actual rehabilitation cost with at least
31 thirty percent to be provided by the affected property
32 owner. The board of supervisors of the county in
33 which the property is located shall provide the
34 department with certification of the actual
35 rehabilitation cost incurred by the property owner
36 in returning the vacated right-of-way to agricultural
37 productivity. Upon receiving said certification,
38 and upon reaching a decision on the amount, if any,
39 to be reimbursed from the abandoned right-of-way
40 rehabilitation fund, the department shall direct the
41 treasurer of state to pay the amount from the funds
42 available in the abandoned right-of-way rehabilitation
43 fund. Provided, however, that no funds shall be
44 distributed until after a final order to vacate and
45 close the road has been entered and the land has been
46 returned to agricultural productivity.

47 Sec. . Section three hundred six point one
48 (306.1), subsection one (1), Code 1977, is amended
49 by adding the following new paragraph:

50 **NEW PARAGRAPH. m.** The land access system."

Page 2

1 3. Page 1, by inserting after line 30 the follow-
2 ing:

3 "Sec. . Section three hundred six point one
4 (306.1), subsection two (2), paragraph f, Code 1977,
5 is amended by striking the paragraph and inserting
6 in lieu thereof the following:

7 f. The area service system shall consist of those
8 roads providing principal access to farmsteads or
9 to residential, commercial or industrially developed
10 land in rural areas and all other public roads outside
11 of municipalities not otherwise classified.

12 Sec. . Section three hundred six point one
13 (306.1), subsection two (2), Code 1977, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. m. The land access system shall
16 consist of those roads providing secondary access
17 to farmsteads and to lands primarily served by vehicles
18 other than passenger cars and commercial vehicles.
19 Roads within this classification may be closed to
20 general public use through the installation and mainte-
21 nance of appropriate signs at all entry points by
22 the unit of government having jurisdiction and control
23 over such roads.

24 Sec. . Section three hundred six point three
25 (306.3), subsection four (4), Code 1977, is amended
26 to read as follows:

27 4. "Secondary roads" or "secondary road system"
28 means those roads, outside the boundaries of munici-
29 palities, classified as trunk, trunk collector and
30 area service and land access under section 306.1.

31 Sec. . Section three hundred six point three
32 (306.3), subsection six (6), Code 1977, is amended
33 to read as follows:

34 6. "Local secondary roads" or "local secondary
35 road system" means those secondary roads which are
36 classified as area service and land access under
37 section 306.1."

38 4. Page 5, by inserting after line 29 the follow-
39 ing:

40 "7. The treasurer of state, before making the
41 allotments provided for in this section, shall credit
42 annually to the abandoned right-of-way rehabilitation
43 fund the sum of one million dollars. All unobligated
44 funds at the end of each year shall revert to the
45 road use tax fund."

- 46 5. Renumber sections and correct internal refer—
47 ences as necessary in conformance with this amendment.

MILLER of Buchanan
RINAS of Linn
KRAUSE of Kossuth

H-3780

1 Amend House File 187 as follows:

2 1. Page 1, by inserting before line 1 the follow—
3 ing sections:

4 "Sec. NEW SECTION. LEGISLATIVE INTENT.

5 It is the intent of the Iowa general assembly, through
6 this Act, to implement a resource recovery program,
7 facilitate the recycling of reusable waste products,
8 and accomplish effective litter control in Iowa.

9 Sec. NEW SECTION. TITLE. This Act shall
10 be known as the "Iowa Resource Recovery and Litter
11 Control Act".

12 2. Page 1, by inserting after line 25 the following
13 subsections:

14 " "Executive director" means the executive
15 director of the Iowa department of environmental
16 quality or a designee.

17 "Litter" means all waste material including
18 but not limited to disposable packages or containers
19 thrown or deposited as prohibited by law, but not
20 including the wastes of the primary processes of
21 mining, logging, sawmilling, farming, or manufacturing.

22 "Litter bag" means a bag, sack, or other
23 container made of any material which is large enough
24 to serve as a receptacle for litter inside a vehicle
25 or watercraft.

26 "Litter receptacle" means those containers
27 adopted by the department for the deposit of litter
28 and which may be standardized as to size, shape,
29 capacity, and color.

30 "Watercraft" means any boat, ship, vessel,
31 barge, or other floating craft.

32 "Public place" means any area that is used
33 or held out for use by the public whether owned or
34 operated by public or private interests."

35 3. Page 5, by inserting after line 12 the following
36 sections:

37 "Sec. 13. NEW SECTION. POWERS AND DUTIES OF
38 EXECUTIVE DIRECTOR.

39 1. In addition to his or her other powers and

40 duties, the executive director may propose and adopt
41 pursuant to chapter seventeen A (17A) of the Code,
42 rules necessary to carry out the provisions, purposes
43 and intent of this Act.

44 2. The executive director may contract with other
45 state and local governmental agencies having law
46 enforcement capabilities for services and personnel
47 reasonably necessary to carry out the enforcement
48 provisions of this Act.

49 3. The executive director may design and shall
50 adopt by rule one or more types of litter receptacles

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1 and implement their distribution and use as prescribed
2 in section fourteen (14) of this Act.

3 4. The executive director shall cause to have
4 a summary of the requirements and penalties of this
5 Act posted along the public highways of this state
6 and in all campgrounds and trailer parks, at all
7 entrances to state parks, forest lands, and
8 recreational areas, at all public beaches, and at
9 other public places in this state.

10 5. The executive director shall encourage and
11 assist in organizing and coordinating voluntary local
12 anti-litter campaigns throughout the state.

13 Sec. 14. NEW SECTION. LITTER RECEPTACLES—ANTI-
14 LITTER SYMBOL.

15 1. The executive director may design and shall
16 adopt by rule one or more types of litter receptacles
17 which are reasonably uniform as to size, shape,
18 capacity and color, for wide distribution throughout
19 the public places of this state. Such litter
20 receptacle may bear an anti-litter symbol as designed
21 and adopted by the executive director, as well as
22 a statement of the penalties which may be levied for
23 littering in this state. The litter receptacles shall
24 be placed along the public highways of this state
25 and at all parks, campgrounds, trailer parks, drive-
26 in restaurants, gasoline service stations, tavern
27 parking lots, shopping centers, grocery store parking
28 lots, parking lots of major industrial firms, marinas,
29 boat launching areas, boat moorage and fueling
30 stations, public and private piers, beaches and bathing
31 areas, and such other public places within this state
32 as specified by rule of the executive director. The
33 number of such receptacles required to be placed as
34 specified in this section shall be determined by a
35 formula related to the need for such receptacles.

36 2. It shall be the responsibility of persons

37 operating any establishment or operating a public
38 place in which litter receptacles of the uniform
39 design are required by this section to procure and
40 place such receptacles at their own expense on the
41 premises in accord with the rules adopted by the
42 executive director.

43 3. Any person who fails to place such litter
44 receptacles on the premises in the numbers required
45 by rule of the executive director in violation of
46 the provisions of this section or rules adopted under
47 this section shall be guilty of a simple misdemeanor.
48 Each day of violation shall constitute a separate
49 offense.

50 Sec. 15. NEW SECTION. SERVICING OF LITTER

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1 RECEPTACLES. The responsibility for the removal of
2 litter from litter receptacles placed at public parks,
3 beaches, campgrounds, trailer parks and other public
4 places shall be upon those state and local agencies
5 performing litter removal. The removal of litter
6 from litter receptacles placed on private property
7 which is used by the public shall be the responsibility
8 of the operator of such private property.

9 Sec. 16. NEW SECTION. LITTERING PROHIBITED—
10 PENALTY.

11 1. A person shall not throw, drop, deposit,
12 discard, or otherwise dispose of litter upon any
13 public property in the state or upon private property
14 in this state not owned by him or her or in the waters
15 of this state including, but not limited to, any
16 public highway, public park, beach, campground, forest
17 land, recreational area, trailer park, highway, road,
18 street or alley except as provided in subsection two
19 (2) of this section.

20 2. A person may dispose of litter only into a
21 litter receptacle or bag or onto property so designated
22 by the state, its agencies, or political subdivisions
23 for the disposal of garbage or refuse upon proper
24 authorization.

25 3. Any person violating the provisions of this
26 section shall be guilty of a simple misdemeanor and,
27 in addition, in the discretion of any court in which
28 conviction is obtained, such person may be directed
29 by the court to pick up and remove from any public
30 place or any private property with prior permission
31 of the legal owner upon which it is established by
32 competent evidence that such person has deposited

33 litter, any litter deposited by anyone before the
34 date of execution of sentence.

35 Sec. 17. NEW SECTION. MOTOR VEHICLES AND
36 WATERCRAFT—LITTER BAGS. The operator or owner of
37 any motor vehicle or watercraft shall have a litter
38 bag in their vehicle or watercraft at all times the
39 vehicle or watercraft is in operation. When litter
40 is discarded from a motor vehicle, the driver of the
41 motor vehicle shall be responsible for the act in
42 any case where doubt exists as to which occupant of
43 the motor vehicle actually discarded the litter.
44 An owner or operator in violation of this section
45 shall be guilty of a simple misdemeanor.

46 Sec. 18. NEW SECTION. TAX IMPOSED—ADMINISTRATION.

47 1. There is imposed a tax at a rate of three
48 hundredths of one percent of the sale price of any
49 product which is or will become packaged or contained
50 in a glass, paper, metal, or plastic container sold

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1 to a retailer for use, consumption or resale within
2 this state.

3 2. The tax imposed under subsection one (1) of
4 this section shall be collected by the department
5 of revenue from each person engaged in the business
6 of selling any such packaged or contained product
7 described in subsection one (1) of this section to
8 a retailer doing business in this state. The amount
9 of the tax shall be based on the gross receipts of
10 the sales of such packaged or contained products to
11 the retailer.

12 3. The director of revenue shall provide, by rule,
13 for the administration of the tax imposed by this
14 section. The rules shall provide for the issuance
15 of permits, the payment of taxes, penalties for late
16 payments, records, the filing of tax returns, and
17 such other procedures as deemed appropriate by the
18 director of revenue for the effective administration
19 of this section. The administration of this section
20 shall be based on the same procedures and requirements
21 as provided for the administration of the retail sales
22 tax, as applicable.

23 4. The director of revenue may define, by rule,
24 the categories of property or products subject to
25 the tax imposed under subsection one (1) of this
26 section. In making such definitions, the director
27 shall be guided by the following standards:

28 a. It is the purpose of this Act to promote
29 resource recovery, recycling, and accomplish effective
30 control of litter within this state.

31 b. It is the purpose of this Act to impose a tax
32 on industries manufacturing or distributing at
33 wholesale, products and the packages, wrapping or
34 containers of such products which are reasonably
35 related to the litter problem in this state.

36 **Sec. 19. NEW SECTION. PRODUCTS EXEMPT FROM**
37 **TAXATION.** The tax imposed under section eighteen
38 (18) of this Act shall not apply to the sales of beer
39 made by the holder of a class "A" beer permit as
40 defined in section one hundred twenty-three point
41 one hundred twenty-four (123.124) of the Code or to
42 the value of products or the gross receipts from the
43 sale of any animal, bird, or insect or the milk, eggs,
44 wool, fur, meat, honey or other substance obtained
45 from such animal, bird, or insect if the seller is
46 a person who performs only the growing or raising
47 function of such animal, bird, or insect.

48 **Sec. 20. NEW SECTION. ACCOUNT CREATED—**
49 **DISPOSITION.**

50 1. There is created in the general fund of the

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1 state a litter control and resource recovery account,
2 to which shall be credited the receipts from the tax
3 imposed under sections eighteen (18) and twenty-two
4 (22) of this Act. The proceeds of the litter control
5 and resource recovery account are appropriated to
6 the department of environmental quality for the purpose
7 of carrying out the provisions of subsections two
8 (2), three (3) and four (4) of this section.

9 2. The department of environmental quality shall
10 expend fifteen percent of the proceeds of the account
11 to acquire, prepare, and distribute such educational
12 and informational material through elementary and
13 secondary schools, colleges, universities and political
14 subdivisions of this state, by contract with
15 corporations or associations, or by dissemination
16 through the public news media for the purpose of
17 informing the public of the purposes of this Act.

18 3. The department of environmental quality shall
19 expend forty-five percent of the proceeds of the
20 account for grants to interested private or public
21 agencies for research or development of solid waste
22 recovery programs, including systems and facilities.
23 A grant may be made only if it is designed to provide

24 regional or area-wide resource recovery for cities
25 and counties and provides an equitable system for
26 distributing the costs associated with the
27 construction, operation and maintenance of any resource
28 recovery system among the users of the system.

29 4. The department of environmental quality shall
30 expend forty percent of the proceeds of the account
31 to control and remove litter. The executive director
32 may enter into agreements with public or private
33 agencies, which agreements shall contain such terms
34 and conditions as deemed necessary or desirable by
35 the executive director to accomplish litter control
36 and removal. However, an agreement shall not provide
37 for making payments to a private person solely for
38 the purpose of placing or installing a litter
39 receptacle on private property.

40 Sec. 21. Manufacturers and distributors as defined
41 in section one (1) of this Act shall be subject to
42 the tax imposed in section eighteen (18) of this Act
43 only for a period of one year from the effective date
44 of this Act.

45 Sec. 22. Section one hundred twenty-three point
46 one hundred thirty-six (123.136), unnumbered paragraph
47 one (1), Code 1977, is amended to read as follows:

48 In addition to the annual permit fee to be paid
49 by all class "A" permittees under the provisions of
50 this chapter there shall be levied and collected from

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1 such permittees on all beer manufactured for sale
2 or sold in this state at wholesale and on all beer
3 imported into this state for sale at wholesale and
4 sold in this state at wholesale, a tax of four and
5 thirty-four hundredths dollars for every barrel
6 containing thirty-one gallons, and at a like rate
7 for any other quantity or for the fractional part
8 of a barrel. In addition, a litter tax of one cent
9 per gallon shall be added, making the total tax to
10 be collected four and sixty-five hundredths dollars
11 per barrel containing thirty-one gallons or equivalent
12 rate for fractional parts of a barrel. The litter
13 tax shall not be considered a part of the barrel tax
14 accruing to the state general fund, but it shall be
15 separated by the department of revenue and credited
16 to the litter control and resource recovery account
17 in the state general fund. The additional litter
18 tax imposed herein shall apply only for a period of
19 one year from the effective date of this Act. However,

20 no tax shall be levied or collected on beer shipped
 21 outside this state by a class "A" permittee or sold
 22 by one class "A" permittee to another class "A"
 23 permittee.

24 Sec. 23. Sections four hundred fifty-five B point
 25 ninety-five (455B.95), four hundred fifty-five B point
 26 ninety-six (455B.96), four hundred fifty-five B point
 27 ninety-seven (455B.97), and four hundred fifty-five
 28 B point ninety-eight (455B.98), Code 1977, are
 29 repealed."

30 4. By renumbering the remaining sections and
 31 correcting internal references in accordance with
 32 this amendment.

33 5. Amend the title, line 2, by inserting before
 34 the word "and" the words ", to implement solid waste
 35 recovery, and to accomplish effective litter control
 36 by imposing a litter tax and providing penalties."

PELTON of Clinton

H-3783

1 Amend House File 187 as follows:

2 1. Page 3, by inserting after line 18 the
 3 following subsection:

4 " . Any distributor may refuse to redeem
 5 an empty beverage container which is not clean."

PERKINS of Greene

H-3784

1 Amend the amendment H-3775 to House File 187
 2 as follows:

3 1. Page 1, by striking lines 33 and 34.

4 2. Page 1, line 35, by striking the words "sub-
 5 section nine (9)" and inserting in lieu thereof the
 6 following:

7 "1. "Beverage" means alcoholic liquor and beer
 8 as defined in section one hundred twenty-three point
 9 three (123.3), subsections eight (8) and nine (9)".

SMALLEY of Polk

H-3785

1 Amend House File 187 as follows:

2 1. Page 4, by striking lines 30 through 34 and
 3 inserting in lieu thereof the following:

4 "Sec. 9. NEW SECTION. NONREUSABLE CONTAINERS
 5 PROHIBITED. A person shall not sell or offer for
 6 sale at retail in this state any nonreusable beverage
 7 container. As used in this section, "nonreusable
 8 beverage container" means a beverage container which
 9 is not intended to be returned when empty to a manufac-
 10 turer and refilled with a beverage."

SPENCER of Clay

H-3787

1 Amend House File 187 as follows:
 2 1. Page 5, line 13, by striking the following:
 3 "1978", and inserting in lieu thereof the following:
 4 "1979".

THOMPSON of Polk

H-3790

1 Amend House File 187, Amendment H-3775 as
 2 follows:
 3 1. Page 2, line 13 by inserting after the
 4 word "including" the word "newspapers".
 5 2. Page 4, by inserting after line 42
 6 the following:
 7 " " "All newspapers sold to a retailer."

HARBOR of Mills

H-3798

1 Amend House File 248 as follows:
 2 1. Page 9, by inserting after line 33 the
 3 following:
 4 "Violations by a child of provisions of chapters
 5 one hundred six (106), one hundred twenty-three (123),
 6 three hundred twenty-one (321), or three hundred
 7 twenty-one G (321G) of the Code which would be simple
 8 misdemeanors if committed by an adult, violations of
 9 county or municipal curfew ordinances, and violations
 10 by a child of the provisions of section one hundred
 11 twenty-three point forty-seven (123.47) of the Code,
 12 are excluded from the jurisdiction of the juvenile

13 court and shall be prosecuted as nonindictable
 14 misdemeanors as provided by law."

SMALLEY of Polk
 CONLON of Muscatine
 HIGGINS of Scott

H-3799

1 Amend House File 248 as follows:
 2 1. Page 10, by inserting after line 27 the
 3 following:
 4 "4. Nothing in this Act shall be interpreted as
 5 affecting the statutory limitations on prosecutions
 6 for murder in the first or second degree."

BRANSTAD of Winnebago
 CONLON of Muscatine
 HIGGINS of Scott

H-3800

1 Amend Senate File 318, as amended and passed by
 2 the Senate, as follows:
 3 1. Page 1, line 17, by striking the word "and".
 4 2. Page 1, line 17, by inserting after the number
 5 "(2801)," the words and numbers "two thousand eight
 6 hundred ten (2810), and division twenty-eight (28),".
 7 3. Page 8, by inserting after line 22 the following
 8 sections:
 9 "Sec. . Section two thousand eight hundred
 10 one (2801) is amended by adding the following new
 11 subsections:
 12 NEW SUBSECTION. "Explicit sexual material" means
 13 pictorial or three-dimensional material depicting
 14 a sex act, masturbation, direct physical stimulation
 15 of unclothed genitals, flagellation or torture in
 16 the context of a sexual relationship, or emphasizing
 17 the depiction of adult human genitals. However, works
 18 of art of anthropological significance shall not
 19 be included within this definition.
 20 NEW SUBSECTION. Material is placed on "public
 21 display" when it is placed on or in a billboard,
 22 viewing screen, theater marquee, newsstand, display
 23 rack, display case, window, showcase, or similar place
 24 so that material is easily visible from a public
 25 thoroughfare or from the property of others.
 26 Sec. . Section two thousand eight hundred ten

27 (2810):

28 **SEC. 2810. NEW SECTION. UNIFORM APPLICATION.**

29 In order to provide for the uniform application of
30 the provisions of this division relating to obscene
31 material applicable to minors within this state, it
32 is intended that the sole and only regulation of
33 obscene material applicable to minors shall be under
34 the provisions of this division, and no municipality,
35 county or other governmental unit within this state
36 shall make any law, ordinance or regulation relating
37 to the availability of obscene materials to minors.

38 All such laws, ordinances or regulations, whether
39 enacted before or after this Act, shall be or become
40 void, unenforceable and of no effect upon the effective
41 date of this Act. Nothing in this section shall
42 restrict the zoning authority of cities and counties.

43 Sec. . Division twenty-eight (28) is amended
44 by adding the following new sections:

45 **NEW SECTION. DISSEMINATION AND EXHIBITION OF**
46 **OBSCENE MATERIALS TO ADULTS.** The governing body of
47 a city or county may pass an ordinance or resolution
48 regulating the dissemination or exhibition of obscene
49 material to adults. The ordinance or resolution
50 shall:

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1 1. Define "obscene material" as any material
2 depicting or describing the genitals, sex acts,
3 masturbation, excretory functions or sado-masochistic
4 abuse which the average person, taking the material
5 as a whole and applying contemporary community
6 standards with respect to what is suitable material
7 for adults, would find appeals to the prurient interest
8 and is patently offensive; and the material, taken
9 as a whole, lacks serious literary, scientific, poli-
10 tical or artistic value.

11 2. Contain the provisions of section two thousand
12 eight hundred one (2801), subsections two (2), three
13 (3), four (4), five (5), and seven (7) of this
14 division.

15 3. Not impose a penalty greater than for a simple
16 misdemeanor.

17 **NEW SECTION. PLACING EXPLICIT SEXUAL MATERIAL**
18 **ON PUBLIC DISPLAY.** If a person knowingly places
19 explicit sexual material on public display or fails
20 to take prompt action to remove such a display from
21 property in his or her possession after learning of
22 its existence commits a serious misdemeanor. This

- 23 section shall not apply to broadcasts or telecasts
 24 through facilities licensed by the federal com-
 25 munications commission."
 26 4. By renumbering the remaining sections to conform
 27 to this amendment.
 28 5. By changing internal references to conform
 29 to this amendment.

DANKER of Pottawattamie	BROCKETT of Marshall
DAGGETT of Adams	LINDEEN of Henry
SPEAR of Lee	CRABB of Crawford
SPENCER of Clay	HANSEN of O'Brien
GILSON of Guthrie	LAGESCHULTE of Bremer
DIELEMAN of Marion	HARBOR of Mills
SCHROEDER of Pottawattamie	HALVORSON of Clayton
HOWELL of Floyd	PELETT of Cass
DEN HERDER of Sioux	

H-3803

- 1 Amend Senate File 318 as follows:
 2 1. Page 32, by striking lines 14 through 35.
 3 2. Page 33, by striking line 1 and inserting in
 4 lieu thereof the following section:
 5 "Sec. 94. Section two hundred four point four
 6 hundred ten (204.410), Code 1977, is amended by strik-
 7 ing the section and inserting in lieu thereof the
 8 following:
 9 204.410 ACCOMMODATION OFFENSE. In a prosecu-
 10 tion for unlawful delivery or possession with intent
 11 to deliver a controlled substance, if the prosecution
 12 proves that the defendant violated the provisions
 13 of section two hundred four point four hundred one
 14 (204.401), subsection one (1), of the Code but fails
 15 to prove that the defendant delivered or possessed
 16 with intent to deliver the controlled substance for
 17 other than solely an accommodation to the recipient,
 18 the defendant shall be guilty of an accommodation
 19 offense and shall be sentenced as if he or she had
 20 been convicted of a violation of section two hundred
 21 four point four hundred one (204.401), subsection
 22 three (3), of the Code. An accommodation offense
 23 may be proved as an included offense under a charge
 24 of delivering or possessing with the intent to deliver
 25 a controlled substance in violation of section two
 26 hundred four point four hundred one (204.401),
 27 subsection one (1), of the Code.
 28 The defendant may enter a plea of guilty to unlaw-
 29 ful delivery or possession with intent to deliver

30 a controlled substance in violation of section two
 31 hundred four point four hundred one (204.401), sub-
 32 section one (1), of the Code and request trial on
 33 whether said delivery or possession with intent to
 34 deliver was for other than solely the accommodation
 35 of the recipient.
 36 Accommodation means to furnish as a favor to the
 37 recipient something the recipient desires."

TAUKE of Dubuque

H-3806

- 1 Amend House File 565 as follows:
 2 1. Amend the title page, line 1, by striking
 3 the word "certain".
 4 2. Amend the title page, line 1, by inserting
 5 after the word "corporate" the word "farm".

SCHNEKLOTH of Scott

H-3810

- 1 Amend the amendment, H-3526, to House File 187
 2 as follows:
 3 1. Page 1, by inserting after line 1 the following:
 4 " . Page 1, by striking lines 1 through 25,
 5 and inserting in lieu thereof the following:
 6 "DIVISION I
 7 LITTER TAX
 8 Section 1. NEW SECTION. LEGISLATIVE FINDINGS.
 9 Recognizing that the people of the state of Iowa have
 10 a fundamental right and need for a healthful, clean
 11 and beautiful environment which preserves our natural
 12 resources; and recognizing that the proliferation
 13 and accumulation of litter discards throughout this
 14 state and the nation subvert this right, impair this
 15 need and constitute a public health hazard. Further
 16 recognizing the need to reduce wasteful uses of energy
 17 and natural resources by recovering and recycling
 18 of containers, the general assembly finds that there
 19 is an imperative need to anticipate, plan for, and
 20 accomplish effective recycling and litter control.
 21 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
 22 purpose of this Act is to accomplish conservation
 23 of natural resources through the use of a deposit
 24 on beverage containers and litter control. This state
 25 through the cooperation of the department of revenue,
 26 the department of environmental quality and the beer

27 and liquor control department with all other
28 departments of this state and its political
29 subdivisions will preserve and enhance the natural
30 resources of this state. The intent of this Act is
31 to provide a healthful and beautiful environment for
32 all citizens.

33 **Sec. 3. NEW SECTION. DEFINITIONS.** As used in
34 division one (I) of this Act:

35 1. "Executive director" means the executive
36 director of the department of environmental quality.

37 2. "Department" means the department of
38 environmental quality.

39 3. "Litter" means all waste material including
40 but not limited to disposable packages or containers
41 thrown or deposited as prohibited by law, but not
42 including the wastes of the primary processes of
43 mining, logging, sawmilling, farming, or manufacturing.

44 4. "Litter bag" means a bag, sack, or other
45 container made of any material which is large enough
46 to serve as a receptacle for litter inside a vehicle
47 or watercraft.

48 5. "Litter receptacle" means those containers
49 adopted by the department for the deposit of litter
50 and which may be standardized as to size, shape,

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1 capacity, and color.

2 6. "Public place" means any area that is used
3 or held out for use by the public whether owned or
4 operated by public or private interests.

5 **Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE**
6 **EXECUTIVE DIRECTOR.**

7 1. In addition to his or her other powers and
8 duties, the executive director may propose and adopt
9 pursuant to chapter seventeen A (17A) of the Code,
10 rules necessary to carry out the provisions, purposes
11 and intent of division one (I) of this Act.

12 2. The executive director may designate trained
13 employees of the department of environmental quality
14 to be vested with police powers to enforce and
15 administer the provisions of division one (I) of this
16 Act and all rules adopted under division one (I) of
17 this Act. The executive director may contract with
18 other state and local governmental agencies having
19 law enforcement capabilities for services and personnel
20 reasonably necessary to carry out the enforcement
21 provisions of division one (I) of this Act. In ad-
22 dition, Iowa highway safety patrol officers, officers

23 of the state conservation commission, sheriffs and
24 marshals and their deputies, police officers, and
25 those employees of the department of environmental
26 quality vested with police powers shall enforce the
27 provisions of division one (I) of this Act and any
28 rules adopted under division one (I) of this Act and
29 are empowered to issue citations to or arrest with-
30 out warrant persons violating any provisions of
31 division one (I) of this Act or any of the rules
32 adopted under division one (I) of this Act. All of
33 these enforcement officers may serve and execute all
34 warrants, citations and other process issued by the
35 courts in enforcing the provisions of division one
36 (I) of this Act and rules adopted under division one
37 (I) of this Act. The mailing, by restricted certified
38 mail, of such warrant, citation or other process to
39 the last known place of residence of a person shall
40 be deemed personal service upon the person charged.

41 Sec. 5. NEW SECTION. LITTERING PROHIBITED—
42 PENALTY.

43 1. A person shall not throw, drop, deposit,
44 discard, or otherwise dispose of litter upon any
45 public property in the state or upon private property
46 in this state not owned by him or her or in the waters
47 of this state including, but not limited to, any
48 public highway, public park, beach, campground, forest
49 land, recreational area, trailer park, highway, road,
50 street or alley except:

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1 a. When such property is designated by the state
2 or by any of its agencies or political subdivisions
3 for the disposal of garbage and refuse, and such
4 person is authorized to use such property for such
5 purpose.

6 b. Into a litter receptacle in such a manner that
7 the litter will be prevented from being carried away
8 or deposited by the elements upon any private or
9 public property or waters.

10 2. Any person violating the provisions of this
11 section shall be guilty of a misdemeanor and, upon
12 conviction, shall be subject to a fine of not less
13 than ten dollars for each offense and, in addition,
14 in the discretion of any court in which conviction
15 is obtained, such person may be directed by the court
16 to pick up and remove from any public place or any
17 private property with prior permission of the legal
18 owner upon which it is established by competent

19 evidence that such person has deposited litter, any
20 litter deposited by anyone before the date of execution
21 of sentence.

22 Sec. 6. NEW SECTION. POSTING OF ANTI-LITTERING
23 PROVISIONS. A summary of requirements of division
24 one (1) of this Act shall be posted along the public
25 highways of this state and in all campgrounds and
26 trailer parks, at all entrances to state parks, forest
27 lands, and recreational areas, at all public beaches,
28 and at other public places in this state where persons
29 are likely to be informed of the existence and content
30 of such provisions and the penalties for violations.

31 Sec. 7. NEW SECTION. RESPONSIBILITY TO MAINTAIN
32 LITTER RECEPTACLES.

33 1. It shall be the responsibility of persons
34 operating any establishment or operating a public
35 place to maintain litter receptacles at their own
36 expense on the premises in accord with the rules
37 adopted by the executive director.

38 2. Any person who fails to place litter receptacles
39 on the premises required by rule of the executive
40 director in violation of the provisions of this section
41 or rules adopted under this section shall be guilty
42 of a misdemeanor and, upon conviction, shall be subject
43 to a fine of twenty-five dollars. Each day of
44 violation shall constitute a separate offense.

45 Sec. 8. NEW SECTION. LITTER TAX.

46 1. There is imposed a tax at a rate of four and
47 one-half hundredths of one percent of the sale price
48 of any of the following tangible personal properties,
49 except for beverage containers subject to the deposit
50 requirements of this Act:

Page 4

1 a. All products sold to a retailer in nonreusable
2 packages or containers for resale in the same
3 nonreusable packages or containers.

4 b. All products sold to a retailer for use in
5 packaging or containing other products sold by the
6 retailer if the packages or containers are nonreusable.

7 c. All newsprint and other paper products sold
8 for the purposes of printing or reproducing material
9 for general public distribution.

10 2. The tax imposed under subsection one (1) of
11 this section shall be collected by the department
12 of revenue from each person engaged in the business
13 of selling any of the tangible personal property items
14 specified in subsection one (1) of this section to

15 a retailer doing business in this state. The amount
 16 of the tax shall be based on the value of such products
 17 or the gross receipts of the sales of such tangible
 18 personal property to the retailer.

19 3. The director of revenue shall provide, by rule,
 20 for the administration of the tax imposed by this
 21 section. The rules shall provide for the issuance
 22 of permits, the payment of taxes, penalties for late
 23 payments, records, the filing of tax returns, and
 24 such other procedures as deemed appropriate by the
 25 director of revenue for the effective administration
 26 of this section. The administration of this section
 27 shall be based on the same procedures and requirements
 28 as provided for the administration of the retail sales
 29 tax, as applicable.

30 4. The director of revenue may define, by rule,
 31 the categories of property or products subject to
 32 the tax imposed under subsection one (1) of this
 33 section. In making such definitions, the director
 34 shall be guided by the following standards:

35 a. It is the purpose of division one (I) of this
 36 Act to promote resource recovery, recycling, and
 37 accomplish effective control of litter within this
 38 state.

39 b. It is the purpose of division one (I) of this
 40 Act to impose a tax on industries manufacturing or
 41 distributing at wholesale, products and the packages,
 42 wrapping or containers of such products which are
 43 reasonably related to the litter problem in this
 44 state.

45 **Sec. 9. NEW SECTION. PRODUCTS EXEMPT FROM**
 46 **TAXATION.** The tax imposed under section eight (8)
 47 of this Act shall not apply to the sales of beer made
 48 by the holder of a class "A" beer permit as defined
 49 in section one hundred twenty-three point one hundred
 50 twenty-four (123.124) of the Code or to the value

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1 of products or the gross receipts from the sale of
 2 any animal, bird, or insect or the milk, eggs, wool,
 3 fur, meat, honey or other substance obtained from
 4 such animal, bird, or insect if the seller is a person
 5 who performs only the growing or raising function
 6 of such animal, bird, or insect.

7 **Sec. 10. NEW SECTION. ACCOUNT CREATED—**
 8 **DISPOSITION.**

9 1. There is created in the general fund of the
 10 state a litter control and resource recovery account,

11 to which shall be credited the receipts from the tax
12 imposed under division one (I) of this Act. The
13 proceeds of the litter control and resource recovery
14 account are appropriated to the department of
15 environmental quality for the purpose of carrying
16 out the provisions of subsections two (2) and three
17 (3) of this section.

18 2. The department shall expend fifteen percent
19 of the proceeds of the account to acquire, prepare,
20 and distribute such educational and informational
21 material through elementary and secondary schools,
22 colleges, universities and political subdivisions
23 of this state, by contract with corporations or
24 associations, or by dissemination through the public
25 news media for the purpose of informing the public
26 of the purposes of division one (I) of this Act.

27 3. The department shall expend eighty-five percent
28 of the proceeds of the account to control and remove
29 litter and for the operation of the redemption center
30 required to be operated in each county of the state.
31 The redemption center required to be operated in each
32 county under division two (II) of this Act shall
33 receive a minimum grant of five thousand dollars each
34 year. If the department grants any sum of money in
35 excess of the minimum grant to the required redemption
36 center in the counties, the amount of the grants in
37 excess of five thousand dollars shall be apportioned
38 to each required redemption center on the basis that
39 the population of each county bears to the total
40 population of the state. The executive director may
41 enter into agreements with public or private agencies,
42 which agreements shall contain such terms and
43 conditions as deemed necessary or desirable by the
44 executive director to accomplish litter control and
45 removal. From the proceeds the executive director
46 shall provide the placement of litter receptacles
47 along the public highways of this state and at all
48 parks, campgrounds, trailer parks, drive-in
49 restaurants, gasoline service stations, tavern parking
50 lots, shopping centers, grocery store parking lots,

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1 parking lots of major industrial firms, marinas, boat
2 launching areas, boat moorage and fueling stations,
3 public and private piers, beaches and bathing areas,
4 and such other public places within this state as
5 specified by rule of the executive director. The
6 number of such receptacles required to be placed as

7 specified in this section shall be determined by a
 8 formula related to the need for such receptacles.
 9 However, the executive director shall not provide
 10 payments to private persons solely for the purpose
 11 of placing or installing a litter receptacle on private
 12 property. The department may make grants for research
 13 or development of solid waste recovery or recycling
 14 programs.

15 **Sec. 11. NEW SECTION. ADDITIONAL DUTIES.** In
 16 addition to other powers and duties provided by law,
 17 the department in carrying out litter control and
 18 resource recovery responsibilities shall:

- 19 1. Serve as the coordinating agency between the
 20 various industry organizations.
- 21 2. Recommend to the governing bodies of all local
 22 governments that they adopt ordinances similar to
 23 the provisions of this Act.
- 24 3. Cooperate with all state and local government
 25 agencies.
- 26 4. Encourage, organize, and coordinate all
 27 voluntary local anti-litter campaigns seeking to focus
 28 the attention of the public on the programs of this
 29 state to control and remove litter.

30 **DIVISION II**

31 **REGULATION OF BEVERAGE CONTAINERS**

32 **Sec. 12. NEW SECTION. DEFINITIONS.** As used in
 33 division two (II) of this Act unless the context
 34 otherwise requires:

- 35 1. "Beverage" means beer as defined in section
 36 one hundred twenty-three point three (123.3),
 37 subsection nine (9) of the Code, other alcoholic malt
 38 beverages and mineral water, soda water and similar
 39 liquid soft drinks whether carbonated or not.
- 40 2. "Beverage container" means any glass, plastic,
 41 or metal bottle, can, jar or carton containing a
 42 beverage.
- 43 3. "Consumer" means any person who purchases a
 44 beverage in a beverage container for use or
 45 consumption.
- 46 4. "Dealer" means any person who engages in the
 47 sale of beverages in beverage containers to a consumer.
- 48 5. "Distributor" means any person who engages
 49 in the sale of beverages in beverage containers to
 50 a dealer, including any manufacturer who engages in

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1 such sales.

2 6. "Manufacturer" means any person who bottles,

3 cans, or otherwise fills beverage containers for sale
4 to distributors or dealers.

5 7. "Department" means the Iowa beer and liquor
6 control department.

7 8. "Director" means the director of the Iowa beer
8 and liquor control department.

9 9. "Council" means the Iowa beer and liquor control
10 council." "

11 2. Page 1, line 4, by inserting after the word
12 "Sec." the number "13".

13 3. Page 1, by striking lines 21 through 40 and
14 inserting in lieu thereof the following:

15 " . By striking page 2, line 31 through page
16 3, line 18 and inserting in lieu thereof the following:

17 "Sec. 16. NEW SECTION. PAYMENT OF REFUND. Except
18 as provided in section seventeen (17) of this Act:

19 1. A person operating a redemption center shall
20 not refuse to accept from a consumer any empty beverage
21 container having a refund value as provided in this
22 Act, or refuse to pay to the consumer for each beverage
23 container accepted the refund value of the beverage
24 container as determined under division two (II) of
25 this Act.

26 2. A distributor shall not refuse to accept from
27 a person operating a redemption center or a dealer
28 any empty beverage container of the kind, size and
29 brand sold by the distributor, or refuse to pay the
30 redemption center or dealer the refund value of the
31 beverage container as determined under division two
32 (II) of this Act.

33 Sec. 17. NEW SECTION. REFUSAL TO ACCEPT CON-
34 TAINERS.

35 1. A person operating a redemption center or a
36 dealer accepting empty beverage containers may refuse
37 to accept from a consumer and a distributor may refuse
38 to accept from a person operating a redemption center
39 or a dealer, any empty beverage container which does
40 not have stated on it the word "Iowa" as required
41 under division two (II) of this Act.

42 2. A person operating a redemption center, a
43 distributor, or a dealer may refuse to redeem an empty
44 beverage container which is not clean." "

45 4. Page 2, by inserting after line 6, the follow-
46 ing:

47 " . Page 3, line 19, by striking the number
48 "7" and inserting in lieu thereof the number "18".

49 " . By striking page 3, line 30 through page
50 4, line 29 and inserting in lieu thereof the follow-

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1 ing:

2 "Sec. 19. NEW SECTION. REDEMPTION CENTERS.

3 1. To facilitate the return of empty beverage
4 containers and to serve dealers of beverages, each
5 county shall establish at least one redemption center,
6 subject to the approval of the department of
7 environmental quality, at which consumers may return
8 empty beverage containers and receive payment of the
9 refund value of such beverage containers. The county
10 may provide, by agreement with any city, for the
11 operation of a redemption center. Any dealer may,
12 with consent of the county, make application to the
13 department of environmental quality for approval to
14 act as a redemption center.

15 2. An application for approval of a redemption
16 center shall be filed with the department of
17 environmental quality. The application shall state
18 the name and address of the person responsible for
19 the establishment and operation of the redemption
20 center. The application shall contain such other
21 information as the executive director may reasonably
22 require.

23 3. The department of environmental quality shall
24 approve a redemption center if it finds that the
25 redemption center will provide a convenient service
26 to consumers for the return of empty beverage
27 containers. The department of environmental quality
28 may review the approval of any redemption center at
29 any time. After written notice to the person
30 responsible for the establishment and operation of
31 the redemption center, the department may, after
32 hearing, withdraw approval of a redemption center
33 if the department finds there has not been compliance
34 with the department's order approving the redemption
35 center.

36 4. Each redemption center shall also meet the
37 minimum sanitary requirements for its operation as
38 determined by the local board of health.

39 5. The executive director shall adopt, with the
40 approval of the executive committee of the depart-
41 ment of environmental quality, the rules necessary
42 to carry out the provisions of this section." "

43 " . Page 4, by striking lines 30 through 34
44 and inserting in lieu thereof the following:

45 "Sec. 20. NEW SECTION. SNAP TAB CANS PROHIBITED.

46 A person shall not sell or offer for sale at re-
47 tail in this state any metal beverage container which

48 is so constructed that the metal opener is designed
 49 to be completely detachable from the container." "

50 " . Page 5, line 2, by inserting after the

Page 9

1 word "of" the words "division two (II) of". "

2 " . Page 5, lines 6 and 7, by striking the
 3 words ", or to the approval or disapproval for a
 4 redemption center". "

5 " . Page 5, by striking lines 11 and 12 and
 6 inserting in lieu thereof the following: "the provi-
 7 sions of sections thirteen (13), eighteen (18), and
 8 twenty (20) of this Act shall be guilty of a serious
 9 misdemeanor." "

10 " . Page 5, by inserting after line 12 the
 11 following:

12 "DIVISION III
 13 REPEALER

14 Sec. . Sections four hundred fifty-five B
 15 point ninety-five (455B.95), four hundred fifty-five
 16 B point ninety-six (455B.96), four hundred fifty-
 17 five B point ninety-seven (455B.97), and four hun-
 18 dred fifty-five B point ninety-eight (455B.98), Code
 19 1977, are repealed effective January 1, 1978." "

20 5. Page 2, by striking lines 7 and 8 and insert-
 21 ing in lieu thereof the following:

22 " . Page 5, by striking line 13 and insert-
 23 ing in lieu thereof the following:

24 "Sec. . The provisions of division one (I)
 25 of this Act are effective January 1, 1978 and the
 26 provisions of division two (II) of this Act are
 27 effective January 1, 1979." "

28 6. By renumbering sections and internal references
 29 to sections to conform to this amendment.

30 7. Amend the title, line 2, by inserting before
 31 the word "and" the words "and relating to the control
 32 of litter, imposing a litter tax on certain beverage
 33 containers and products,".

KOGLER of Mahaska
 NORLAND of Worth
 SMALLEY of Polk
 WELLS of Linn
 TAUKE of Dubuque
 AVENSON of Fayette
 HALVORSON of Clayton
 PERKINS of Greene
 FITZGERALD of Webster

H-3811

- 1 Amend House File 248 as follows:
- 2 1. Page 1, line 32, by striking the words "age;
- 3 or" and inserting in lieu thereof the word "age."
- 4 2. Page 1, by striking lines 33 through page 2,
- 5 line 4.

JUNKER of Woodbury

H-3815

- 1 Amend House File 248 as follows:
- 2 1. Page 32, line 3, by striking the words
- 3 "unless the " and inserting in lieu thereof a period.
- 4 2. Page 32, by striking lines 4 through 8.
- 5 3. Page 32, line 15, by striking the words
- 6 "or a jury".
- 7 4. Page 33, line 4, by striking the words
- 8 "or jury".
- 9 5. Page 33, lines 5 and 6, by striking the
- 10 words "In a case heard without a jury, the" and
- 11 inserting in lieu thereof the word "The".
- 12 6. Page 33, line 9, by striking the words
- 13 "or jury".
- 14 7. Page 33, line 12, by striking the words
- 15 "or jury".

BRANSTAD of Winnebago

H-3821

- 1 Amend House File 248 as follows:
- 2 1. Page 2, line 13, by striking the words "neglect
- 3 or with" and inserting in lieu thereof the words
- 4 "neglect, or".
- 5 2. Page 2, by striking line 14 and inserting in
- 6 lieu thereof the words "who will possibly suffer
- 7 physical".

JUNKER of Woodbury

H-3822

- 1 Amend House File 248 as follows:
- 2 1. Page 2, line 9, by striking the words "is
- 3 imminently likely" and inserting in lieu thereof the
- 4 words "has indicated an intention".
- 5 2. Page 2, line 10, by striking the words "causes

- 6 or creates" and inserting in lieu thereof the words
7 "cause or create".

JUNKER of Woodbury

H-3823

- 1 Amend House File 248 as follows:
2 1. Page 1, line 26, by striking the words "the
3 interests of".

JUNKER of Woodbury

H-3825

- 1 Amend House File 248 as follows:
2 1. Page 3, line 27, by striking the words "or
3 transfer to another".

JUNKER of Woodbury

H-3826

- 1 Amend the amendment, H-3526, to House File 187
2 as follows:
3 1. Page 1, by inserting after line 1 the following:
4 " Page 1, by striking lines 1 through 25,
5 and inserting in lieu thereof the following:
6 "DIVISION I
7 LITTER TAX
8 Section 1. NEW SECTION. LEGISLATIVE FINDINGS.
9 Recognizing that the people of the state of Iowa have
10 a fundamental right and need for a healthful, clean
11 and beautiful environment which preserves our natural
12 resources; and recognizing that the proliferation
13 and accumulation of litter discards throughout this
14 state and the nation subvert this right, impair this
15 need and constitute a public health hazard. Further
16 recognizing the need to reduce wasteful uses of energy
17 and natural resources by recovering and recycling
18 of containers, the general assembly finds that there
19 is an imperative need to anticipate, plan for, and
20 accomplish effective recycling and litter control.
21 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
22 purpose of this Act is to accomplish conservation
23 of natural resources through the use of a deposit
24 on beverage containers and litter control. This state
25 through the cooperation of the department of revenue,
26 the department of environmental quality and the beer

27 and liquor control department with all other
28 departments of this state and its political
29 subdivisions will preserve and enhance the natural
30 resources of this state. The intent of this Act is
31 to provide a healthful and beautiful environment for
32 all citizens.

33 Sec. 3. NEW SECTION. DEFINITIONS. As used in
34 division one (I) of this Act:

35 1. "Executive director" means the executive
36 director of the department of environmental quality.

37 2. "Department" means the department of
38 environmental quality.

39 3. "Litter" means all waste material including
40 but not limited to disposable packages or containers
41 thrown or deposited as prohibited by law, but not
42 including the wastes of the primary processes of
43 mining, logging, sawmilling, farming, or manufacturing.

44 4. "Litter bag" means a bag, sack, or other
45 container made of any material which is large enough
46 to serve as a receptacle for litter inside a vehicle
47 or watercraft.

48 5. "Litter receptacle" means those containers
49 adopted by the department for the deposit of litter
50 and which may be standardized as to size, shape,

Page 2

1 capacity, and color.

2 6. "Public place" means any area that is used
3 or held out for use by the public whether owned or
4 operated by public or private interests.

5 Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE
6 EXECUTIVE DIRECTOR.

7 1. In addition to his or her other powers and
8 duties, the executive director may propose and adopt
9 pursuant to chapter seventeen A (17A) of the Code,
10 rules necessary to carry out the provisions, purposes
11 and intent of division one (I) of this Act.

12 2. The executive director may designate trained
13 employees of the department of environmental quality
14 to be vested with police powers to enforce and
15 administer the provisions of division one (I) of this
16 Act and all rules adopted under division one (I) of
17 this Act. The executive director may contract with
18 other state and local governmental agencies having
19 law enforcement capabilities for services and personnel
20 reasonably necessary to carry out the enforcement
21 provisions of division one (I) of this Act. In ad-
22 dition, Iowa highway safety patrol officers, officers

23 of the state conservation commission, sheriffs and
24 marshals and their deputies, police officers, and
25 those employees of the department of environmental
26 quality vested with police powers shall enforce the
27 provisions of division one (I) of this Act and any
28 rules adopted under division one (I) of this Act and
29 are empowered to issue citations to or arrest with-
30 out warrant persons violating any provisions of
31 division one (I) of this Act or any of the rules
32 adopted under division one (I) of this Act. All of
33 these enforcement officers may serve and execute all
34 warrants, citations and other process issued by the
35 courts in enforcing the provisions of division one
36 (I) of this Act and rules adopted under division one
37 (I) of this Act. The mailing, by restricted certified
38 mail, of such warrant, citation or other process to
39 the last known place of residence of a person shall
40 be deemed personal service upon the person charged.

41 Sec. 5. NEW SECTION. LITTERING PROHIBITED—
42 PENALTY.

43 1. A person shall not throw, drop, deposit,
44 discard, or otherwise dispose of litter upon any
45 public property in the state or upon private property
46 in this state not owned by him or her or in the waters
47 of this state including, but not limited to, any
48 public highway, public park, beach, campground, forest
49 land, recreational area, trailer park, highway, road,
50 street or alley except:

Page 3

- 1 a. When such property is designated by the state
2 or by any of its agencies or political subdivisions
3 for the disposal of garbage and refuse, and such
4 person is authorized to use such property for such
5 purpose.
6 b. Into a litter receptacle in such a manner that
7 the litter will be prevented from being carried away
8 or deposited by the elements upon any private or
9 public property or waters.
10 2. Any person violating the provisions of this
11 section shall be guilty of a misdemeanor and, upon
12 conviction, shall be subject to a fine of not less
13 than ten dollars for each offense and, in addition,
14 in the discretion of any court in which conviction
15 is obtained, such person may be directed by the court
16 to pick up and remove from any public place or any
17 private property with prior permission of the legal
18 owner upon which it is established by competent

19 evidence that such person has deposited litter, any
20 litter deposited by anyone before the date of execution
21 of sentence.

22 **Sec. 6. NEW SECTION. POSTING OF ANTI-LITTERING**
23 **PROVISIONS.** A summary of requirements of division
24 one (I) of this Act shall be posted along the public
25 highways of this state and in all campgrounds and
26 trailer parks, at all entrances to state parks, forest
27 lands, and recreational areas, at all public beaches,
28 and at other public places in this state where persons
29 are likely to be informed of the existence and content
30 of such provisions and the penalties for violations.

31 **Sec. 7. NEW SECTION. RESPONSIBILITY TO MAINTAIN**
32 **LITTER RECEPTACLES.**

33 1. It shall be the responsibility of persons
34 operating any establishment or operating a public
35 place to maintain litter receptacles at their own
36 expense on the premises in accord with the rules
37 adopted by the executive director.

38 2. Any person who fails to place litter receptacles
39 on the premises required by rule of the executive
40 director in violation of the provisions of this section
41 or rules adopted under this section shall be guilty
42 of a misdemeanor and, upon conviction, shall be subject
43 to a fine of twenty-five dollars. Each day of
44 violation shall constitute a separate offense.

45 **Sec. 8. NEW SECTION. LITTER TAX.**

46 1. There is imposed a tax at a rate of four and
47 one-half hundredths of one percent of the sale price
48 of any of the following tangible personal properties,
49 except for beverage containers subject to the deposit
50 requirements of this Act:

Page 4

1 a. All products sold to a retailer in nonreusable
2 packages or containers for resale in the same
3 nonreusable packages or containers.

4 b. All products sold to a retailer for use in
5 packaging or containing other products sold by the
6 retailer if the packages or containers are nonreusable.

7 c. All newsprint and other paper products sold
8 for the purposes of printing or reproducing material
9 for general public distribution.

10 2. The tax imposed under subsection one (1) of
11 this section shall be collected by the department
12 of revenue from each person engaged in the business
13 of selling any of the tangible personal property items
14 specified in subsection one (1) of this section to

15 a retailer doing business in this state. The amount
 16 of the tax shall be based on the value of such products
 17 or the gross receipts of the sales of such tangible
 18 personal property to the retailer.

19 3. The director of revenue shall provide, by rule,
 20 for the administration of the tax imposed by this
 21 section. The rules shall provide for the issuance
 22 of permits, the payment of taxes, penalties for late
 23 payments, records, the filing of tax returns, and
 24 such other procedures as deemed appropriate by the
 25 director of revenue for the effective administration
 26 of this section. The administration of this section
 27 shall be based on the same procedures and requirements
 28 as provided for the administration of the retail sales
 29 tax, as applicable.

30 4. The director of revenue may define, by rule,
 31 the categories of property or products subject to
 32 the tax imposed under subsection one (1) of this
 33 section. In making such definitions, the director
 34 shall be guided by the following standards:

35 a. It is the purpose of division one (I) of this
 36 Act to promote resource recovery, recycling, and
 37 accomplish effective control of litter within this
 38 state.

39 b. It is the purpose of division one (I) of this
 40 Act to impose a tax on industries manufacturing or
 41 distributing at wholesale, products and the packages,
 42 wrapping or containers of such products which are
 43 reasonably related to the litter problem in this
 44 state.

45 **Sec. 9. NEW SECTION. PRODUCTS EXEMPT FROM**
 46 **TAXATION.** The tax imposed under section eight (8)
 47 of this Act shall not apply to the sales of beer made
 48 by the holder of a class "A" beer permit as defined
 49 in section one hundred twenty-three point one hundred
 50 twenty-four (123.124) of the Code or to the value

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1 of products or the gross receipts from the sale of
 2 any animal, bird, or insect or the milk, eggs, wool,
 3 fur, meat, honey or other substance obtained from
 4 such animal, bird, or insect if the seller is a person
 5 who performs only the growing or raising function
 6 of such animal, bird, or insect.

7 **Sec. 10. NEW SECTION. ACCOUNT CREATED—**
 8 **DISPOSITION.**

9 1. There is created in the general fund of the
 10 state a litter control and resource recovery account,

11 to which shall be credited the receipts from the tax
12 imposed under division one (I) of this Act. The
13 proceeds of the litter control and resource recovery
14 account are appropriated to the department of
15 environmental quality for the purpose of carrying
16 out the provisions of subsections two (2) and three
17 (3) of this section.

18 2. The department shall expend fifteen percent
19 of the proceeds of the account to acquire, prepare,
20 and distribute such educational and informational
21 material through elementary and secondary schools,
22 colleges, universities and political subdivisions
23 of this state, by contract with corporations or
24 associations, or by dissemination through the public
25 news media for the purpose of informing the public
26 of the purposes of division one (I) of this Act.

27 3. The department shall expend eighty-five percent
28 of the proceeds of the account to control and remove
29 litter and for the operation of the redemption center
30 required to be operated in each county of the state.
31 The redemption center required to be operated in each
32 county under division two (II) of this Act shall
33 receive a minimum grant of five thousand dollars each
34 year. If the department grants any sum of money in
35 excess of the minimum grant to the required redemption
36 center in the counties, the amount of the grants in
37 excess of five thousand dollars shall be apportioned
38 to each required redemption center on the basis that
39 the population of each county bears to the total
40 population of the state. The executive director may
41 enter into agreements with public or private agencies,
42 which agreements shall contain such terms and
43 conditions as deemed necessary or desirable by the
44 executive director to accomplish litter control and
45 removal. From the proceeds the executive director
46 shall provide the placement of litter receptacles
47 along the public highways of this state and at all
48 parks, campgrounds, trailer parks, drive-in
49 restaurants, gasoline service stations, tavern parking
50 lots, shopping centers, grocery store parking lots,

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1 parking lots of major industrial firms, marinas, boat
2 launching areas, boat moorage and fueling stations,
3 public and private piers, beaches and bathing areas,
4 and such other public places within this state as
5 specified by rule of the executive director. The
6 number of such receptacles required to be placed as

7 specified in this section shall be determined by a
 8 formula related to the need for such receptacles.
 9 However, the executive director shall not provide
 10 payments to private persons solely for the purpose
 11 of placing or installing a litter receptacle on private
 12 property. The department may make grants for research
 13 or development of solid waste recovery or recycling
 14 programs.

15 **Sec. 11. NEW SECTION. ADDITIONAL DUTIES.** In
 16 addition to other powers and duties provided by law,
 17 the department in carrying out litter control and
 18 resource recovery responsibilities shall:

- 19 1. Serve as the coordinating agency between the
 20 various industry organizations.
- 21 2. Recommend to the governing bodies of all local
 22 governments that they adopt ordinances similar to
 23 the provisions of this Act.
- 24 3. Cooperate with all state and local government
 25 agencies.
- 26 4. Encourage, organize, and coordinate all
 27 voluntary local anti-litter campaigns seeking to focus
 28 the attention of the public on the programs of this
 29 state to control and remove litter.

30 **DIVISION II**

31 **REGULATION OF BEVERAGE CONTAINERS**

32 **Sec. 12. NEW SECTION. DEFINITIONS.** As used in
 33 division two (II) of this Act unless the context
 34 otherwise requires:

- 35 1. "Beverage" means beer as defined in section
 36 one hundred twenty-three point three (123.3),
 37 subsection nine (9) of the Code, other alcoholic malt
 38 beverages and mineral water, soda water and similar
 39 liquid soft drinks whether carbonated or not.
- 40 2. "Beverage container" means any glass, plastic,
 41 or metal bottle, can, jar or carton containing a
 42 beverage.
- 43 3. "Consumer" means any person who purchases a
 44 beverage in a beverage container for use or
 45 consumption.
- 46 4. "Dealer" means any person who engages in the
 47 sale of beverages in beverage containers to a consumer.
- 48 5. "Distributor" means any person who engages
 49 in the sale of beverages in beverage containers to
 50 a dealer, including any manufacturer who engages in

Page 7

1 such sales.

2 6. "Manufacturer" means any person who bottles,

3 cans, or otherwise fills beverage containers for sale
4 to distributors or dealers.

5 7. "Department" means the Iowa beer and liquor
6 control department.

7 8. "Director" means the director of the Iowa beer
8 and liquor control department.

9 9. "Council" means the Iowa beer and liquor control
10 council." "

11 2. Page 1, line 4, by inserting after the word
12 "Sec." the number "13".

13 3. Page 1, by striking lines 21 through 40 and
14 inserting in lieu thereof the following:

15 " . By striking page 2, line 31 through page

16 3, line 18 and inserting in lieu thereof the following:

17 "Sec. 16. NEW SECTION. PAYMENT OF REFUND. Except
18 as provided in section seventeen (17) of this Act:

19 1. A person operating a redemption center shall
20 not refuse to accept from a consumer any empty beverage
21 container having a refund value as provided in this
22 Act, or refuse to pay to the consumer for each beverage
23 container accepted the refund value of the beverage
24 container as determined under division two (II) of
25 this Act.

26 2. A distributor shall not refuse to accept from
27 a person operating a redemption center or a dealer
28 any empty beverage container of the kind, size and
29 brand sold by the distributor, or refuse to pay the
30 redemption center or dealer the refund value of the
31 beverage container as determined under division two
32 (II) of this Act.

33 Sec. 17. NEW SECTION. REFUSAL TO ACCEPT CON-
34 TAINERS.

35 1. A person operating a redemption center or a
36 dealer accepting empty beverage containers may refuse
37 to accept from a consumer and a distributor may refuse
38 to accept from a person operating a redemption center
39 or a dealer, any empty beverage container which does
40 not have stated on it the word "Iowa" as required
41 under division two (II) of this Act.

42 2. A person operating a redemption center, a
43 distributor, or a dealer may refuse to redeem an empty
44 beverage container which is not clean." "

45 4. Page 1, line 14, by striking the words "A dealer, or"
46 and inserting in lieu thereof the word "Any".

47 5. Page 2, by inserting after line 6, the following:

48 " . Page 3, line 19, by striking the number "7" and
49 inserting in lieu thereof the number "18".

50 " . By striking page 3, line 30 through page 4, line 29

Page 8

1 and inserting in lieu thereof the following:

2 "Sec. 19. NEW SECTION. REDEMPTION CENTERS.

3 1. To facilitate the return of empty beverage
4 containers and to serve dealers of beverages, each
5 county shall establish at least one redemption center,
6 subject to the approval of the department of
7 environmental quality, at which consumers may return
8 empty beverage containers and receive payment of the
9 refund value of such beverage containers. The county
10 may provide, by agreement with any city, for the
11 operation of a redemption center. Any dealer may,
12 with consent of the county, make application to the
13 department of environmental quality for approval to
14 act as a redemption center.

15 2. An application for approval of a redemption
16 center shall be filed with the department of
17 environmental quality. The application shall state
18 the name and address of the person responsible for
19 the establishment and operation of the redemption
20 center. The application shall contain such other
21 information as the executive director may reasonably
22 require.

23 3. The department of environmental quality shall
24 approve a redemption center if it finds that the
25 redemption center will provide a convenient service
26 to consumers for the return of empty beverage
27 containers. The department of environmental quality
28 may review the approval of any redemption center at
29 any time. After written notice to the person
30 responsible for the establishment and operation of
31 the redemption center, the department may, after
32 hearing, withdraw approval of a redemption center
33 if the department finds there has not been compliance
34 with the department's order approving the redemption
35 center.

36 4. Each redemption center shall also meet the
37 minimum sanitary requirements for its operation as
38 determined by the local board of health.

39 5. The executive director shall adopt, with the
40 approval of the executive committee of the depart-
41 ment of environmental quality, the rules necessary
42 to carry out the provisions of this section." "

43 " . Page 4, by striking lines 30 through 34

44 and inserting in lieu thereof the following:

45 "Sec. 20. NEW SECTION. SNAP TAB CANS PROHIBITED.

46 A person shall not sell or offer for sale at re-
47 tail in this state any metal beverage container which

48 is so constructed that the metal opener is designed
 49 to be completely detachable from the container.” ”
 50 “ . Page 5, line 2, by inserting after the

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1 word “of” the words “division two (II) of” ”
 2 “ . Page 5, lines 6 and 7, by striking the
 3 words “, or to the approval or withdrawal of approval
 4 for a redemption center” ”
 5 “ . Page 5, by striking lines 11 and 12 and
 6 inserting in lieu thereof the following: “the provi-
 7 sions of sections thirteen (13), eighteen (18), and
 8 twenty (20) of this Act shall be guilty of a serious
 9 misdemeanor.” ”
 10 “ . Page 5, by inserting after line 12 the
 11 following:

12 “DIVISION III
 13 REPEALER

14 Sec. . Sections four hundred fifty-five B
 15 point ninety-five (455B.95), four hundred fifty-five
 16 B point ninety-six (455B.96), four hundred fifty-
 17 five B point ninety-seven (455B.97), and four hun-
 18 dred fifty-five B point ninety-eight (455B.98), Code
 19 1977, are repealed effective January 1, 1978.” ”

20 6. Page 2, by striking lines 7 and 8 and insert-
 21 ing in lieu thereof the following:

22 “ . Page 5, by striking line 13 and insert-
 23 ing in lieu thereof the following:

24 “Sec. . The provisions of division one (I)
 25 of this Act are effective January 1, 1978 and the
 26 provisions of division two (II) of this Act are
 27 effective January 1, 1979.” ”

28 7. By renumbering sections and internal references
 29 to sections to conform to this amendment.

30 8. Amend the title, line 2, by inserting before
 31 the word “and” the words “and relating to the control
 32 of litter, imposing a litter tax on certain beverage
 33 containers and products,”.

KOOGLER of Mahaska
 NORLAND of Worth
 SMALLEY of Polk
 WELLS of Linn
 TAUKE of Dubuque
 AVENSON of Fayette
 HALVORSON of Clayton
 PERKINS of Greene
 FITZGERALD of Webster

H-3829

1 Amend House File 491 as follows:

2 1. Page 4, lines 25 and 26, by striking the words

3 "~~twenty-nine~~ ~~twenty-eight~~" and inserting in lieu
4 thereof the word "twenty-nine".

5 2. Page 4, line 29, by striking the word "~~eighteen~~"
6 and inserting in lieu thereof the word "~~seventeen~~".

7 3. Page 10, by striking lines 5 through 34.

8 4. Amend the title, line 11, by striking the word
9 "twenty-eight" and inserting in lieu thereof the word
10 "twenty-nine".

11 5. Amend the title, line 12, by striking the word
12 "eighteen" and inserting in lieu thereof the word
13 "seventeen".

14 6. Renumber the sections and correct internal
15 references in conformance with this amendment.

HORN of Linn

H-3833

1 Amend House File 148 by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:

4 "Section 1. Section two hundred forty-six point
5 eighteen (246.18), Code 1977, is amended by striking
6 the section and inserting in lieu thereof the
7 following:

8 246.18 EMPLOYMENT OF PRISONERS. Prisoners in
9 the penitentiary, men's reformatory or other state
10 correctional facilities may be employed in the
11 maintenance of those institutions, and in the erection,
12 repair, or operation of buildings and works used in
13 connection with those institutions. Prisoners may
14 also be employed in such industries as may be
15 established and maintained in connection therewith
16 by the state director.

17 The state director may detail prisoners in the
18 director's custody to perform services in public works
19 projects for the state or any political subdivision
20 of the state. These public works projects shall be
21 limited to the following type of projects:

22 The erection, construction, repair or maintenance
23 of public streets, roadways, highways, bridges,
24 buildings, sidewalks, waterways, canals, levees,
25 harbors, flood control banks and beds, parks and
26 recreation areas, or clearing, maintaining or
27 reforesting public lands.

28 However, an inmate shall not be coerced against
29 his or her will to work on the maintenance, erection,
30 repair, or operation of state correctional facilities,
31 nor shall an inmate be coerced against his or her
32 will to work in industries in connection with such
33 facilities or public works projects.

34 Inmates shall not be employed in public works
35 projects if such employment would affect the existing
36 employment needs in the state agency or political
37 subdivision in which inmates were to be employed.

38 Supervision, security, compensation, transportation
39 and maintenance of prisoners used in public works
40 projects shall be provided pursuant to an agreement
41 made by the state director and the state agency or
42 political subdivision for which work is done. Inmates
43 employed in public works projects shall be compensated
44 at the federal minimum wage level unless a collective
45 bargaining agreement exists covering the position
46 filled by the inmate laborer. If such a collective
47 bargaining agreement exists, the level of pay
48 established by the collective bargaining agreement
49 shall be paid to the inmate. However no inmate may
50 participate in such collective bargaining.

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1 Compensation of inmates above the maximum wage paid
2 inmates employed in Iowa state industries shall be
3 withheld by the correctional institution.

4 The wages of the prisoner in excess of the minimum
5 wage paid by Iowa state industries which wages are
6 withheld shall be allocated as follows:

7 1. A sum of one-half the cost or maintenance and
8 housing of inmates to the county or city which housed
9 or fed and maintained the inmate while the inmate
10 was employed in the public works projects. The
11 department of social services, or employing agency
12 or political subdivision pursuant to an agreement
13 shall pay the county or city the remaining cost of
14 housing and maintenance of the inmate.

15 2. If any money remains after payment under
16 subsection one (1) of this paragraph, then that money
17 shall be paid to victims of the inmate's crime under
18 a plan of restitution, or to support the inmate's
19 legal dependants.

20 3. If no plan of restitution exists and if the
21 inmate has no legal dependants, then the remaining
22 money after payment under subsections one (1) and
23 two (2) of this paragraph shall be paid to the inmate

24 upon release from the correctional facility.

25 An inmate employed in a public works projects
26 pursuant to this Act, shall not be housed in a county
27 jail that has not passed a jail inspection within
28 the preceding twelve months.

29 Employment described in this section shall have
30 as its primary purpose the inculcation or reactivation
31 of attitudes, skills, and habit patterns which will
32 be conducive to prisoner rehabilitation.

33 Sec. 2. Section two hundred forty-six point twenty-
34 five (246.25), Code 1977, is amended to read as
35 follows:

36 246.25 LIMITATION ON CONTRACT. The state director
37 or the warden of the state penitentiary or the warden
38 of the reformatory shall not, nor shall any other
39 person employed by the state, make any contract by
40 which the labor or time of any prisoner or inmate
41 in such penitentiary or reformatory shall be
42 contracted, let, farmed out, given, or sold to any
43 person, firm, association, or corporation except as
44 provided for in section one (1) of this Act.

45 Sec. 3. Section two hundred eighteen point sixty-
46 three (218.63), Code 1977, is amended to read as
47 follows:

48 218.63 IMPROVEMENTS AT CORRECTIONAL INSTITUTIONS.
49 Contracts and bids as required by this chapter shall
50 not be required as to improvements at any state

Page 3

1 correctional institution where the labor of inmates
2 may be is utilized on the particular work to be done,
3 to the advantage of the inmates or of the state".

DOYLE of Woodbury

H-3838

1 Amend House File 248 as follows:
2 1. Page 12, by striking lines 13 through 22 and
3 inserting in lieu thereof the word "Act."

JUNKER of Woodbury

H-3839

1 Amend House File 248 as follows:
2 1. Page 13, line 24, by striking the word
3 "material".

JUNKER of Woodbury

H-3840

- 1 Amend House File 248 as follows:
- 2 1. Page 14, by striking line 10 and inserting
- 3 in lieu thereof the words "care, but such placement
- 4 or continued detention in shelter care shall occur
- 5 only if a consultation is held among the counsel for
- 6 the child, the court of jurisdiction and the child."

JUNKER of Woodbury

H-3841

- 1 Amend House File 248 as follows:
- 2 1. Page 14, line 20, by striking the words "run
- 3 away or otherwise".

JUNKER of Woodbury

H-3842

- 1 Amend House File 248 as follows:
- 2 1. Page 14, line 29, by striking the words "run
- 3 away or be otherwise" and insert in lieu thereof the
- 4 word "be".

JUNKER of Woodbury

H-3846

- 1 Amend House File 248 as follows:
- 2 1. Page 19, line 14, by striking the words "and
- 3 intelligently".

JUNKER of Woodbury

H-3847

- 1 Amend House File 248 as follows:
- 2 1. Page 19, by striking lines 22 through 24.
- 3 2. By relettering the paragraphs as necessary.

JUNKER of Woodbury

H-3849

- 1 Amend House File 248 as follows:
- 2 1. Page 21, line 9, by striking the words "and
- 3 belief".

JUNKER of Woodbury

H-3852

- 1 Amend House File 488 as follows:
- 2 1. Page 1, line 30, by striking the word
- 3 "and" and inserting in lieu thereof, the word
- 4 "or".

SMALL of Johnson

H-3858

- 1 Amend the Senate amendment H-3793 to House
- 2 File 490 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Code" the words " , except when the state secretary of
- 5 agriculture requests the assistance of the department".
- 6 2. Page 1, line 14, by inserting after the word
- 7 "Code" the words " , except when the state secretary of
- 8 agriculture requests the assistance of the department".

EVANS of Grundy
 MIDDLESWART of Warren
 BENNETT of Ida
 SCHEELHAASE of Woodbury
 PELLETT of Cass
 WYCKOFF of Benton

H-3860

- 1 Amend the amendment, H-3526, to House File 187,
- 2 as follows:
- 3 1. Page 2, by inserting after line 6 the follow-
- 4 ing:
- 5 " . Page 1, by inserting after line 13 the
- 6 following:
- 7 Sec. . Section four hundred fifty-five B point
- 8 one (455B.1), subsection three (3), Code 1977, is
- 9 amended to read as follows:
- 10 3. "~~Executive committee~~ Commission" means the
- 11 ~~executive committee~~ environmental quality commission
- 12 of the department of environmental quality.
- 13 Sec. . Section four hundred fifty-five B point
- 14 three (455B.3), subsections one (1), two (2), three
- 15 (3), four (4), five (5), and six (6), Code 1977, are
- 16 amended to read as follows:
- 17 1. Recommend to the ~~executive committee~~ commission
- 18 the adoption of rules that are necessary for the
- 19 effective administration of the department.
- 20 2. Recommend to the ~~appropriate~~ commission ~~within~~
- 21 ~~the department~~ the adoption of rules to implement
- 22 the programs and services assigned to them.
- 23 3. Direct and administer the programs and services
- 24 of the department in compliance with the rules adopted

25 by the ~~executive committee and the commissions~~ commis-
 26 sion.

27 4. Perform other duties assigned by the ~~executive~~
 28 committee commission.

29 5. Establish or reorganize, with the approval
 30 of the ~~executive committee~~ commission, the
 31 administrative structure of the department.

32 6. Contract, with the approval of the ~~executive~~
 33 committee commission, with public agencies of this
 34 state to provide all laboratory, scientific field
 35 measurement and environmental quality evaluation
 36 services necessary to implement the provisions of this
 37 chapter. If the executive director finds that public
 38 agencies of this state cannot provide the laboratory,
 39 scientific field measurement and environmental
 40 evaluation services required by the department, he
 41 or she may contract, with the approval of the ~~executive~~
 42 committee commission, with any other public or private
 43 persons or agencies for such services.

44 Sec. . Section four hundred fifty-five B point
 45 three (455B.3), subsection eight (8), unnumbered
 46 paragraph one (1), Code 1977, is amended to read as
 47 follows:

48 Conduct investigations of complaints received
 49 directly or referred by ~~any of the commissions~~ the
 50 commission created in section ~~455B.4~~ four hundred

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1 fifty-five B point six (455B.6) of the Code or such
 2 other investigations deemed necessary. While
 3 conducting an investigation, the executive director
 4 may enter at any reasonable time in and upon any
 5 private or public property, except private dwellings,
 6 to investigate any actual or possible violation of
 7 the provisions of this chapter or the rules or
 8 standards adopted under this chapter.

9 Sec. . Section four hundred fifty-five B point
 10 three (455B.3), unnumbered paragraph two (2), Code
 11 1977, is amended to read as follows:

12 The executive director may appoint, with the
 13 approval of the ~~executive committee~~ commission, the
 14 technical, professional, secretarial, and clerical
 15 staff necessary to accomplish the purposes of this
 16 chapter, subject to the provisions of chapter 19A.

17 Sec. . Section four hundred fifty-five B point
 18 six (455B.6), Code 1977, is amended by striking the
 19 section and inserting in lieu thereof the following:
 20 455B.6 ENVIRONMENTAL QUALITY COMMISSION.

21 1. There is created within the department the
22 environmental quality commission which shall consist
23 of five members appointed by the governor with the
24 consent of two-thirds of the members of the senate.
25 The term of office of each member shall be five years,
26 except that of the initial membership of the commission
27 one shall be appointed for one year, one shall be
28 appointed for two years, one shall be appointed for
29 three years, one shall be appointed for four years
30 and one shall be appointed for five years. No member
31 shall be appointed to two consecutive terms. The
32 term of office of each member shall commence on the
33 first day of July of the year of appointment except
34 that the term of office of the initial membership
35 of the commission shall be computed as if such
36 appointments were made effective July 1, 1977.
37 Vacancies occurring during a term of office shall
38 be filled by appointment for the balance of the
39 unexpired term subject to the consent of two-thirds
40 of the members of the senate. Any vacancy on the
41 commission occurring while the general assembly is
42 not in session shall be filled by appointment of the
43 governor which appointment shall expire thirty days
44 after the general assembly next convenes. Within
45 the thirty-day period, the governor shall transmit
46 an appointment to the senate. Any commission member
47 may be removed by the governor for cause. The members
48 of the commission shall be electors of the state.
49 2. The commission shall organize annually during
50 the month of July and select a chairperson and vice

Page 3

1 chairperson. The commission shall meet at least eight
2 times per year. Other meetings shall be called by
3 the executive director upon request of three members
4 of the commission or by the chairperson. The executive
5 director shall notify commission members of the
6 meetings. A majority of the commission shall
7 constitute a quorum and the concurrence of a majority
8 of the commission shall be required to determine any
9 matter related to its duties. The executive director
10 shall attend the meetings and shall act as secretary
11 to the commission.

12 3. The members of the commission shall be paid
13 a forty-dollar per diem and their actual and necessary
14 expenses while engaged in the performance of their
15 official duties. All per diem and expense moneys
16 paid to members shall be paid from funds appropriated
17 to the department.

18 Sec. . Section four hundred fifty-five B point
 19 seven (455B.7), Code 1977, is amended to read as
 20 follows:

21 455B.7 POWERS AND DUTIES OF EXECUTIVE COMMITTEE
 22 THE COMMISSION. The executive committee In addition
 23 to the powers and duties of the commission specified
 24 under divisions two (II), three (III), four (IV) and
 25 five (V) under this chapter, the commission shall:

26 1. Review the rules recommended by the executive
 27 director and adopt, amend or repeal, subject to the
 28 provisions of chapter 17A, the rules deemed necessary
 29 for the effective administration of the department.
 30 The rules shall include departmental policy relating
 31 to the disclosure of information on any violation
 32 or alleged violation of the rules, standards or orders
 33 issued by the department and keeping of confidential
 34 information obtained by the department in the
 35 administration and enforcement of the provisions of
 36 this chapter. Rules adopted by the executive committee
 37 under this chapter before January 1, 1978 shall remain
 38 effective until modified or rescinded by action of
 39 the commission unless such rule is inconsistent or
 40 contrary to this Act.

41 2. Approve the departmental budget request prior
 42 to submission to the state comptroller. The executive
 43 committee commission may increase, decrease, or strike
 44 any proposed expenditure within the departmental
 45 budget request before granting approval.

46 ~~3. Issue orders and directives necessary to insure~~
 47 ~~integration and co-ordination of the programs~~
 48 ~~administered by the department. Notwithstanding any~~
 49 ~~other provision of this chapter to the contrary, each~~
 50 ~~commission within the department shall submit all~~

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1 ~~of its proposed rules to the executive committee for~~
 2 ~~review to insure that no conflict exists between such~~
 3 ~~proposed rules and the existing rules of another~~
 4 ~~commission within the department. If a conflict does~~
 5 ~~exist, the executive committee shall direct the com-~~
 6 ~~missions involved to resolve the conflict before the~~
 7 ~~proposed rules are submitted to the legislative~~
 8 ~~departmental rules review committee as provided in~~
 9 ~~chapter 17A.~~

10 ~~4 3.~~ Make a concise annual report to the governor
 11 and the general assembly, which report shall contain
 12 information relating to the accomplishments and status
 13 of the programs administered by the department and

14 include recommendations for legislative action. The
 15 annual report shall conform to the provisions of
 16 section 17.3.

17 5 4. Approve all contracts and agreements between
 18 the department and other public or private persons
 19 or agencies.

20 6 5. Obtain an adequate public employees fidelity
 21 bond to cover those officers and employees of the
 22 department accountable for property or funds of this
 23 state.

24 6. Establish policy for the implementation of
 25 all programs of the department.

26 7. Advise, consult and cooperate with other
 27 agencies of the state, political subdivisions, and
 28 any other public or private agency to promote the
 29 orderly, efficient and effective accomplishment of
 30 its responsibilities. The commission may request
 31 the assistance or advice of any public or private
 32 person in carrying out its assigned duties under
 33 this chapter.

34 8. Adopt, modify or repeal rules necessary to
 35 implement the programs assigned to it, subject to
 36 the provisions of chapter seventeen A (17A) of the
 37 Code.

38 Sec. . Section four hundred fifty-five B point
 39 nine (455B.9), Code 1977, is amended to read as
 40 follows:

41 455B.9 OFFICE FACILITIES. The ~~executive council-~~
 42 department of general services shall provide the
 43 department with appropriate office facilities.

44 Sec. . Section four hundred fifty-five B point
 45 ten (455B.10), Code 1977, is amended by striking
 46 subsection six (6).

47 Sec. . Section four hundred fifty-five B point
 48 twelve (455B.12), subsection twelve (12), Code 1977,
 49 is amended to read as follows:

50 12. Represent the state in all matters pertaining.

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1 to plans, procedures, negotiations, and agreements
 2 for interstate compacts relating to the control of
 3 air pollution, ~~subject to the provisions of section--~~
 4 ~~455B.7, subsection 5.~~

5 Sec. . Section four hundred fifty-five B point
 6 thirteen (455B.13), subsection six (6), Code 1977,
 7 is amended to read as follows:

8 6. Accept, receive and administer grants or other
 9 funds or gifts from public or private agencies, includ--

10 ing the federal government, for the abatement,
 11 prevention, or control of air pollution, subject to
 12 the approval of the ~~executive committee~~ commission.

13 Sec. . Section four hundred fifty-five B point
 14 twenty-nine (455B.29), Code 1977, is amended to read
 15 as follows:

16 455B.29 PRIOR RULES. Any rule adopted or order
 17 or variance issued under chapter 136B of prior Codes
 18 by the Iowa air pollution control commission or by
 19 the state department of health or under division two
 20 (II) of this chapter by the air quality commission
 21 before January 1, 1978, shall remain effective until
 22 modified or rescinded by action of the air quality
 23 commission unless such rule is inconsistent or contrary
 24 to this division II.

25 Sec. . Section four hundred fifty-five B point
 26 thirty (455B.30), Code 1977, is amended by striking
 27 subsection eleven (11).

28 Sec. . Section four hundred fifty-five B point
 29 thirty-two (455B.32), subsection ten (10), Code 1977,
 30 is amended to read as follows:

31 10. Adopt a statewide plan for the provision of
 32 safe drinking water under emergency circumstances.
 33 All public agencies, as defined in chapter 28E, shall
 34 co-operate in the development and implementation of
 35 the plan. The plan shall detail the manner in which
 36 the various state and local agencies shall participate
 37 in the response to an emergency. The department may
 38 enter into any agreement, subject to section 455B.7.
 39 approval of the commission, with any state agency
 40 or unit of local government or with the federal
 41 government which may be necessary to establish the
 42 role of such agencies in regard to the plan. This
 43 plan shall be co-ordinated with civil-defense disaster
 44 emergency plans.

45 Sec. . Section four hundred fifty-five B point
 46 fifty (455B.50), Code 1977, is amended by striking
 47 subsection two (2).

48 Sec. . Section four hundred fifty-five B point
 49 sixty-two (455B.62), Code 1977, is amended to read
 50 as follows:

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1 455B.62 RULES. The commission, with the advice
 2 of the board, may promulgate such rules as are
 3 necessary to carry out the provisions of this part
 4 2 of division III. ~~The rules established shall be~~
 5 ~~subject to the provisions of section 455B.7, subsection-~~
 6 ~~3.~~

7 Sec. . Section four hundred fifty-five B point
8 sixty-seven (455B.67), Code 1977, is amended by
9 striking subsection two (2).

10 Sec. . Section four hundred fifty-five B point
11 seventy (455B.70), unnumbered paragraph one (1), Code
12 1977, is amended to read as follows:

13 The commission may, in the name of the state,
14 contract with any municipality concerning eligible
15 projects, ~~subject to the approval of the executive~~
16 ~~committee~~. Any such contract may include such
17 provisions as may be agreed upon by the parties, and
18 shall include, in substance, the following provisions:

19 Sec. . Section four hundred fifty-five B point
20 seventy-four (455B.74), Code 1977, is amended to read
21 as follows:

22 455B.74 PRIOR RULES. Any rule adopted or order
23 issued under chapters 136A, 455B and 455C of prior
24 Codes, by the Iowa water pollution control commission
25 or by the state department of health or under this
26 division by the water quality commission before January
27 1, 1978, shall remain effective until modified or
28 rescinded by action of the ~~water quality~~ commission
29 unless such rule is inconsistent or contrary to this
30 division. Any permit issued under chapter 455B of
31 prior Codes shall remain effective until modified
32 or revoked by the executive director.

33 Sec. . Section four hundred fifty-five B point
34 seventy-five (455B.75), Code 1977, is amended by
35 striking subsection five (5).

36 Sec. . Section four hundred fifty-five B point
37 seventy-eight (455B.78), Code 1977, is amended to
38 read as follows:

39 455B.78 RULES ESTABLISHED. The commission shall
40 establish rules for the proper administration of the
41 provisions of this part 1 of division IV which shall
42 reflect and accommodate insofar as is reasonably
43 possible those current and generally accepted methods
44 and techniques for treatment and disposition of solid
45 waste which will serve the purposes of said part which
46 shall take into consideration such factors, including
47 others which it may deem proper, as existing physi-
48 cal conditions, topography, soils and geology, climate,
49 transportation, and land use, such rules including
50 but not limited to rules relating to the establishment

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1 and location of sanitary disposal projects, sanitary
2 practices, inspection of sanitary disposal projects,

3 collection of solid waste, disposal of solid waste,
4 pollution controls, the issuance of permits, approved
5 methods of private disposition of solid waste, the
6 general operation and maintenance of sanitary disposal
7 projects, and the implementation of said part. Prior
8 to issuance of rules or amendments thereto, the
9 commission shall hold at least one public hearing
10 on the proposed rules or amendments, and shall give
11 notice of such hearing at least thirty days in advance
12 by publishing notice in a newspaper of general
13 circulation in the state. ~~The air quality commission-~~
14 ~~and the water quality commission of the department~~
15 ~~shall co-operate with the commission in the~~
16 ~~establishment of such rules.~~ All rules promulgated
17 shall be subject to the provisions of chapter 17A
18 and section 455B.7, subsection 3.

19 Sec. . Section four hundred fifty-five B point
20 eighty-two (455B.82), subsection one (1), Code 1977,
21 is amended to read as follows:

22 1. It shall be unlawful for any private agency
23 or public agency to dump or deposit or permit the
24 dumping or depositing of any solid waste at any place
25 other than a sanitary disposal project approved by
26 the executive director. This section shall not
27 prohibit a private agency or public agency from dumping
28 or depositing solid waste resulting from its own
29 residential, farming, manufacturing, mining or
30 commercial activities on land owned or leased by it
31 if such action does not violate any statute of this
32 state or rules promulgated by the commission under
33 this chapter or local boards of health, or local
34 ordinances, ~~or rules issued by the air quality~~
35 ~~commission or water quality commission of the~~
36 ~~department.~~ The executive director may issue temporary
37 permits for dumping or disposal of solid waste at
38 disposal sites for which an application for a permit
39 to operate a sanitary disposal project has been made
40 and which have not met all of the requirements of
41 part 1 of this division and the rules adopted by the
42 commission if a compliance schedule has been submitted
43 by the applicant specifying how and when the applicant
44 will meet the requirements for an operational sanitary
45 disposal project and the executive director determines
46 the public interest will be best served by granting
47 such temporary permit.

48 Sec. . Section four hundred fifty-five B point
49 eighty-four (455B.84), Code 1977, is amended to read
50 as follows:

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1 455B.84 MODIFICATION OF RULES. Any rule adopted
2 or order issued under chapter 406 of prior Codes by
3 the commissioner of public health or under this chapter
4 by the solid waste disposal commission before January
5 1, 1978 shall remain effective until modified or
6 rescinded by action of the ~~solid-waste-disposal~~
7 commission unless such rule is inconsistent or contrary
8 to this part 1 of division IV.

9 Sec. . Section four hundred fifty-five B point
10 eighty-five (455B.85), Code 1977, is amended by
11 striking subsection four (4).

12 Sec. . Section four hundred fifty-five B point
13 eighty-seven (455B.87), Code 1977, is amended to read
14 as follows:

15 455B.87 RULES FOR TRANSPORTING. The commission
16 shall provide, by rule, for the proper methods of
17 transporting, storage, and handling of radioactive
18 material except that the provisions of this section
19 shall not apply to the transportation, handling, or
20 storage of radioactive material by licensed physicians
21 and surgeons or licensed osteopathic physicians and
22 surgeons within the scope of their practice or by
23 qualified employees of licensed hospitals within the
24 scope of their duties. In adopting such rules, the
25 commission shall consider the methods and techniques
26 used by the United States atomic energy commission
27 and radiation control agencies of other states for
28 the regulation of the transporting, handling, and
29 storage of radioactive material. The commission shall
30 also consult with the department of public safety
31 in the development of rules for the transporting
32 of radioactive material on the public roads of this
33 state. All rules adopted by the commission under
34 this section shall be subject to the provisions of
35 chapter 17A ~~and section 455B.7, subsection 3.~~

36 Sec. . Section four hundred fifty-five B point
37 eighty-eight (455B.88), unnumbered paragraph two (2),
38 is amended to read as follows:

39 All rules adopted by the commission under this
40 section shall be subject to the provisions of chapter
41 17A ~~and section 455B.7, subsection 3.~~

42 Sec. . Section four hundred fifty-five B point
43 ninety-five (455B.95), Code 1977, is amended by
44 striking subsection three (3).

45 Sec. . Section four hundred fifty-five B point
46 one hundred (455B.100), Code 1977, is amended by
47 striking subsection one (1).

48 Sec. . Section four hundred fifty-five B point

49 one hundred three (455B.103), Code 1977, is amended
50 to read as follows:

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1 455B.103 RULES. The rules promulgated by the
2 commission shall be subject to the provisions of
3 chapter 17A and ~~section 455B.7, subsection 3.~~
4 Sec. . Section four hundred fifty-five B point
5 one hundred seven (455B.107), Code 1977, is amended
6 to read as follows:
7 455B.107 PRIOR RULES CONTINUED. Any rule adopted
8 or order issued under chapter 206A of prior Codes
9 by the chemical technology review board or under this
10 division by the chemical technology commission before
11 January 1, 1978 shall remain effective until modified
12 or rescinded by action of the ~~chemical technology~~
13 commission unless such rule is inconsistent or contrary
14 to this division V.

15 Sec. Section two hundred six point two
16 (206.2), subsection twenty-three (23), Code 1977,
17 is amended to read as follows:

18 23. The term "permit" means a written certificate,
19 issued by the secretary or his or her authorized agent
20 as authorized in rules adopted by the ~~chemical~~
21 technology environmental quality commission authorizing
22 the use of certain state restricted use pesticides.

23 Sec. . Section two hundred six point eleven
24 (206.11), subsection one (1), paragraph d, subparagraph
25 five (5), Code 1977, is amended to read as follows:

26 (5) The date of manufacture of products found
27 by the ~~chemical technology review board~~ environmental
28 quality commission to be subject to deterioration
29 because of age.

30 Sec. . Section two hundred six point nineteen
31 (206.19), Code 1977, is amended to read as follows:

32 206.19 RULES ADOPTED. The rules promulgated under
33 the provisions of this chapter shall not be effective
34 until approved by the ~~chemical technology~~ environmental
35 quality commission of the department of environmental
36 quality and submitted to the departmental rules review
37 committee as provided in chapter 17A.

38 Sec. . Section four hundred twenty-seven point
39 one (427.1), subsection thirty-two (32), unnumbered
40 paragraphs five (5), six (6), seven (7) and nine (9),
41 Code 1977, are amended to read as follows:

42 The first annual application for any specific
43 pollution-control property shall be accompanied by
44 a certificate of the executive director of the

45 department of environmental quality stating that the
46 ~~air environmental quality commission or the water~~
47 ~~quality commission~~ has directed the department of
48 environmental quality to certify that the primary
49 use of the pollution-control property is to control
50 or abate pollution of any air or water of this state

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1 or to enhance the quality of any air or water of this
2 state.

3 A taxpayer may appeal a determination of the air
4 ~~quality commission or the water environmental~~ quality
5 commission in accordance with the provisions of
6 sections 455B.19 and 455B.39.

7 The ~~air environmental quality commission and the~~
8 ~~water quality commission~~ of the department of environ-
9 mental quality shall adopt rules relating to
10 certification under this subsection and information
11 to be submitted for evaluating pollution-control
12 property for which a certificate is requested. The
13 revenue department shall adopt any rules necessary
14 to implement this subsection, including rules on
15 identification and valuation of pollution-control
16 property. All rules adopted shall be subject to the
17 provisions of the statutes on administrative rules.

18 For the purposes of this subsection "pollution"
19 means air pollution as defined in section 455B.10
20 or water pollution as defined in section 455B.30.
21 "Water of the state" means the water of the state
22 as defined in section 455B.30. "Enhance the quality"
23 means to diminish the level of pollutants below the
24 air or water quality standards established by the
25 ~~water environmental quality commission or the air~~
26 ~~quality commission~~ of the department of environmental
27 quality.

28 Sec. . Section four hundred fifty-five A point
29 twenty-five (455A.25), subsection three (3), Code
30 1977, is amended to read as follows:

31 3. Any person who diverts water or any material
32 from the surface directly into any underground
33 watercourse or basin. Provided, however, that any
34 diversion of water or material from the surface
35 directly into any underground watercourse or basin
36 existing upon May 16, 1957, shall not require a permit
37 if said diversion does not create waste or pollution.
38 No permit shall be issued under this subsection until
39 the approval of the ~~Iowa water pollution control~~
40 environmental quality commission has been obtained.

41 Sec. . Section four hundred sixty—seven D point
42 six (467D.6), subsection one (1), Code 1977, is amended
43 to read as follows:

44 1. Exercise such supervision over the water
45 resources of the conservancy district, including water
46 in any basin, watercourse, or other body of water
47 in the conservancy district, and have authority to
48 promulgate and repeal, with approval of the depart—
49 ment, and enforce such rules, except those rules
50 relating to water resources under the authority of

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1 the council and the ~~Iowa-water~~ environmental quality
2 commission, as necessary to achieve the objectives
3 of this chapter as set forth in section 467D.1.

4 Sec. . Section four hundred sixty—nine point
5 six (469.6), Code 1977, is amended to read as follows:

6 469.6 CERTIFICATE OF APPROVAL. No permit shall
7 be granted for the construction or operation of a
8 dam where the water is to be used for manufacturing
9 purposes, except to develop power, until a certificate
10 of the ~~Iowa-water-pollution-control~~ environmental
11 quality commission has been filed with the council
12 showing its approval of the use of the water for the
13 purposes specified in the application.

14 Sec. . Section four hundred sixty—nine point
15 seven (469.7), Code 1977, is amended to read as
16 follows:

17 469.7 APPLICATION FOR CERTIFICATE. When it is
18 proposed to use the water for manufacturing purposes,
19 except to develop power, or for condensation purposes,
20 application must be made to the ~~Iowa-water-pollution~~
21 ~~control~~ environmental quality commission, accompanied
22 by a description of the proposed use of the water
23 and what, if any, substances are to be deposited in
24 such water and chemical changes made in the same,
25 and such other information as the department of health
26 may require to enable it to determine the advisability
27 of the issuance of such certificate.

28 Sec. . Section four hundred sixty—nine point
29 eight (469.8), Code 1977, is amended to read as
30 follows:

31 469.8 GRANTING OR REFUSING. If the ~~Iowa-water~~
32 ~~pollution-control~~ environmental quality commission
33 is satisfied that the use of the water in any such
34 project will not cause pollution of the same or render
35 it materially unwholesome or impure, or deleterious

36 to fish life, it may issue a certificate, and if it
 37 is not so satisfied, it shall refuse to issue same.
 38 Sec. Sections four hundred fifty-five B point
 39 four (455B.4), four hundred fifty-five B point five
 40 (455B.5), four hundred fifty-five B point twenty-eight
 41 (455B.28), four hundred fifty-five B point seventy-
 42 three (455B.73), four hundred fifty-five B point
 43 ninety-nine (455B.99), and four hundred fifty-five
 44 B point one hundred six (455B.106), Code 1977, are
 45 repealed.
 46 Sec. The effective date of this Act is January
 47 1, 1978. The terms of office of the members of the
 48 executive committee, water quality commission, air
 49 quality commission, solid waste disposal commission
 50 and chemical technology commission, which committee

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1 and commissions are abolished by this Act, shall
 2 expire on December 31, 1977.”
 3 2. Renumber sections and subsections and correct
 4 the title accordingly.

SCHROEDER of Pottawattamie

H-3861

1 Amend Senate File 137 as follows:
 2 1. Page 21, by inserting after line 3 the follow-
 3 ing:
 4 “Sec. Section four hundred twenty-two point
 5 sixty-one (422.61), subsection one (1), Code 1977,
 6 is amended to read as follows:
 7 1. “Financial institution” means a state bank
 8 as defined in section 524.103, subsection 19, a
 9 national banking association having its principal
 10 office within this state, a trust company, a federally
 11 chartered savings and loan association, a financial
 12 institution chartered by the federal home loan bank
 13 board, an association incorporated or authorized to
 14 do business under chapter 534, a credit union
 15 incorporated or authorized to do business under chap-
 16 ter five hundred thirty-three (533) of the Code, or
 17 a production credit association.
 18 Sec. Section four hundred twenty-two point
 19 sixty-one (422.61), subsection four (4), Code 1977,
 20 is amended to read as follows:
 21 4. “Net income” means the net income of the
 22 financial institution computed in accordance with

23 section 422.35, with the exception that interest and
24 dividends from federal securities, any amount of
25 franchise taxes paid or accrued under this division
26 during the taxable year, and any federal income taxes
27 paid or accrued during the taxable year, shall not
28 be subtracted and interest and dividends from evidences
29 of indebtedness and securities of this state and its
30 political subdivisions, exempt from federal income
31 tax under the Internal Revenue Code of 1954 as amended
32 to and including January 1, 1976, shall not be added,
33 and provided that net income of a credit union for
34 the purposes of this division shall be computed without
35 regard to the exemption of the credit union from
36 payment of federal income tax provided by section
37 501(c) of the Internal Revenue Code of 1954.

38 Sec. . Chapter four hundred twenty-two (422),
39 division five (V), Code 1977, is amended by adding
40 the following new section:

41 **NEW SECTION. FEDERAL CREDIT UNIONS—VOLUNTARY**
42 **PAYMENT IN LIEU OF FRANCHISE TAX.** A credit union
43 chartered under the laws of the United States and
44 relieved, by twelve (12) U.S.C. section one thousand
45 seven hundred sixty-eight (1768), from its obligation
46 to support the government of this state, may
47 voluntarily pay to the treasurer of state an amount
48 equal to the amount which would be required to be
49 paid by that credit union under this division if the
50 credit union were chartered under the laws of this

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1 state.

2 1. Upon receipt of a payment permitted by this
3 section, if the payment is received on or before the
4 last day of the fourth month following the close of
5 the fiscal year of the credit union to which the
6 payment is applicable, and if the payment is
7 accompanied by such forms and information as the
8 director may prescribe as being necessary to determine
9 if the conditions of this section have been met, the
10 director shall issue to the credit union a certificate
11 of payment in lieu of franchise tax. Such a
12 certificate may be revoked by the director, upon
13 ninety days notice to the credit union, upon a
14 determination by the department that the amount paid
15 was less than the amount which the credit union would
16 have been required to pay under this division if it
17 were chartered under the laws of this state; provided
18 that such a determination shall be made by the

19 department within the time which would be prescribed
20 by section four hundred twenty-two point twenty-five
21 (422.25) of the Code for determination of tax if the
22 credit union were chartered under the laws of this
23 state, unless the credit union agrees in writing to
24 an extension of the applicable period; and provided
25 further that the certificate shall not be revoked,
26 or if revoked shall be reinstated, if, following such
27 a determination, the credit union shall pay to the
28 treasurer of state an amount which is at least equal
29 to the amount of the deficiency so determined plus
30 all amounts which the credit union would have been
31 obligated to pay as interest and penalty if the credit
32 union were chartered under the laws of this state
33 and the deficiency, interest and penalty had pertained
34 to a franchise tax required to be paid by this
35 division. In the event of a determination under this
36 subsection which is adverse to the credit union, the
37 credit union may appeal to the director for revision
38 of the determination in accordance with section four
39 hundred twenty-two point twenty-eight (422.28) of
40 the Code, and may seek judicial review of the actions
41 of the director in accordance with section four hundred
42 twenty-two point twenty-nine (422.29) of the Code,
43 each in the same manner as if such determination or
44 actions pertained to a franchise tax imposed by this
45 division on a state chartered credit union. A
46 certificate of payment in lieu of franchise tax shall
47 be valid for a period of one year from the date of
48 issuance and may be renewed for succeeding one-year
49 periods upon continued compliance with the requirements
50 of this subsection, unless revoked by the director

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1 in the manner described above.
2 2. A credit union, other than a credit union
3 organized under chapter five hundred thirty-three
4 (533) of the Code, shall not, after April 30, 1978,
5 be entitled to the following privileges and benefits
6 unless the credit union shall hold a current
7 certificate of payment in lieu of franchise tax;
8 provided that failure to hold such a certificate shall
9 not impair the validity of any contract in force on
10 or prior to such date:
11 a. The privilege of maintaining any action, suit
12 or proceeding in any court of this state by the credit
13 union or any successor or assignee of the credit union
14 on any right, claim or demand; provided that this
15 paragraph shall not prevent a credit union from

- 16 defending any action, suit or proceeding.
- 17 b. The privilege of contracting with members of
18 the credit union and employers of members of the
19 credit union for the voluntary withholding, from wages
20 payable by such employers to such employees, of amounts
21 to be paid to the credit union on behalf of such
22 members in payment for shares of or deposits in the
23 credit union or in retirement of any debt owed by
24 such a member to the credit union. Any employer who
25 withholds an amount from an employee in furtherance
26 of an agreement prohibited by this paragraph shall
27 be liable to the employee for all amounts so withheld
28 plus additional damages equal to fifty percent of
29 the amounts so withheld.
- 30 c. The privileges of perfecting a security interest
31 in personal property under the provisions of chapter
32 five hundred fifty-four (554) of the Code; or recording
33 a mortgage under the provisions of chapter five hundred
34 fifty-eight (558) of the Code; or perfecting a security
35 interest in any vehicle subject to registration, under
36 the provisions of section three hundred twenty-one
37 point fifty (321.50) of the Code. In any action to
38 enforce such a security interest or mortgage it shall
39 be a valid defense and release that such security
40 interest or mortgage was perfected or recorded at
41 a time when the credit union did not hold a current
42 certificate of payment in lieu of franchise tax as
43 required by this subsection.
- 44 d. The privilege of contracting to receive interest
45 in excess of the statutory rate prescribed by section
46 five hundred thirty-five point two (535.2), subsection
47 one (1) of the Code, regardless of the provisions
48 of that subsection or of any other law of this state
49 permitting the credit union to agree in writing to
50 receive interest at a higher rate.

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- 1 3. A certificate of payment in lieu of franchise
2 tax shall be displayed prominently in the place of
3 business of the credit union which has been issued
4 the certificate, and the serial number thereof shall
5 be provided by the credit union at the request of
6 any person who desires to conduct business with the
7 credit union.
- 8 4. After April 30, 1978, any person who provides
9 a credit union which is not organized under chapter
10 five hundred thirty-three (533) of the Code or which
11 does not hold a current certificate of payment in
12 lieu of franchise tax with a location from which to

13 conduct the business of the credit union shall be
 14 considered, for the purposes of divisions two (II)
 15 and three (III) of this chapter, to have received
 16 income in an amount equal to the fair rental value
 17 of the location so provided, and shall not be entitled
 18 to deduct any portion of such amount as a business
 19 expense or gift to the credit union.

20 5. For tax years beginning on or after January
 21 1, 1978, no person shall be entitled, in computing
 22 the amount of income on which any tax is imposed under
 23 divisions two (II) or three (III) of this chapter,
 24 to deduct any interest amount paid after April 30,
 25 1978 to a credit union which was not organized under
 26 chapter five hundred thirty-three (533) of the Code
 27 or which did not, at the time such interest was paid,
 28 hold a current certificate of payment in lieu of
 29 franchise tax.

30 Sec. . Section five hundred thirty-three point
 31 twenty-four (533.24), Code 1977, is amended by striking
 32 unnumbered paragraph one (1)."

33 2. Title page, line 2, by inserting before the
 34 word "and" the words "the taxation of credit unions,".

SCHROEDER of Pottawattamie

H-3863

1 Amend House File 248 as follows:

2 1. Page 1, line 7, by striking the words
 3 "state, and that" and inserting in lieu thereof the
 4 word "state."

5 2. Page 1, line 7, by striking the word
 6 "when" and inserting in lieu thereof the word
 7 "When".

JUNKER of Woodbury

H-3866

1 Amend House File 248 as follows:

2 1. Page 19, by inserting after line 2 the
 3 following subsection:

4 " . Communications between the child and
 5 the intake officer shall be confidential as provided
 6 in section six hundred twenty-two point ten (622.10)
 7 of the Code."

SCHROEDER of Pottawattamie

H-3867

1 Amend House File 491 as follows:

2 1. Page 10, line 9, by striking the word "ten"
3 and inserting in lieu thereof the word "nine".

4 2. Page 11, line 7, by striking the words "eleven
5 and one-half" and inserting in lieu thereof the word
6 "ten".

7 3. Page 12, by inserting after line 34 the
8 following:

9 "Sec. . It is the intent of the general assembly
10 that the state department of transportation shall
11 evaluate the needs for increased revenue to meet the
12 costs of road construction and repair of the state
13 highways and streets. Prior to February 1, 1979,
14 the state department of transportation shall submit
15 to the general assembly, for consideration during
16 the 1979 Session of the Sixty-eighth General Assembly,
17 a recommendation of whether to raise the fuel tax
18 on motor fuel, diesel special fuel and other special
19 fuel an additional one cent per gallon."

SPENCER of Clay

H-3871

1 Amend amendment H-3736 to Senate File 279,
2 as amended and passed by the Senate, as follows:

3 1. Line 8, after the word "include", add
4 the words "multifloral rose (rosa multifloral),".

MILLEN of Van Buren

H-3872

1 Amend amendment H-3703 to House File 372 as
2 follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 " . Page 1, by inserting after line 8
6 the following new section:
7 NEW SECTION. TREBLE DAMAGES. Violators of
8 section six hundred one A point six (601A.6) of the
9 Code who discriminate on the basis of age shall be
10 liable for treble damages."

MONROE of Des Moines

H-3873

- 1 Amend House File 351 as follows:
 2 1. Page 1, line 32, by striking the word
 3 "termination" and inserting in lieu thereof the
 4 word "suspension".

SHIMANEK of Jones
 NEWHARD of Jones

H-3878

- 1 Amend Senate File 318 as follows:
 2 1. Page 1, line 17, by striking the word
 3 "and".
 4 2. Page 1, line 17, by inserting after
 5 "(2801)," the following: "and two thousand eight
 6 hundred four (2804)."
 7 3. Page 8, by inserting after line 23 the
 8 following:
 9 "Sec. . . . Section two thousand eight hundred
 10 four (2804):
 11 SEC. 2804. NEW SECTION. Any person who know—
 12 ingly sells, or offers for sale, gives, delivers,
 13 exhibits or displays to any adult material depict—
 14 ing a sex act involving sado—masochistic abuse,
 15 excretory functions, a child, or bestiality which
 16 the average adult taking the material as a whole
 17 in applying contemporary community standards would
 18 find that it appeals to the prurient interest and
 19 is patently offensive; and the material, taken as
 20 a whole, lacks serious literary, scientific, polit—
 21 ical, or artistic value shall, upon conviction be
 22 guilty of a simple misdemeanor. Charges under this
 23 section may only be brought by a county attorney,
 24 the attorney general, or a grand jury."

GILLOON of Dubuque

H-3882

- 1 Amend House File 488 as follows:
 2 1. Page 9, line 26, by inserting after the word
 3 "subpoenas." the following sentence: "The fact—finder
 4 shall not hear evidence on any impasse item which
 5 is the subject of, or which is affected by, a
 6 prohibited practice complaint involving either party
 7 to the dispute."

BRANSTAD of Winnebago

H-3883

- 1 Amend House File 488 as follows:
- 2 1. Page 10, by inserting after line 12 the follow-
- 3 ing:
- 4 "Sec. . Section twenty point twenty-two (20.22),
- 5 subsection twelve (12), Code 1977, is amended to read
- 6 as follows:
- 7 12. The selections by the panel of arbitrators
- 8 and items agreed upon by the public employer and the
- 9 employee organization, shall be deemed to be the
- 10 collective bargaining agreement between the parties.
- 11 Items agreed upon by the public employer and the
- 12 employee organization shall be those items which the
- 13 parties have ratified by votes of both the affected
- 14 employee organization and the governing body of the
- 15 public employer."
- 16 2. By numbering sections to conform to this
- 17 amendment.

BRANSTAD of Winnebago

H-3884

- 1 Amend House File 381 as follows:
- 2 1. Page 2, by inserting after line 9 the
- 3 following section:
- 4 "Sec. . This Act is effective January 1,
- 5 1978."

HULLINGER of Decatur

H-3885

- 1 Amend House File 381 as follows:
- 2 1. Page 1, by striking lines 6 through 35 and
- 3 inserting in lieu thereof the following: "they
- 4 mutually agree, provided, however, that no contract
- 5 shall be entered into which in any way creates the
- 6 relationship of employer and employee between the
- 7 hospital and the doctor, ~~and a percentage arrangement~~
- 8 ~~is not and shall not be construed to be unprofessional~~
- 9 ~~conduct on the part of the doctor or in violation~~
- 10 ~~of the statutes of this state upon the part of the~~
- 11 ~~hospital."~~
- 12 2. Page 2, by striking lines 1 through 9.

HULLINGER of Decatur

H-3889

- 1 Amend House File 488 as follows:
- 2 1. Page 3, line 21, by inserting after the
- 3 word "for" the word "employee".

BRANSTAD of Winnebago

H-3892

- 1 Amend House File 248 as follows:
- 2 1. Page 32, by striking lines 24 through 28.

WYCKOFF of Benton

H-3893

- 1 Amend Senate File 167 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 27, by inserting after line 15 the
- 4 following:
- 5 "Sec. . . . Section three hundred twenty-one point
- 6 four hundred eighty-seven (321.487), Code 1977, is
- 7 amended by adding the following new paragraph:
- 8 **NEW PARAGRAPH.** Where a defendant fails to make
- 9 a required court appearance, pursuant to a citation
- 10 issued and signed by the defendant, the court shall
- 11 enter the defendant's plea of "guilty" as authorized
- 12 by the defendant's signature on the citation for the
- 13 original charge or charges that required the defendant
- 14 to appear. Authorization by the defendant to the
- 15 court to enter a plea of guilty on defendant's behalf
- 16 shall be clearly stated on the face of the citation
- 17 in the following form:
- 18 "I hereby agree that if I fail to appear further
- 19 on the above named charge on the specified date, I
- 20 hereby enter my written appearance and authorize the
- 21 court to enter a finding of guilty as charged."
- 22 Upon entering a judgment of guilty, the court shall
- 23 determine the penalty and shall assess court costs
- 24 to be paid by the defendant. The defendant shall
- 25 be notified by the court, using ordinary mail, of
- 26 the penalty and the amount of court costs. If the
- 27 defendant fails to remit the amount of fine and costs
- 28 or fails to appear to begin a sentence within sixty
- 29 days of the mailing of notice, the court may issue
- 30 an arrest warrant for the offense of contempt of

- 31 court.”
 32 2. Renumber the sections and correct internal
 33 references in conformance with this section.

BRANSTAD of Winnebago

H-3894

- 1 Amend H-3516 to House File 248 as follows:
 2 1. Page 1, by striking lines 36 and 37 and
 3 inserting in lieu thereof the following:
 4 “10. Page 11, line 35, by striking the word
 5 “waived.” and inserting in lieu thereof the words
 6 “waived by a child of any age. The child’s right
 7 to be represented by counsel under paragraph a of
 8 subsection one (1) of this section shall not be waived
 9 if the child is less than fourteen years of age except
 10 when the child is alleged to have committed an offense
 11 against property for which the informal adjustment
 12 demanded of the child is monetary restitution of up
 13 to two hundred dollars, which may include damages
 14 other than special damages in an amount not more than
 15 fifty dollars.” ”

HIGGINS of Scott
 CONLON of Muscatine
 BRANSTAD of Winnebago

H-3901

- 1 Amend House File 248 as follows:
 2 1. Page 34, line 3, by striking the words “The
 3 court may in its” and lines 4 through 9.

JUNKER of Woodbury

H-3916

- 1 Amend Senate File 364 as follows:
 2 1. Page 1, by inserting after line 7 the follow-
 3 ing:
 4 “Sec. 2. There is appropriated from the general
 5 fund of the state to the department of social services
 6 for the fiscal year beginning July 1, 1977 and ending
 7 June 30, 1978 the sum of one hundred fifty thousand
 8 (150,000) dollars, or so much as is necessary, to
 9 be used to pay the state’s share of costs for improving
 10 the city of Independence’s sewer system.”
 11 2. Renumber the remaining section.

- 12 3. Title page, line 3, by inserting after the
 13 word "system" the words "and improving the city of
 14 Independence's sewer system".

MILLER of Buchanan

H-3917

- 1 Amend the Senate amendment H-3794 to House
 2 File 75 as amended, passed, and reprinted by the
 3 House as follows:
 4 1. Page 1, line 8, by striking line 8 and
 5 inserting in lieu thereof the words "feet, or farm
 6 buildings used primarily for agricultural purposes."
 7 2. Page 1, line 15, by inserting after the
 8 word "feet" the words ", or farm buildings used
 9 primarily for agricultural purposes,".

PERKINS of Greene

H-3918

- 1 Amend House File 488 as follows:
 2 1. Page 3, line 32, by inserting after the word
 3 "concession," the following sentence: "A wage
 4 deduction shall not be permitted for any political
 5 purpose, party, organization or candidate nor shall
 6 any dues deducted under the dues checkoff procedure
 7 be used for such political purposes."

DAGGETT of Adams

H-3919

- 1 Amend House File 488 as follows:
 2 1. Page 6, line 10, by inserting after the word
 3 "subsections" the word and number "two (2)".
 4 2. Page 6, by inserting after line 12 the
 5 following:
 6 "2. If a majority of the votes cast on the first
 7 question is in the negative, the public employees
 8 shall not be represented by an employee organization.
 9 If a majority of the votes cast on the first question
 10 is in the affirmative, then the employee organization
 11 receiving a majority of the votes cast on the second
 12 question shall represent the public employees in an
 13 appropriate bargaining unit. If a majority of the
 14 votes cast on the first question is in the affirmative
 15 but the majority is not more than twenty-five percent

16 of the public employees who could vote on the question,
17 the question shall fail. Also, if a majority of the
18 votes cast for an employee organization under this
19 subsection of subsection three (3) of the section
20 does not exceed twenty-five percent of the votes which
21 could be cast by public employees eligible for the
22 election, the employee organization shall not be
23 certified under subsection five (5) of this section."

DAGGETT of Adams

H-3922

1 Amend House File 362 as follows:
2 1. Page 1, line 15, by striking the word
3 "paragraph" and inserting in lieu thereof the
4 word "paragraphs".
5 2. Page 1, by inserting after line 27 the
6 following:
7 "NEW PARAGRAPH. Optometrists presently licensed
8 in Iowa desiring to employ the use of diagnostic
9 agents shall have satisfactorily completed a
10 similar course in pharmacology as determined by
11 the board of optometry examiners in consultation
12 with the department of ophthalmology of the college
13 of medicine of the University of Iowa and the
14 college of pharmacy of the University of Iowa. The
15 facilities and instruction of such courses shall be
16 provided by the University of Iowa and the cost of
17 said courses shall be reimbursed to the University
18 of Iowa by participating optometrists."

MIDDLESWART of Warren
NIELSEN of Polk
STROMER of Hancock

H-3936

1 Amend the amendment, H-3833, to House File
2 148 as follows:
3 1. Page 1, line 22, by inserting after the
4 word "maintenance" the words ", including litter
5 removal,".

SPEAR of Lee

H-3952

1 Amend House File 463 as follows:

2 1. Page 4, by inserting after line 28 the
 3 following:
 4 "NEW SECTION. Effective July 1, 1979, there is
 5 established the state board for special education
 6 to be appointed by the governor with the approval
 7 of two-thirds of the members of the senate. The state
 8 board shall consist of fifteen members, one from each
 9 merged area of the state, appointed for four-year
 10 terms. The state board for special education shall
 11 establish policy for all special education programs
 12 in the state and shall be responsible for the
 13 administration of the Iowa braille and sight-saving
 14 school and the school for the deaf.
 15 The department of public instruction shall draft
 16 a plan for the orderly phaseout of the area education
 17 agency boards of directors and the establishment of
 18 a statewide administrative structure for providing
 19 policy for special education programs and services.
 20 The plan shall be submitted to the general assembly
 21 meeting in 1978."

BYERLY of Polk

H-3959

1 Amend House File 463 as follows:
 2 1. Page 1, by striking lines 16, 17, and 18 and
 3 inserting in lieu thereof the following:
 4 "subsection seven (7), of the Code. Section two hundred
 5 seventy-seven".

SCHROEDER of Pottawattamie

H-3969

1 Amend House File 491 as follows:
 2 1. Page 10, by striking lines 33 and 34 and
 3 inserting in lieu thereof the following: "agencies,
 4 ~~but this exemption shall not apply to or to any~~
 5 political subdivisions of this state."
 6 2. Page 11, by inserting after line 20 the
 7 following:
 8 "Sec. . Section three hundred twenty-four point
 9 thirty-five (324.35), Code 1977, is amended to read
 10 as follows:
 11 324.35 EXEMPTIONS. No tax is imposed under this
 12 division on special fuel used by the United States
 13 or any of its agencies or instrumentalities, but the
 14 tax on special fuel used or delivered into fuel supply

15 tanks of motor vehicles by any post exchange or
 16 concessionaire on any federal reservation in this
 17 state, to the extent permitted by federal law, shall
 18 be collected by the post exchange or concessionaire
 19 and paid to the department of revenue.

20 No tax is imposed under this division on special
 21 fuel used by the state of Iowa or any of its agencies,
 22 ~~but this exemption shall not apply to or used by~~
 23 political subdivisions of this state."

24 3. Renumber the sections and correct internal
 25 references as necessary in conformance with this
 26 amendment.

27 4. Amend the title, line 19, by inserting after
 28 the word "fund," the words "providing an exemption
 29 from fuel taxes for political subdivisions,".

ANDERSON of Jasper
 RINAS of Linn
 PONCY of Wapello
 HOWELL of Floyd
 DIELEMAN of Marion
 SVOBODA of Iowa
 PAVICH of Pottawattamie
 NORLAND of Worth
 PERKINS of Greene
 WYCKOFF of Benton
 AVENSON of Fayette
 HULLINGER of Decatur

DYRLAND of Clayton
 CUSACK of Scott
 KOGLER of Mahaska
 KRAUSE of Kossuth
 BINA of Scott
 DOYLE of Woodbury
 GRIFFEE of Chickasaw
 MILLER of Buchanan
 HUSAK of Tama
 SPEAR of Lee
 GILSON of Guthrie
 DUNTON of Keokuk

H-3972

1 Amend House File 567 as follows:
 2 1. Page 1, lines 6 and 7, by striking the words
 3 "elected or appointed" and inserting in lieu thereof
 4 the word "elected".
 5 2. Page 1, line 8, by striking the word "officer"
 6 and inserting in lieu thereof the word "officers".
 7 3. Page 1, by inserting after line 12 the follow-
 8 ing:
 9 "Sec. . Section three hundred thirty-two point
 10 forty (332.40), Code 1977, is amended to read as
 11 follows:
 12 332.40 CLAIMS PAID. Any claim for any error or
 13 omission of any elected county officer or any deputy,
 14 assistant or employee of the county relating to such
 15 matters, committed after ~~July 1, 1975~~ January 1, 1978,
 16 shall be processed in accordance with provisions of
 17 chapter 613A and paid from such fund, except that
 18 any payment of a claim, except a final judgment, in

19 excess of fifteen hundred dollars shall have the
 20 unanimous approval of all members of the state appeal
 21 board, the attorney general, and the district court
 22 of Polk county.

23 Sec. . Section three hundred thirty-two point
 24 forty-one (332.41), Code 1977, is amended to read
 25 as follows:

26 332.41 INSURANCE DEDUCTIBLE. If a final judgment
 27 is obtained against any ~~elected~~ county officer, or
 28 any deputies, assistants, or employees of the county
 29 for an act committed subsequent to ~~July 1, 1975~~ January
 30 1, 1978, which is payable from the county
 31 indemnification fund, the county attorney shall
 32 ascertain if any insurance policy exists indemnifying
 33 such persons against such judgment or any part thereof.
 34 If no insurance exists, or if the judgment exceeds
 35 the limits of such insurance the county attorney shall
 36 submit a claim to the state comptroller against the
 37 county indemnification fund on behalf of the plaintiff
 38 to the action for the amount of the judgment exceeding
 39 the amount recoverable by reason of such insurance.
 40 The state comptroller shall promptly issue a warrant
 41 payable to the plaintiff for such amount, and the
 42 treasurer of state shall pay the warrant. Such payment
 43 shall forever discharge such persons from any and
 44 all liability therefor."

45 4. By renumbering sections to conform to this
 46 amendment.

47 5. Amend the title, lines 1 and 2, by striking
 48 the words "conservation board members" and inserting
 49 in lieu thereof the words "officers and employees".

SPEAR of Lee

H-3973

1 Amend Senate File 336 as follows:

- 2 1. Page 1, line 1, by striking the words "A city".
- 3 2. Page 1, by striking lines 2 and 3.
- 4 3. Page 1, line 4, by striking the words "at a
 5 rate not to exceed seven percent," and inserting in
 6 lieu thereof the words "There is hereby imposed a
 7 tax of five percent".
- 8 4. Page 1, by striking lines 16 through 35 and
 9 inserting in lieu thereof the following:
- 10 "All revenues arising under the operation of the
 11 provisions of this section shall be credited to a
 12 "local transient guest tax fund" established by section
 13 two (2) of this Act."

- 14 5. Page 2, line 14, by striking the word "author-
15 ized" and inserting in lieu thereof the word "levied".
16 6. Title page, line 2, by striking the words "a
17 city or county" and inserting in lieu thereof the
18 words "the state".

BINA of Scott

H-3974

- 1 Amend Senate File 336 as follows:
2 1. Page 1, lines 1 and 2, by striking the words
3 "city or".
4 2. Page 1, line 2, by striking the words "by
5 ordinance of the city council or".
6 3. Page 1, by striking lines 16 through 22.
7 4. Title page, line 2, by striking the words "city
8 or".

BINA of Scott

H-3975

- 1 Amend Senate File 336 as follows:
2 1. Page 1, line 4, by striking the word "seven"
3 and inserting in lieu thereof the word "two".

BINA of Scott

H-3976

- 1 Amend the amendment H-3833, to House File 148 as
2 follows:
3 1. Page 1, by striking lines 25 and 26, and
4 inserting in lieu thereof the following: "harbors,
5 flood control banks and beds, parks, recreation areas,
6 and abandoned cemeteries or those cemeteries maintained
7 by a county, township, or city; clearing, maintaining
8 or".
9 2. Page 1, line 27, by inserting after the word
10 "lands" the words "or the operation of solid waste
11 recycling or heat producing projects".

SPEAR of Lee

H-3977

- 1 Amend amendment H-3951 to House File 491 as
2 follows:

- 3 1. Page 1, line 9 by adding after the word
 4 "landowners" the words "sufficient for their own use,".
 5 2. Page 1, by striking lines 11 through 48.
 6 3. Page 3, by striking lines 19 through 26.
 7 4. Page 3, by striking lines 30, 31, and 32
 8 and inserting in lieu thereof the following:
 9 "roads, and for".

WELDEN of Hardin
 VARLEY of Adair

H-3980

- 1 Amend the title to House File 491 as follows:
 2 1. By striking from lines 15 and 16 the words
 3 "to ten cents per gallon".
 4 2. By striking from lines 16 and 17 the words
 5 "to eleven and one-half cents per gallon".

HULLINGER of Decatur

H-3986

- 1 Amend House File 491, as follows:
 2 1. Page 3, line 2, by inserting after the word
 3 "streets" the words "and all bikeway and potential
 4 bikeway facilities".
 5 2. Page 3, line 7, by inserting after the word
 6 "jurisdiction" the words "and the study shall investi-
 7 gate the utility and feasibility of the constructions
 8 of bikeways in the state as an alternative or supple-
 9 ment to road construction and maintenance programs".
 10 3. Page 3, line 15, by inserting after the word
 11 "street" the words "and bikeway facility".
 12 4. Page 5, by inserting after line 29 the
 13 following:
 14 "Funds allocated to the primary road fund, the
 15 secondary road fund, the farm-to-market road fund, and
 16 to the streets construction fund of the cities, may be
 17 used to study, purchase right-of-way, construct and
 18 maintain bikeways which include shared facilities for
 19 motor vehicles and bicycles, pathways on a street or
 20 highway separated from a roadway by an open space or
 21 barrier, or separate pathways on public land. The
 22 jurisdiction receiving funds may expend such funds to
 23 prepare, print and distribute maps of the streets
 24 within the jurisdiction showing preferred routes to be

25 used by bicyclists on the streets for which such funds
 26 are appropriated."

HINES of Story
 LIPSKY of Linn

H-3991

- 1 Amend House File 491 as follows:
 2 1. Page 10, line 9, by striking the word
 3 "ten" and inserting in lieu thereof the words
 4 "eight and one-half".
 5 2. Page 11, line 7, by striking the words
 6 "eleven and one-half" and inserting in lieu
 7 thereof the word "ten".

WYCKOFF of Benton
 HANSEN of O'Brien
 HARVEY of Scott
 HULLINGER of Decatur

H-4005

- 1 Amend House File 491 as follows:
 2 1. Page 10, by inserting after line 4 the following:
 3 "Sec. . . . Section three hundred fourteen point
 4 twelve (314.12), Code 1977, is amended to read as follows:
 5 314.12 BORROW PITS—TOPSOIL PRESERVED. In the award
 6 of contracts for the construction, reconstruction, im-
 7 provement, repair or maintenance of any highway, the
 8 agency having charge of awarding such contracts shall
 9 require that when fill dirt, soil or other materials
 10 are to be removed from borrow pits for use in the
 11 project, adequate provision shall be made by agreement
 12 with the landowner for the restoration of the borrow
 13 pit area, either by removal and replacement of a minimum
 14 of eight inches of topsoil, or by however, if the land
 15 is not primarily used for agricultural purposes the
 16 agreement may provide for the fertilizing, mulching,
 17 reseeding or other appropriate measures to provide
 18 vegetative cover or prevent erosion in lieu of topsoil
 19 replacement."
 20 2. Renumber the sections to conform with this
 21 amendment.
 22 3. Amend the title, line 15, by inserting after the
 23 word "cities," the words "providing for the replacement
 24 of topsoil on highway construction borrow pits,".

HOWELL of Floyd

H-4012

- 1 Amend the Committee on Budget amendment H-3897
2 to House File 512 as follows:
- 3 1. Page 1, line 7, by striking the words and
4 figure "one million six hundred thousand (1,600,000)"
5 and inserting in lieu thereof the words and figure
6 "eight hundred thousand (800,000)".
- 7 2. Page 1, by striking lines 16 and 17 and insert—
8 ing in lieu thereof the words "provide public health
9 nursing service or visiting nurse".
- 10 3. Page 1, by striking lines 27, 28 and 29 and
11 inserting in lieu thereof the words "or any suitable
12 local governmental body to use the funds to expand
13 public health nursing or visiting nurse services."
- 14 4. Page 1, line 30, by striking the figure "22"
15 and inserting in lieu thereof the figure "27".
- 16 5. Page 1, line 34, by inserting after the word
17 "such" the words "contracts to replace, directly or
18 indirectly, funds previously received either from
19 taxes levied by the county or from other sources and
20 used to pay all or any part of the cost of a public
21 health nursing program or visiting nurses' services
22 maintained in that county".
- 23 6. Page 1, by inserting after line 34 the follow—
24 ing:
- 25 " . Page 3, by inserting after line 17 the
26 following new section:
- 27 "Sec. . There is appropriated from the general
28 fund of the state for the fiscal year beginning July
29 1, 1977 and ending June 30, 1978 to the department
30 of social services the sum of eight hundred thousand
31 (800,000) dollars or so much thereof as may be
32 necessary, to be used for the purpose of extending
33 the availability of homemaker—home health care ser—
34 vices to additional low-income elderly persons in
35 this state.
- 36 1. The department may retain not to exceed one
37 percent of the amount appropriated by this section,
38 to be used to pay the costs of administering this
39 section. The remainder shall be allocated for use
40 in the several counties of the state as follows:
- 41 a. One-fourth of the total amount to be allocated
42 shall be divided so that an equal amount is available
43 for use in each county in the state; and
- 44 b. Three-fourths of the total amount to be
45 allocated shall be divided so that the share available
46 for use in each county is proportionate to that
47 county's total population in relation to the total

- 48 population of the state.
 49 2. The department shall expend the money allocated.
 50 for use in each county under subsection one (1) of

Page 2

- 1 this section in the manner prescribed by this
 2 subsection:
 3 a. The department may use such funds to employ
 4 one or more persons to provide or assist in providing
 5 homemaker—home health care services to low-income
 6 elderly persons living in the county; or
 7 b. The department may contract with any suitable
 8 independent nonprofit agency to use funds available
 9 for use in the county under this subsection to
 10 establish or extend homemaker—home health care services
 11 to low-income elderly persons living in the county.
 12 c. Any expenditure by the department under
 13 paragraph a of this subsection shall be made only
 14 on condition that the department shall not, and any
 15 any contract entered into by the department under paragraph
 16 b of this subsection shall provide that the agency
 17 with which the contract is executed shall not, use
 18 any of the funds appropriated by this section to
 19 replace, directly or indirectly, funds previously
 20 received from any other source and used to pay all
 21 or any part of the cost of a homemaker—home health
 22 care program maintained in that county.
 23 3. The balance of those funds retained by the
 24 department for administrative purposes, as authorized
 25 by subsection one (1) of this section, which remains
 26 unexpended on June 30, 1978 shall revert to the general
 27 fund of the state as provided by section eight point
 28 thirty—three (8.33) of the Code. The other funds
 29 appropriated by this section shall remain available
 30 for use in the respective counties for which the funds
 31 have been allocated under subsection two (2) of this
 32 section, in accordance with all applicable requirements
 33 of this Act, during the fiscal year beginning July
 34 1, 1978 and ending June 30, 1979.

35 . Page 3, line 20, by inserting after the word
 36 "health" the words "and the department of social ser-
 37 vices, respectively,".

38 . Page 3, line 27, by striking the word "shall"
 39 and inserting in lieu thereof the words "and the
 40 department of social services shall jointly".

41 7. Page 1, by inserting after line 42 the follow-
 42 ing:

43 " . Title, line 1, by inserting after the word

44 "health" the words "and the department of social ser—
45 vices".

SCHROEDER of Pottawattamie

H-4013

1 Amend House File 112 as follows:

2 1. Page 1, by inserting after line 5 the
3 following new section:

4 "Sec. . Chapter one hundred twenty—three
5 (123), Code 1977, is amended by adding the following
6 new section:

7 **NEW SECTION. WARNING REQUIRED.** There shall
8 be posted in a conspicuous place in all state liquor
9 stores, establishments which hold a retail beer
10 permit and establishments which hold a liquor
11 control license, a warning notice of the harmful
12 effects of beer and alcoholic beverages which shall
13 read as follows:

14 Frequent substantial use of beer or alcoholic
15 beverages can lead to physical and psychological
16 dependence or addiction.

17 Extensive use of beer or alcoholic beverages
18 within a short period of time can be physically
19 damaging and even fatal.

20 The use of beer or alcoholic beverages in more
21 than minimal amounts can lead to intoxication and
22 impairment of the ability to operate automobiles
23 and intricate machinery.

24 Beer and alcoholic beverages cannot be
25 purchased legally by persons under nineteen years
26 of age. Persons who violate the provisions of
27 this section shall be subject to a civil penalty
28 of one hundred dollars for each day of continuing
29 violation."

DYRLAND of Clayton

H-4014

1 Amend House File 488 as follows:

2 1. Page 8 by striking lines 20 through 25 and
3 inserting in lieu thereof the words "established
4 pursuant to chapter 19A."

EGENES of Story

H-4015

- 1 Amend House File 488 as follows:
 2 1. Page 2, line 13, by striking the words
 3 "who regularly".
 4 2. Page 2, by striking all of line 14.
 5 3. Page 2, line 15, by striking the words "be
 6 limited to".

SMALLEY of Polk

H-4016

- 1 Amend Senate File 336 as follows:
 2 1. Page 2, by inserting after line 30 the follow-
 3 ing new section:
 4 "Sec. . NEW SECTION. REFUNDS. Before a city
 5 or county may repeal its hotel or motel tax, such city
 6 or county must notify in writing the director of reve-
 7 nue six months before the repeal of the hotel and
 8 motel tax. Upon receipt of written notice of the
 9 intended repeal, the director shall estimate the
 10 amount of refunds which may be authorized to businesses
 11 located in the city or county where the tax is to be
 12 repealed and shall notify the treasurer of state of
 13 such estimated amounts.
 14 Notwithstanding section two (2) of this Act, the
 15 treasurer of state upon notification of the estimated
 16 amounts shall withhold from remitting to the city or
 17 county of its share of the local transient guest tax
 18 fund an amount equal to the estimated amount of refund
 19 attributable to businesses located in the city or unin-
 20 corporated area of the county where the tax is to be
 21 repealed. The amount so withheld shall be kept by
 22 the treasurer in the fund until the statutes of limi-
 23 tations on refunds has run, the director has deter-
 24 mined that no refunds are owing or the city or county
 25 has provided appropriate security as determined by
 26 the director.
 27 If the funds withheld by the treasurer are insuf-
 28 ficient to meet all authorized refunds, such refunds
 29 shall be paid out of the state general fund and the
 30 director shall collect from the appropriate jurisdic-
 31 tion the amount of the refund paid out of the state
 32 general fund. The director is authorized to use any
 33 means available to collect such amounts including
 34 but not limited to the authority to withhold or order
 35 withheld a sufficient amount of any funds which the

- 36 appropriate jurisdiction is entitled to receive from
37 the state treasury under any other statute."

BINA of Scott

H-4017

- 1 Amend Senate File 336 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "tax." the words "If a county has imposed a hotel and
4 motel tax, a city within that county may also impose
5 a hotel and motel tax only if the county tax does not
6 apply to that city."

BINA of Scott

H-4018

- 1 Amend Senate File 336 as follows:
2 1. Page 1, line 4, by striking the words "to
3 exceed seven percent" and inserting in lieu thereof
4 the words "less than four percent nor more than
5 seven percent, imposed in increments of one percent".

BINA of Scott

H-4021

- 1 Amend House File 112 as follows:
2 1. Page 1, line 7, by striking the word "June"
3 and inserting in lieu thereof the word "August".

DYRLAND of Clayton

H-4022

- 1 Amend House File 112 as follows:
2 1. Page 1, line 7, by striking the figures
3 "1959" and inserting in lieu thereof the figures
4 "2959".

DYRLAND of Clayton

H-4023

- 1 Amend House File 455 as follows:
2 1. Page 1, line 4, by striking the words "or
3 the board of trustees of any township".
4 2. Page 1, lines 5 and 6, by striking the

- 5 words "respective jurisdictions" and inserting in
 6 lieu thereof the words "jurisdiction or within any
 7 township within their jurisdiction having a high
 8 density of residential homes,".
 9 3. Page 1, line 9, by inserting after the
 10 word "impoundment" the words ", except that the
 11 board may make an exception for a dog hunting with
 12 its owner or other individual."

SPEAR of Lee

H-4025

- 1 Amend House File 455 as follows:
 2 1. Page 1, by striking all of line 4 and insert—
 3 ing in lieu thereof the following: "of any county
 4 with a population over two hundred thousand (200,000)
 5 or the board of trustees of any township in a county
 6 with a population over two hundred thousand (200,000)
 7 may".

SCHROEDER of Pottawattamie
 PERKINS of Greene
 STROMER of Hancock
 AVENSON of Fayette
 TOFTE of Winneshiek

H-4034

- 1 Amend House File 546 as follows:
 2 1. Page 1, line 11, by striking the word "to"
 3 and inserting in lieu thereof the word "to".
 4 2. Page 1, line 12, by striking the word "be"
 5 and inserting in lieu thereof the word "be".

KRAUSE of Kossuth

H-4035

- 1 Amend Senate File 318, as amended and passed by
 2 the Senate, as follows:
 3 1. Page 1, line 5, by inserting after the num—
 4 ber "(502)," the words and number "seven hundred seven
 5 (707)."
 6 2. Page 1, line 6, by inserting after the num—
 7 ber "(709)," the words and number "seven hundred ten
 8 (710)."
 9 3. Page 3, by inserting after line 3 the follow—
 10 ing section:

11 "Sec. . . Section seven hundred seven (707):
 12 **SEC. 707. NEW SECTION. FETICIDE.** Any person
 13 who intentionally terminates a human pregnancy after
 14 the end of the second trimester of the pregnancy ~~where~~
 15 death of the fetus results commits feticide. Feticide
 16 is a class C felony.

17 Any person who attempts to intentionally terminate
 18 a human pregnancy after the end of the second trimester
 19 of the pregnancy where death of the fetus does not
 20 result commits attempted feticide. Attempted feticide
 21 is a class D felony.

22 This section shall not apply to the termination
 23 of a human pregnancy performed by a physician licensed
 24 in this state to practice medicine or surgery when
 25 in the best clinical judgment of the physician the
 26 termination is performed to preserve the life or
 27 health of the pregnant person or of the fetus and
 28 every reasonable medical effort not inconsistent with
 29 preserving the life of the pregnant person is made
 30 to preserve the life of the a viable fetus.

31 Any person who terminates a human pregnancy who
 32 is not a person licensed to practice medicine and
 33 surgery under the provisions of chapter one hundred
 34 forty-eight (148) of the Code, or an osteopathic
 35 physician and surgeon licensed to practice osteopathic
 36 medicine and surgery under the provisions of chapter
 37 one hundred fifty A (150A) of the Code, commits a
 38 class C felony."

39 4. Page 3, by striking lines 6 and 7 and insert—
 40 ing in lieu thereof the following sections:

41 "Sec. . . Section seven hundred nine (709):
 42 **SEC. 709. NEW SECTION. HOMICIDE MURDER OF FETUS**
 43 **ABORTED ALIVE.** A person who intentionally kills a
 44 viable fetus aborted alive ~~after the twentieth week~~
 45 of pregnancy shall be guilty of a class B felony.

46 Sec. . . Section seven hundred ten (710):
 47 **SEC. 710. NEW SECTION. DUTY TO PRESERVE THE LIFE**
 48 **OF THE FETUS.** ~~After the twentieth week of pregnancy,~~
 49 **a** A person who performs or induces a termination of
 50 a human pregnancy and who willfully fails to exercise

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1 that degree of professional skill, care, and diligence
 2 available to preserve the life and health of a viable
 3 fetus ~~showing significant, sustainable vital signs~~
 4 shall be guilty of a serious misdemeanor."

5 5. Page 8, by inserting after line 22 the follow—
 6 ing section:

- 7 "Sec. . Chapter one (1) is amended by adding
 8 the following new section after section two hundred
 9 nineteen (219):
 10 SEC. . NEW SECTION. VIABILITY. Viability is
 11 that stage of fetal development when the life of the
 12 unborn child may be continued indefinitely outside
 13 the womb by natural or artificial life support systems.
 14 The time when viability is achieved may vary with
 15 each pregnancy, and the determination of whether a
 16 particular fetus is viable is a matter of responsible
 17 medical judgment."
 18 6. By renumbering sections and correcting internal
 19 references as necessary.

BRUNOW of Appanoose
 BRANSTAD of Winnebago

H-4038

- 1 Amend House File 546 as follows:
 2 1. Page 1, line 9, by inserting after the
 3 word "organizations" the following: "receiving
 4 or applying for federal, state or local aid."
 5 2. Page 1, line 26, by striking the words
 6 "local or private aid" and inserting in lieu
 7 thereof the words "or local aid".

JUNKER of Woodbury

H-4039

- 1 Amend House File 546 as follows:
 2 1. Page 1, by striking lines 25 through 27 and
 3 inserting in lieu thereof the following: "ment of
 4 transportation."

DAGGETT of Adams

H-4041

- 1 Amend amendment H-4040 to Senate File 307 as
 2 follows:
 3 1. Page 1, line 10 by adding after the word
 4 "landowners" the words "sufficient for their own
 5 use,".
 6 2. Page 1, by striking lines 12 through 49.
 7 3. Page 3, by striking lines 18 through 28.
 8 4. Page 3, by striking lines 33, 34 and 35

- 9 and inserting in lieu thereof the following:
10 "roads and secondary access roads."

WELDEN of Hardin
VARLEY of Adair

H-4044

- 1 Amend Senate File 213, as amended, passed, and
2 reprinted by the Senate, page 3, line 30, by striking
3 the words "from Polk county" and inserting in lieu
4 thereof the words "~~from Polk county~~ whose home resi-
5 dences are located within twenty-five miles of the
6 statehouse by the nearest traveled route".

SPEAR of Lee

H-4045

- 1 Amend Senate File 145, as passed by the
2 Senate and reprinted, as follows:
3 1. Page 1, line 16, by inserting after the
4 first word "the" the words "comparative values
5 of the".
6 2. Page 1, line 23, by inserting after the
7 word "the" the words "comparative values of the".

MONROE of Des Moines

H-4047

- 1 Amend the Committee on Human Resources amendment
2 H-3642 to Senate File 112 as follows:
3 1. Page 1, by striking lines 5 through 10 and
4 inserting in lieu thereof the following:
5 "6. "Local program unit" means a unit of the
6 district department serving a multi-county geographic
7 area.
8 7. "Local program unit advisory committee" means
9 a committee which shall act in an".
10 2. Page 1, line 13, by striking the word "project"
11 and inserting in lieu thereof the words "local program
12 unit".
13 3. Page 1, line 14, by striking the word "project"
14 and inserting in lieu thereof the words "local program
15 unit".
16 4. Page 1, line 15, by striking the word "project"
17 and inserting in lieu thereof the words "local program
18 unit".

- 19 5. Page 1, line 17, by striking the word "project"
 20 and inserting in lieu thereof the words "local program
 21 unit".
- 22 6. Page 1, line 20, by striking the word "project"
 23 and inserting in lieu thereof the words "local program
 24 unit".
- 25 7. Page 1, line 24, by striking the word "project"
 26 and inserting in lieu thereof the words "local program
 27 unit".
- 28 8. Page 1, line 25, by striking the word "project"
 29 and inserting in lieu thereof the words "local program
 30 unit".
- 31 9. Page 1, line 26, by inserting after the period
 32 the words "In each judicial district there shall be
 33 at least one and no more than four local program unit
 34 advisory committees. The number of local program
 35 unit advisory committees shall be determined by the
 36 number of local program units necessary to provide
 37 optimum services by the district department on a
 38 geographic basis."
- 39 10. Page 1, line 40, by striking the word "project"
 40 and inserting in lieu thereof the words "local program
 41 unit".
- 42 11. Page 1, line 42, by striking the word "project"
 43 and inserting in lieu thereof the words "local program
 44 unit".
- 45 12. Page 1, by striking lines 44 through 48.
- 46 13. Page 2, by striking lines 17 and 18 and insert—
 47 ing in lieu thereof the words "possible among
 48 supervisor members and local program unit advisory
 49 committee members."
- 50 14. Page 2, by striking lines 43 and 44 and insert—

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- 1 ing in lieu thereof the words "appointed from a local
 2 program unit advisory committee shall have a weight
 3 of".

GARRISON of Black Hawk
 MILLER of Buchanan
 BAKER of Buena Vista

H-4050

- 1 Amend Senate File 167 as follows:
 2 1. Page 27, by inserting after line 15 the
 3 following:
 4 "Sec. . Section three hundred twenty-one point

5 four hundred seventy—three (321.473), Code 1977, is
6 amended by adding the following new unnumbered
7 paragraphs:

8 **NEW UNNUMBERED PARAGRAPH.** A railroad corporation
9 or its employees shall not operate any train in such
10 a manner as to prevent vehicular use of any highway,
11 street or alley for a period of time in excess of
12 five minutes except:

13 1. When necessary to comply with signals affecting
14 the safety of the movement of trains.

15 2. When necessary to avoid striking any object
16 or person on the track.

17 3. When the train is disabled.

18 4. When necessary to comply with governmental
19 safety regulations.

20 **NEW UNNUMBERED PARAGRAPH.** Any officer or employee
21 of a railroad corporation violating any provision
22 of this section shall, upon conviction be subject
23 to the penalty provided in section 327G.14. An
24 employee shall not be guilty of such violation if
25 his action was necessary to comply with the direct
26 order or instructions of a railroad corporation or
27 its supervisors.

28 **NEW UNNUMBERED PARAGRAPH.** The provisions of this
29 section notwithstanding, a political subdivision may
30 pass a resolution or ordinance regulating the
31 obstruction of a road or alley at a railroad grade
32 crossing if the political subdivision demonstrates
33 such a resolution or ordinance is necessary for public
34 safety or convenience. If such a resolution or
35 ordinance is passed the political subdivision shall
36 immediately notify the board and the railroad
37 corporation using the crossing affected by the
38 resolution or ordinance. The resolution or ordinance
39 shall become effective thirty days after such
40 notification unless a person files an objection to
41 the resolution or ordinance with the board. If an
42 objection is filed the board shall hold a hearing
43 according to the rules established by the board.
44 The board may disapprove the resolution or ordinance
45 if public safety or convenience does not require such
46 a resolution or ordinance. The resolution or ordinance
47 approved by the political subdivision shall be prima
48 facie evidence that the resolution or ordinance is
49 adopted to preserve public safety, health and
50 convenience. Public safety or convenience may include,

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- 1 but shall not be limited to, high traffic density
 2 at a specific crossing of a main artery or interference
 3 with the flow of authorized emergency vehicles.
 4 NEW UNNUMBERED PARAGRAPH. Political subdivisions
 5 shall notify the board within sixty days of the
 6 effective date of this Act, of each existing resolution
 7 or ordinance which does not conform with the provisions
 8 of this section. Such ordinances or resolutions may
 9 remain in effect until the board has acted upon each
 10 ordinance or resolution under the procedures specified
 11 in this section.”
- 12 2. Page 31, line 8, by striking the word “and”.
 13 3. Page 31, line 9, by inserting after the figure
 14 “(321.188),” the words and figure “and three hundred
 15 twenty-seven G point thirty-two (327G.32),”.
- 16 4. Renumber section and correct internal references
 17 as necessary.
- 18 5. Amend the title, page 1, line 24, by inserting
 19 after the word “turns,” the words “obstructing roads
 20 and alleys at railroad grade crossings,”.

SCHROEDER of Pottawattamie

H-4051

- 1 Amend Senate File 167, as passed and reprinted
 2 by the Senate, as follows:
 3 1. Page 20, by striking lines 30 through 35.
 4 2. Page 21, by striking lines 1 through 11.
 5 3. Amend the title page, by striking from
 6 lines 16 and 17 the following:
 7 “an increase in the portion of the registra—
 8 tion fee retained by the county treasurer,”.

WELDEN of Hardin
 MILLEN of Van Buren

H-4052

- 1 Amend Senate File 167, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 25, by inserting after line 32 the follow—
 4 ing new section:
 5 “Sec. . Section three hundred twenty-one point
 6 three hundred forty-two (321.342), Code 1977, is
 7 amended by adding the following new unnumbered
 8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. A city or county shall
 10 be required to post suitable standard signs at each
 11 railroad crossing to warn the motorist that the
 12 motorist is approaching a railroad crossing. Upon
 13 properly posting all railroad crossings within the
 14 corporate limits of the city or county, the city or
 15 county shall not have any other affirmative duty to
 16 warn a motor vehicle operator approaching or at the
 17 railroad crossing."

18 2. Amend the title, line 24, by inserting after
 19 the word "turns," the words "posting of railroad
 20 crossings by cities and counties,".

SCHROEDER of Pottawattamie

H-4054

1 Amend Senate File 167, as amended, passed and
 2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 15 the
 4 following:

5 "Sec. Section three hundred twenty-one point
 6 four hundred ninety-four (321.494), Code 1977, is
 7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. However, the owner or operator
 9 of a carpool or vanpool as defined in this Act shall
 10 not be liable unless damage is caused as a result
 11 of the driver of the carpool or vanpool being under
 12 the influence of an alcoholic beverage, a narcotic,
 13 hypnotic or other drug, or any combination of such
 14 substances, or because of the reckless operation of
 15 the carpool or vanpool vehicle by the operator."

16 2. Page 32, by inserting after line 1 the follow-
 17 ing:

18 "Sec. The legislature finds that to pre-
 19 serve increasingly scarce natural resources of
 20 petroleum products, and to encourage a cooperative
 21 effort from the public to share the costs incurred
 22 to transport individuals in transportation facili-
 23 ties to and from work, it is in the interest of the
 24 health, safety, and welfare of the state to adopt
 25 the provisions of the new paragraph added by this
 26 amendment."

DAVITT of Warren

H-4055

1 Amend amendment H-4050 to Senate File 167 as
2 follows:

3 1. Page 1, by striking lines 2 through 50.

4 2. Page 2, by striking lines 1 through 20 and
5 inserting in lieu thereof the following:

6 "Page 30, by inserting after line 34 the following:

7 Sec. . Section three hundred twenty-seven G
8 point thirty-two (327G.32), Code 1977, is amended
9 to read as follows:

10 327G.32 BLOCKING HIGHWAY CROSSING. A railroad
11 corporation or its employees shall not operate any
12 train in such a manner as to prevent vehicular use
13 of any highway, street or alley for a period of time
14 in excess of ten minutes except:

15 1. When necessary to comply with signals affect=
16 ing the safety of governing the movement of trains.

17 2. When necessary to avoid striking any object
18 or person on the track.

19 3. When the train is disabled.

20 4. When the train is in forward motion except
21 while engaged in switching operations. This excep-
22 tion shall not apply to switching operations.

23 ~~5. When there is no vehicular traffic waiting
24 to use the crossing.~~

25 ~~6. 5. When necessary to comply with governmental
26 safety regulations including, but not limited to,
27 speed ordinances and speed regulations.~~

28 Any officer or employee of a railroad corporation
29 violating any provision of this section shall, upon
30 conviction be subject to the penalty provided in
31 section 327G.14. An employee shall not be guilty
32 of such violation if his action was necessary to
33 comply with the direct order or instructions of a
34 railroad corporation or its supervisors. Such guilt
35 shall then be with the railroad corporation.

36 The provisions of this section notwithstanding,
37 a political subdivision may pass a resolution or
38 ordinance regulating the length of time a specific
39 crossing may be blocked if the political subdivision
40 demonstrates such a resolution or ordinance is
41 necessary for public safety or convenience. If such
42 a resolution or ordinance is passed the political
43 subdivision shall ~~immediately~~ within thirty days of
44 the effective date of the resolution or ordinance
45 notify the board and the railroad corporation using
46 the crossing affected by the resolution or ordinance.
47 The resolution or ordinance shall not become effective

48 unless the board and the railroad corporation are
 49 notified within thirty days. The resolution or

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1 ordinance shall become effective thirty days after
 2 such notification unless a person files an objection
 3 to the resolution or ordinance with the board. If
 4 an objection is filed the board shall hold a hearing
 5 according to the rules established by the board.
 6 The board may disapprove the resolution or ordinance
 7 if public safety or convenience does not require such
 8 a resolution or ordinance. The resolution approved
 9 by the political subdivision shall be prima facie
 10 evidence that the resolution is adopted to preserve
 11 public safety or convenience, which may be rebutted
 12 by a showing that the resolution or ordinance would
 13 significantly impair the railroad operations. Public
 14 safety or convenience may include, but shall not be
 15 limited to, high traffic density at a specific crossing
 16 of a main artery or interference with the flow of
 17 authorized emergency vehicles.

18 Political subdivisions shall notify the board
 19 within sixty days of the effective date of this Act,
 20 of each existing resolution or ordinance which does
 21 not conform with the provisions of this section.
 22 Failure to notify the board by January 1, 1978 shall
 23 render the resolution or ordinance void.

24 Such ordinances or resolutions may remain in effect
 25 until the board has acted upon each ordinance or
 26 resolution under the procedures specified in this
 27 section."

KRAUSE of Kossuth

H-4056

1 Amend amendment H-4052, to Senate File 167, as
 2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 through 20 and
 4 inserting in lieu thereof the following:

5 " . Page 1, by inserting after line 18 the
 6 following:

7 "Sec. . Section three hundred seven point
 8 twenty-six (307.26), subsection five (5), Code 1977,
 9 is amended to read as follows:

10 5. Advise and assist the director in the conduct
 11 of research on railroad-highway grade crossings and
 12 encourage and develop a safety program in order to

13 reduce injuries or fatalities including, but not
 14 limited to, the following:

15 a. The implementation of a program of construction
 16 rumble strips at grade crossings on hard surface
 17 roads.

18 b. The establishment of minimum standards for
 19 warning and safety devices for specific crossings
 20 and for classes of crossings on highways which reflect
 21 the feasibility of construction, technological
 22 innovations, traffic volume and other factors designed
 23 to reduce injuries, fatalities and property damage.
 24 Such standards shall regulate the use of warning
 25 devices and signs which shall be in addition to the
 26 requirements of section three hundred twenty-seven
 27 G point two (327G,2) of the Code. Implementation
 28 of such standards shall be the responsibility of the
 29 jurisdiction having control of the highway. The
 30 implementation of such standards shall constitute
 31 completion of the affirmative duty to warn a motor
 32 vehicle operator approaching or at a railroad crossing.

33 c. Development of such data as necessary to eval-
 34 uate grade crossings and grade crossing safety."

35 . Page 25, by inserting after line 32 the
 36 following:

37 "Sec. . Section three hundred twenty-one point
 38 three hundred forty-two (321.342), Code 1977, is
 39 amended to read as follows:

40 321.342 STOP AT CERTAIN RAILROAD CROSSINGS. ~~The~~
 41 ~~department with reference to primary highways and~~
 42 ~~local authorities with reference to other highways~~
 43 ~~under their jurisdiction are each hereby authorized~~
 44 ~~to designate particularly dangerous highway grade~~
 45 ~~crossings of railroads, and to install rumble strips,~~
 46 ~~or to erect stop signs thereat. When such stop signs~~
 47 ~~are erected at a railroad-highway grade crossing,~~
 48 ~~the driver of any vehicle shall stop within fifty~~
 49 ~~feet but not less than ten feet from the nearest track~~
 50 ~~of such grade crossing and shall proceed only upon~~

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1 exercising due care."

2 . Amend the title, page 1, line 21, by inserting
 3 after the word "license," the words "the establishment
 4 of certain railroad safety requirements,"

5 . Renumber the sections as necessary."

H-4057

1 Amend Senate File 167, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 25, by inserting after line 32 the follow-
4 ing new section:

5 "Sec. . Section three hundred twenty-one point
6 three hundred forty-two (321.342), Code 1977, is
7 amended by adding the following new unnumbered
8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. The department, city,
10 or county shall be required to post the standard sign
11 as prescribed by the manual on uniform traffic control
12 devices adopted by the department pursuant to section
13 three hundred twenty-one point two hundred fifty-two
14 (321.252) of the Code in advance of each railroad
15 grade crossing to warn the motorist that he or she
16 is approaching a railroad grade crossing. Upon
17 properly posting all railroad grade crossings within
18 the corporate limits of the city or county, the
19 department, city, or county shall not have any other
20 affirmative duty to warn a motor vehicle operator
21 approaching or at the railroad grade crossing."

22 2. Amend the title, line 24, by inserting after
23 the word "turns," the words "posting of railroad grade
24 crossings by cities and counties,".

SCHROEDER of Pottawattamie
BRUNOW of Appanoose

H-4061

1 Amend Senate File 167 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 22, by striking lines 33 through 35.

4 2. Page 23, by striking lines 1 through 10

5 and inserting in lieu thereof the following:

6 ~~"2. YOUTHS NOT ATTENDING SCHOOL—NO DRIVER'S~~
7 ~~TRAINING REQUIRED. Any person under the age of~~
8 ~~eighteen who is not attending a public or private~~
9 ~~school in which an approved driver's education~~
10 ~~course is offered or available, shall not be~~
11 ~~required to complete an approved driver's education~~
12 ~~course prior to being entitled to receive a one~~
13 ~~year probationary operator's license from the~~
14 ~~department. Any person who re-enters any private~~
15 ~~or public school prior to age eighteen shall be~~
16 ~~required to attend an approved driver's education~~
17 ~~course; however, the department shall not suspend~~

18 or revoke the motor vehicle license issued to the
19 person prior to the person's re-entry into a
20 public or private school, except for violations
21 of this chapter."

PATCHETT of Johnson
DYRLAND of Clayton
KREWSON of Polk

H-4062

1 Amend House File 586 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section four hundred forty-one point
5 seventeen (441.17), Code 1977, is amended by striking
6 subsection one (1) and inserting in lieu thereof the
7 following:
8 1. Devote full time to the duties of the office
9 and not engage in any occupation or business inter-
10 fering or inconsistent with the duties of the office
11 of assessor."

SPEAR of Lee

H-4063

1 Amend Senate File 213 as follows:
2 1. Page 5, by inserting after line 16 the
3 following new section:
4 "Sec. . Section three (3) of this act shall
5 not be effective until such time as the General
6 Assembly adopts by concurrent resolution, the
7 following:
8 Members of the General Assembly shall not accept
9 at any time anything of monetary value from any
10 registered lobbyist acting on behalf of that registered
11 lobbyist or on behalf of an organization, corporation,
12 association or individual such registered lobbyist
13 represents seeking thereby to influence the defeat,
14 passage, or modification of legislation or the conduct
15 of the member in the performance of official duties.
16 On any session day, members shall not accept
17 anything of monetary value from any organization,
18 corporation, association or individual represented by
19 a registered lobbyist seeking thereby to influence
20 the defeat, passage, or modification of legislation
21 or the conduct of the member in the performance of
22 official duties.

- 23 For the purpose of this section, the receipt
 24 of information by a member of the General Assembly
 25 from a lobbyist does not constitute the acceptance
 26 of a thing of monetary value."

HINES of Story

H-4065

- 1 Amend amendment H-4049 to Senate File 167 by
 2 striking lines 5 through 24 and inserting in lieu
 3 thereof the following:
 4 Sec. . Section three hundred twenty-one point
 5 four hundred fifty-four (321.454), Code 1977, is
 6 amended by adding the following new unnumbered para-
 7 graph:
 8 **NEW UNNUMBERED PARAGRAPH.** A bus having a total
 9 outside width not exceeding eight feet six inches,
 10 exclusive of safety equipment, shall be exempt from
 11 the permit requirements of chapter three hundred twenty-
 12 one E (321E) of the Code and may be operated as follows:
 13 1. For providing urban transit services, subject
 14 to the limitations provided in subsection two (2) of
 15 this section.
 16 2. On public highways where the roadway is not
 17 less than twenty feet in width to provide intercity
 18 transportation services in or through the state.

KRAUSE of Kossuth

H-4066

- 1 Amend House File 590 as follows:
 2 1. Page 12, by inserting after line 19 the
 3 following section:
 4 "Sec. . Section two hundred eighty point
 5 thirteen (280.13), Code 1977, is amended to read as
 6 follows:
 7 **280.13 REQUIREMENTS FOR INTERSCHOLASTIC CONTESTS**
 8 **AND COMPETITIONS.** No public school shall participate
 9 in or allow students representing a public school
 10 to participate in any extracurricular interscholastic
 11 contest or competition which is sponsored or
 12 administered by an organization as defined in this
 13 section, unless the organization is registered with
 14 the state department of public instruction, files
 15 financial statements with the state department in
 16 the form and at the intervals prescribed by the state

- 17 board of public instruction, and is in compliance
 18 with rules and regulations which the state board of
 19 public instruction shall adopt for the proper
 20 administration, supervision, operation, adoption of
 21 eligibility requirements, and scheduling of such
 22 extracurricular interscholastic contests and
 23 competitions and such organizations. Rules shall
 24 be adopted by the state board requiring that boys
 25 basketball be played with six players on a team playing
 26 according to rules adopted by the Iowa girls high
 27 school athletic union. For the purposes of this section
 28 "organization" means any corporation, association,
 29 or organization which has as one of its primary
 30 purposes the sponsoring or administration of
 31 extracurricular interscholastic contests or
 32 competitions, but shall not include an agency of this
 33 state, a public or private school or school board,
 34 or an athletic conference or other association whose
 35 interscholastic contests or competitions do not include
 36 more than twenty schools."
 37 2. By numbering and renumbering sections as
 38 necessary.

PATCHETT of Johnson
 GILSON of Guthrie
 KREWSON of Polk
 RINAS of Linn

H-4067

- 1 Amend amendment H-3804 to Senate File 167 as
 2 follows:
 3 1. Page 7, by inserting after line 27 the
 4 following:
 5 "Page 30, by inserting after line 34 the following:
 6 Sec. . . . Section three hundred twenty-seven G
 7 point thirty-two (327G.32), Code 1977, is amended
 8 to read as follows:
 9 327G.32 BLOCKING HIGHWAY CROSSING. A railroad
 10 corporation or its employees shall not operate any
 11 train in such a manner as to prevent vehicular use
 12 of any highway, street or alley for a period of time
 13 in excess of ten minutes except:
 14 1. When necessary to comply with signals affect-
 15 ~~ing the safety of governing~~ the movement of trains.
 16 2. When necessary to avoid striking any object
 17 or person on the track.
 18 3. When the train is disabled.
 19 4. When the train is in forward motion except

20 ~~while engaged in switching operations. This excep-~~
21 ~~tion shall not apply to switching operations.~~

22 ~~5. When there is no vehicular traffic waiting~~
23 ~~to use the crossing.~~

24 6.5. When necessary to comply with governmental
25 safety regulations including, but not limited to,
26 speed ordinances and speed regulations.

27 Any officer or employee of a railroad corporation
28 violating any provision of this section shall, upon
29 conviction be subject to the penalty provided in
30 section 327G.14. An employee shall not be guilty
31 of such violation if his action was necessary to
32 comply with the direct order or instructions of a
33 railroad corporation or its supervisors. Such guilt
34 shall then be with the railroad corporation.

35 The provisions of this section notwithstanding,
36 a political subdivision may pass a resolution or
37 ordinance regulating the length of time a specific
38 crossing may be blocked if the political subdivision
39 demonstrates such a resolution or ordinance is
40 necessary for public safety or convenience. If such
41 a resolution or ordinance is passed the political
42 subdivision shall immediately within thirty days of
43 the effective date of the resolution or ordinance
44 notify the board and the railroad corporation using
45 the crossing affected by the resolution or ordinance.
46 The resolution or ordinance shall not become effective
47 unless the board and the railroad corporation are
48 notified within thirty days. The resolution or

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1 ordinance shall become effective thirty days after
2 such notification unless a person files an objection
3 to the resolution or ordinance with the board. If
4 an objection is filed the board shall hold a hearing
5 according to the rules established by the board.
6 The board may disapprove the resolution or ordinance
7 if public safety or convenience does not require such
8 a resolution or ordinance. The resolution approved
9 by the political subdivision shall be prima facie
10 evidence that the resolution is adopted to preserve
11 public safety or convenience, which may be rebutted
12 by a showing that the resolution or ordinance would
13 significantly impair the railroad operations. Public
14 safety or convenience may include, but shall not be
15 limited to, high traffic density at a specific crossing
16 of a main artery or interference with the flow of
17 authorized emergency vehicles.

18 Political subdivisions shall notify the board
 19 within sixty days of the effective date of this Act,
 20 of each existing resolution or ordinance which does
 21 not conform with the provisions of this section.
 22 Failure to notify the board by January 1, 1978 shall
 23 render the resolution or ordinance void.

24 Such ordinances or resolutions may remain in effect
 25 until the board has acted upon each ordinance or
 26 resolution under the procedures specified in this
 27 section.”

KRAUSE of Kossuth

H-4069

1 Amend amendment H-4057 to Senate File 167, as
 2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 through 24 and
 4 inserting in lieu thereof the following:

5 “ . Page 1, by inserting after line 18 the
 6 following:

7 “Sec. . Section three hundred seven point
 8 twenty-six (307.26), subsection five (5), Code 1977,
 9 is amended to read as follows:

10 5. Advise and assist the director in the conduct
 11 of research on railroad-highway grade crossings and
 12 encourage and develop a safety program in order to
 13 reduce injuries or fatalities including, but not
 14 limited to, the following:

15 a. The implementation of a program of construction
 16 rumble strips at grade crossings on hard surface
 17 roads.

18 b. The establishment of minimum standards for
 19 warning and safety devices for specific crossings
 20 and for classes of crossings on highways which reflect
 21 the feasibility of construction, technological
 22 innovations, traffic volume and other factors designed
 23 to reduce injuries, fatalities and property damage.
 24 Such standards shall regulate the use of warning
 25 devices and signs which shall be in addition to the
 26 requirements of section three hundred twenty-seven
 27 G point two (327G.2) of the Code. Implementation
 28 of such standards shall be the responsibility of the
 29 jurisdiction having control of the highway. The
 30 implementation of such standards shall constitute
 31 completion of the affirmative duty to warn a motor
 32 vehicle operator approaching or at a railroad crossing.
 33 The department may direct the installation of temporary
 34 protection in the interim of or awaiting installation

35 of permanent protection.

36 c. Development of such data as necessary to eval-
37 uate grade crossings and grade crossing safety."

38 . Page 25, by inserting after line 32 the
39 following:

40 "Sec. . Section three hundred twenty-one point
41 three hundred forty-two (321.342), Code 1977, is
42 amended to read as follows:

43 321.342 STOP AT CERTAIN RAILROAD CROSSINGS. The
44 ~~department with reference to primary highways and~~
45 ~~local authorities with reference to other highways~~
46 ~~under their jurisdiction are each hereby authorized~~
47 ~~to designate particularly dangerous highway grade~~
48 ~~crossings of railroads, and to install rumble strips,~~
49 ~~or to erect stop signs thereat. When such stop signs~~
50 are erected at a railroad-highway grade crossing,

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1 the driver of any vehicle shall stop within fifty
2 feet but not less than ten feet from the nearest track
3 of such grade crossing and shall proceed only upon
4 exercising due care."

5 . Amend the title, page 1, line 21, by inserting
6 after the word "license," the words "the establishment
7 of certain railroad safety requirements,".

8 . Renumber the sections as necessary."

KRAUSE of Kossuth

H-4070

1 Amend amendment H-3804, to Senate File 167, as
2 amended, passed and reprinted by the Senate as follows:

3 1. Strike page 3, line 37 through page 4, line
4 49, and insert in lieu thereof the following:

5 " . Strike page 22, line 30 through page 23,
6 line 10 and insert in lieu thereof the following:

7 "Sec. . Section three hundred twenty-one point
8 one hundred seventy-seven (321.177), subsection one
9 (1), Code 1977, is amended to read as follows:

10 1. To any person, as an operator, who is under
11 the age of sixteen years; provided that, effective
12 August 1, 1966, the department shall not issue a
13 license to any person, as an operator, who is under
14 the age of seventeen years and effective August 1,
15 1967, the department shall not issue a license to
16 any person, as an operator, who is under the age of
17 eighteen years, without his first having successfully

18 ~~completed an approved driver education course, in~~
 19 ~~which case, the minimum age shall be sixteen years.~~
 20 However, the department may issue a restricted license
 21 as provided in section 321.194, or an instruction
 22 permit as provided in section 321.180, to any person
 23 who is at least fourteen years of age. The department
 24 may issue a license restricted only for use for
 25 motorized bicycles as provided in section 321.189,
 26 subsection 2, to any person fourteen years of age
 27 or older ~~who has successfully completed an approved~~
 28 ~~driver's education course established by the department~~
 29 ~~of public instruction to acquaint the motorized bicyclee~~
 30 ~~operator with the rules of the road.~~

31 Sec. . Section three hundred twenty-one point
 32 one hundred seventy-eight (321.178), subsection one
 33 (1), Code 1977, is amended to read as follows:

34 1. APPROVED COURSE. An approved driver education
 35 course as programmed by the department of public
 36 instruction shall consist of at least thirty clock
 37 hours of classroom instruction, and six or more clock
 38 hours of laboratory instruction of which at least
 39 three clock hours shall consist of street or highway
 40 driving.

41 ~~Every public school district in Iowa shall offer~~
 42 ~~or make available to all students residing in the~~
 43 ~~school district or Iowa students attending a nonpublic~~
 44 ~~school in the district an approved course in driver~~
 45 ~~education. Said Driver education courses when offered~~
 46 may be offered at sites other than at the public
 47 school, including nonpublic school facilities within
 48 the public school districts. An approved course
 49 offered during the summer months, on Saturdays, after
 50 regular school hours during the regular terms or

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1 partly in one term or summer vacation period and
 2 partly in the succeeding term or summer vacation
 3 period, as the case may be, shall satisfy the
 4 requirements of this section to the same extent as
 5 an approved course offered during the regular school
 6 hours of the school term. A student who successfully
 7 completes and obtains certification in an approved
 8 course in driver education may, upon proof of such
 9 fact, be excused from any field test which he would
 10 otherwise be required to take in demonstrating his
 11 ability to operate a motor vehicle.

12 "Student," for purposes of this section, means
 13 any person between the ages of fifteen years and

14 twenty-one years who resides in the public school
 15 district and who satisfies the preliminary licensing
 16 requirements of the department or any person between
 17 fourteen and twenty-one years of age who resides in
 18 the public school district, who satisfies the
 19 preliminary licensing requirements of the department
 20 for operation of a motorized bicycle ~~and who is~~
 21 ~~enrolled in an approved driver education course for~~
 22 ~~the purpose of qualifying for a motorized bicycle~~
 23 ~~license as provided for in section 321.189, subsection~~
 24 ~~2.~~

25 ~~Any person who successfully completes an approved~~
 26 ~~driver education course at a private or commercial~~
 27 ~~driver education school licensed by the department;~~
 28 ~~shall likewise be eligible for an operator's license~~
 29 ~~at the age of sixteen years, providing the instructor~~
 30 ~~in charge of the student's training has satisfied~~
 31 ~~the educational requirements for a teaching certificate~~
 32 ~~at the secondary level and holds a valid certificate~~
 33 ~~to teach driver education in the public schools of~~
 34 ~~Iowa.~~

35 Sec. . Section three hundred twenty-one point
 36 one hundred seventy-eight (321.178), subsections two
 37 (2) and three (3), Code 1977, are amended by striking
 38 the subsections." "

PATCHETT of Johnson

H-4072

1 Amend amendment H-3804, to Senate File 167 as
 2 passed by the Senate and reprinted, as follows:
 3 1. Page 7, line 11, by inserting after the
 4 period the following: The department shall not
 5 issue an annual special permit for a particular
 6 vehicle unless prior approval has been given by
 7 the county engineer of the county in which the
 8 vehicle will be operated."

SMALL of Johnson
 KRAUSE of Kossuth

H-4074

1 Amend House File 488 as follows:
 2 1. Page 3, by inserting after line 10 the follow-
 3 ing:
 4 "Sec. . Section twenty point seven (20.7),
 5 Code 1977, is amended by adding the following new

6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 8 provisions of section nine (9) of this Act, a public
 9 employer shall not be required to negotiate any matter
 10 of employment policy which policy is specifically
 11 provided for in the Code."

MENKE of O'Brien

H-4075

1 Amend House File 488 as follows:
 2 1. Page 8, line 25, by inserting after the period
 3 the words "However the procedures of chapter two
 4 hundred seventy-nine (279) of the Code shall apply
 5 to employees enumerated in section two hundred seventy-
 6 nine point thirteen (279.13), subsection one (1),
 7 unnumbered paragraph one (1), of the Code, and such
 8 procedures shall not be replaced or modified by a
 9 collective bargaining agreement and such actions shall
 10 not be subject to a grievance procedure."

MENKE of O'Brien

H-4076

1 Amend House File 595 as follows:
 2 1. Page 5, by striking lines 11 through 23.

BRANSTAD of Winnebago

H-4088

1 Amend House File 594 as follows:
 2 1. Page 10, by striking lines 29 through 35.
 3 2. By striking pages 11 and 12.
 4 3. Page 13, by striking lines 1 through 32.

WELDEN of Hardin

H-4091

1 Amend Rule 34.1 of the Permanent Rules of the House
 2 as follows:
 3 1. By adding the following new unnumbered paragraphs:
 4 "NEW UNNUMBERED PARAGRAPH. However, committee
 5 amendments shall only take precedence in sections of
 6 the bill being amended by the committee amendment.
 7 NEW UNNUMBERED PARAGRAPH. If a committee amendment

8 strikes everything after the enacting clause from the
 9 original bill, the committee amendment shall be con-
 10 sidered as if it were a bill and is eligible to have
 11 amendments and amendments to the amendments filed to
 12 it."

MILLER of Buchanan

H-4095

1 Amend House File 590 as follows:
 2 1. Page 1, by inserting after line 7 the follow-
 3 ing section:
 4 "Sec. . Section two hundred fifty-seven point
 5 twenty-five (257.25), subsection six (6), paragraph
 6 i, Code 1977, is amended to read as follows:
 7 i. Units or partial units in the fine arts shall
 8 be taught offered which may shall include art, music
 9 and dramatics one unit of art, one-fourth unit of
 10 vocal music, and one-fourth unit of instrumental
 11 music."
 12 2. By numbering and renumbering sections as
 13 necessary.

SPEAR of Lee

H-4096

1 Amend House File 590 as follows:
 2 1. Page 1, by inserting before line 1 the follow-
 3 ing section:
 4 "Sec. . Section two hundred fifty-seven point
 5 twenty-five (257.25), subsection six (6), unnumbered
 6 paragraph one (1), Code 1977, is amended to read as
 7 follows:
 8 In grades nine through twelve, a unit of credit
 9 shall consist of a course or equivalent related com-
 10 ponents or partial units taught throughout the academic
 11 year. The minimum program of a school or school dis-
 12 trict for the school year beginning July 1, 1978 and
 13 each school year thereafter shall include not less
 14 than thirty units of credit. The total units of
 15 credit may include courses or equivalent related
 16 components or partial units provided under the
 17 provisions of sections two hundred fifty-seven point
 18 twenty-six (257.26), two hundred fifty-seven point
 19 twenty-eight (257.28), two hundred eighty point fifteen
 20 (280.15), or two hundred eighty A point twenty-five
 21 280A.25), subsection nine (9), of the Code. The

- 22 minimum program for grades nine through twelve shall
 23 be:".
- 24 2. By numbering and renumbering sections as
 25 necessary.

SPEAR of Lee

H-4097

- 1 Amend H-3981, filed by Horn and Koogler, to House
 2 File 463 as follows:
 3 1. Page 1, by striking lines 9, 10, and 11 and
 4 inserting in lieu thereof the words and figure "and
 5 figure "and thirteen (13)," "

HORN of Linn
 KOOGLER of Mahaska

H-4099

- 1 Amend House File 590 as follows:
 2 1. Page 6, by striking lines 15 through 19 and
 3 inserting in lieu thereof the words "districts or
 4 dismiss the petition. The agency administrator".
 5 2. Page 9, by striking lines 25 through 35.
 6 3. Page 10, by striking lines 1 through 35.
 7 4. Page 11, by striking lines 1 through 17.

BAKER of Buena Vista
 STROMER of Hancock
 KOOGLER of Mahaska
 PERKINS of Greene

H-4100

- 1 Amend House File 590 as follows:
 2 1. Page 1, line 31, by striking the words "encour-
 3 age the" and inserting in lieu thereof the words
 4 "~~encourage the~~ aid the orderly".
 5 2. Page 2, line 15, by striking the word "pro-
 6 moting" and inserting in lieu thereof the words
 7 "~~promoting aiding the orderly".~~
 8 3. Page 8, line 16, by striking the words ", but
 9 no later than December thirty-first, and" and inserting
 10 in lieu thereof the words "and. The special election
 11 shall be held between July first and December thirty-
 12 first of the year preceding the proposed effective
 13 date of the school reorganization and whenever
 14 practicable, the special election shall be held on

- 15 the date of the regular school election in September.
 16 The area education agency administrator shall".
 17 4. Page 8, line 17, by inserting after the word
 18 "notice" the words "of the special election".

BAKER of Buena Vista
 PATCHETT of Johnson
 STROMER of Hancock
 MILLER of Calhoun
 KOOGLER of Mahaska
 PERKINS of Greene
 WULFF of Black Hawk
 HANSEN of O'Brien

H-4102

- 1 Amend House File 590 as follows:
 2 1. Page 1, line 2, by inserting after the word
 3 "paragraph" the following: "b, unnumbered paragraph
 4 one (1) and paragraph".
 5 2. Page 1, by inserting after line 3 the
 6 following:
 7 "Four units of the social studies. American
 8 history, American government, government and cult-
 9 tures of other peoples and nations, and general con-
 10 sumer education, family law, and economics, includ-
 11 ing comparative and consumer economics, shall be
 12 taught in the units but need not be required as full
 13 units. All students shall be required to take one
 14 unit of American history which shall give attention
 15 to the role in history played by all persons, and a
 16 positive effort shall be made to reflect the achieve-
 17 ments of women, minorities and any others who, in
 18 the past, may have been ignored or overlooked by
 19 reason of race, sex, religion, physical disability
 20 or ethnic background, one-half unit of economics with
 21 emphasis on the free enterprise system, and one-half
 22 unit of the governments of Iowa and the United States,
 23 including instruction in voting statutes and proced-
 24 ures, voter registration requirements, the use of
 25 paper ballots and voting machines in the election
 26 process, and the method of acquiring and casting an
 27 absentee ballot."

WELDEN of Hardin
 DUNTON of Keokuk
 STROMER of Hancock
 MILLEN of Van Buren
 TAUKE of Dubuque

WULFF of Black Hawk
 WYCKOFF of Benton
 MIDDLESWART of Warren
 DEN HERDER of Sioux
 TOFTE of Winneshiek

HINKHOUSE of Cedar	CONLON of Muscatine
HOFFMANN of Muscatine	CLARK of Cerro Gordo
HARBOR of Mills	SHIMANEK of Jones
PELTON of Clinton	SCHNEKLOTH of Scott
BENNETT of Ida	HALVORSON of Clayton
HANSEN of O'Brien	WEST of Marshall
EVANS of Grundy	BROCKETT of Marshall
SMALLEY of Polk	DAGGETT of Adams
PELLETT of Cass	DANKER of Pottawattamie
JUNKER of Woodbury	EGENES of Story
BRANSTAD of Winnebago	BINNEBOESE of Plymouth
SCHROEDER of Pottawattamie	

H-4103

- 1 Amend Senate File 167, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 25, by inserting after line 32 the follow-
 4 ing new section:
- 5 "Sec. . Section three hundred twenty-one point
 6 three hundred forty-two (321.342), Code 1977, is
 7 amended by adding the following new unnumbered
 8 paragraph:
- 9 NEW UNNUMBERED PARAGRAPH. The department, city,
 10 or county shall be required to post the standard sign
 11 as prescribed by the manual on uniform traffic control
 12 devices adopted by the department pursuant to section
 13 three hundred twenty-one point two hundred fifty-two
 14 (321.252) of the Code in advance of each railroad
 15 grade crossing to warn the motorist that he or she
 16 is approaching a railroad grade crossing. Upon
 17 properly posting all railroad grade crossings within
 18 its jurisdiction, the department, city, or county
 19 shall not have any other affirmative duty to warn
 20 a motor vehicle operator approaching or at the railroad
 21 grade crossing."
- 22 2. Amend the title, line 24, by inserting after
 23 the word "turns," the words "posting of railroad grade
 24 crossings by cities and counties,".

SCHROEDER of Pottawattamie
 BRUNOW of Appanoose

H-4104

- 1 Amend House File 594 as follows:
- 2 1. Page 10, by striking lines 29 through 35.
 3 2. By striking pages 11 and 12.
 4 3. Page 13, by striking lines 1 through 32.

WELDEN of Hardin

H-4105

- 1 Amend Senate File 302 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 28 and inserting in
- 4 lieu thereof the following:
- 5 "treatment.....\$850,000
- 6 c. For an alcohol education pro-
- 7 gram to be conducted by the depart-
- 8 ment of public instruction under
- 9 contract with the department of
- 10 alcoholism and drug abuse.....\$ 50,000"
- 11 2. By relettering the section to conform with this
- 12 amendment.

GRIFFEE of Chickasaw

H-4106

- 1 Amend House File 590 as follows:
- 2 1. Page 15, line 16, by striking the word "to".
- 3 2. Page 15, by striking lines 17 and 18.
- 4 3. Page 15, line 19, by striking the word "Code".
- 5 4. Page 15, line 21, by inserting after the word
- 6 "of" the words "sections twenty-six (26) through
- 7 thirty-one (31) of".
- 8 5. Page 16, line 25, by inserting after the word
- 9 "approve" the words "a method of funding the program.
- 10 The funding may include federal funds or other funds
- 11 available to the district, supplemental aid granted
- 12 to the district as an unusual circumstance by the
- 13 school budget review committee from funds appropriated
- 14 to the department of public instruction for the use
- 15 of the school budget review committee under section
- 16 four hundred forty-two point thirteen (442.13),
- 17 subsection five (5), of the Code or approve".
- 18 6. Page 16, by striking lines 28 and 29 and
- 19 inserting in lieu thereof the following: "(442.13),
- 20 subsection five (5), of the Code."

PATCHETT of Johnson

H-4117

- 1 Amend Senate File 213, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 19, by striking the word
- 4 "thirty" and inserting in lieu thereof the words
- 5 "twenty-five".

- 6 2. Page 3, line 31, by striking the words
 7 "fifteen dollars" and inserting in lieu thereof the
 8 words "twelve dollars and fifty cents".

LAGESCHULTE of Bremer

H-4118

- 1 Amend House File 557 as follows:
 2 1. Page 3, line 9, by inserting after the word
 3 "funds" the words ", other than general revenue—sharing
 4 funds,".

KREWSON of Polk

H-4119

- 1 Amend House File 590 as follows:
 2 1. Page 2, line 12, by striking the words
 3 "may initiate shall" and inserting in lieu thereof
 4 the words "may initiate".
 5 2. Page 2, line 13, by striking the word
 6 "develop".

BENNETT of Ida

H-4120

- 1 Amend House File 590 as follows:
 2 Page 2, line 29, by inserting after the word
 3 "factors," the words "individual attention given to
 4 the needs of students, the opportunity of students
 5 to participate in a wide variety of activities re-
 6 lated to the total development of the student.".

BENNETT of Ida
 GILSON of Guthrie
 HANSEN of O'Brien
 MILLER of Calhoun

H-4122

- 1 Amend amendment H-4102, to House File 590 as
 2 follows:
 3 1. Page 1, line 21, by inserting after the word
 4 "the" the following: "comparative values of the".

MONROE of Des Moines

H-4123

- 1 Amend Senate File 279 as passed and reprinted
- 2 by the Senate as follows:
- 3 1. Page 2, line 18 by striking "at any time"
- 4 and inserting in lieu thereof the words "with the
- 5 knowledge of the owner".

WYCKOFF of Benton

H-4125

- 1 Amend the Miller of Buchanan et al amendment, H-
- 2 3463, to Senate File 167, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 17, by striking the words "The
- 5 department" and inserting in lieu thereof the words
- 6 "A county treasurer".
- 7 2. Page 1, lines 17 and 18, by striking the words
- 8 "a license or a permit to operate" and inserting in
- 9 lieu thereof the words "vehicle registration plates
- 10 to the owner of".
- 11 3. Page 1, lines 38, 39, and 40, by striking the
- 12 words "revoke the motor vehicle license or permit
- 13 of a person who is unable to demonstrate proof of
- 14 financial responsibility" and inserting in lieu thereof
- 15 the words "notify the treasurer of the county who
- 16 issued the vehicle registration plates to the owner
- 17 who has cancelled the insurance coverage or failed
- 18 to maintain proof of financial responsibility in a
- 19 manner required in section three hundred twenty-one
- 20 A point eighteen (321A.18) of the Code. The county
- 21 treasurer shall notify the owner of the revocation
- 22 of the vehicle registration plates effective thirty
- 23 days from the date the notice is mailed and that the
- 24 owner of the vehicle shall surrender the vehicle
- 25 registration plates to the county treasurer. If the
- 26 owner provides proof of financial responsibility as
- 27 required by law, the vehicle registration plates shall
- 28 not be revoked or surrendered".

MILLER of Buchanan

H-4132

- 1 Amend Senate File 137, as amended and passed by
- 2 the Senate as follows:
- 3 1. By striking everything after the enacting

4 clause and inserting in lieu thereof the following:

5 "DIVISION I

6 Section 1. NEW SECTION. DEFINITIONS. As used
7 in this division, unless the context otherwise
8 requires:

9 1. "Board" means the financial institutions board
10 created by section two (2) of this Act.

11 2. "Department" means and includes the department
12 of banking, the department of credit unions, the
13 department of savings and loan associations, and the
14 department of supervised lenders.

15 3. "General counsel" means the person appointed
16 under section eight (8) of this Act.

17 4. "Superintendent" means and includes the
18 superintendent of banking, the superintendent of
19 credit unions, the superintendent of savings and loan
20 associations, and the superintendent of supervised
21 lenders.

22 5. "Supervised lender" means a person licensed
23 under chapter five hundred thirty-six (536) or five
24 hundred thirty-six A (536A) of the Code.

25 Sec. 2. NEW SECTION. FINANCIAL INSTITUTIONS
26 BOARD.

27 1. There is created a financial institutions board
28 which shall consist of seven members, not more than
29 four of whom shall be of the same political party.
30 Members of the financial institutions board shall
31 be appointed by the governor, subject to confirmation
32 by the Senate. The membership of the financial
33 institutions board shall be chosen from various
34 sections of the state and according to the following
35 provisions:

36 a. One member shall be an executive officer of
37 a state bank;

38 b. One member shall be an executive officer of
39 a savings and loan association organized under Iowa
40 law;

41 c. One member shall be an executive officer of
42 a credit union organized under Iowa law;

43 d. One member shall be an executive officer of
44 a lender licensed under chapters five hundred thirty-
45 six (536) or five hundred thirty-six A (536A) of the
46 Code; and

47 e. Three members shall be residents of the state
48 who are not directly affiliated with any bank, savings
49 and loan association, credit union, or lender licensed
50 under chapters five hundred thirty-six (536) or five

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1 hundred thirty-six A (536A) of the Code.

2 2. Members of the financial institutions board
3 shall serve terms of four years, commencing July first
4 of the year of appointment and until a successor has
5 been appointed. The governor shall appoint initial
6 members of the board for irregular terms commencing
7 July 1, 1977 as follows:

8 a. The bank officer shall be appointed for a term
9 ending June 30, 1981; and

10 b. The savings and loan association officer shall
11 be appointed for a term ending June 30, 1980; and

12 c. The credit union member shall be appointed
13 for a term ending June 30, 1979; and

14 d. The chapter five hundred thirty-six (536) or
15 five hundred thirty-six A (536A) licensee member shall
16 be appointed for a term ending June 30, 1978; and

17 e. The remaining members shall be appointed for
18 terms ending June thirtieth of the years 1981, 1980
19 and 1979, respectively.

20 Upon the expiration of the initial terms,
21 appointments shall be made for regular four-year
22 terms.

23 3. The members of the financial institutions board
24 shall select one of their public members to serve
25 as chairperson of the board for a two-year term.
26 The chairperson shall preside at meetings of the
27 board, except as the rules of the board otherwise
28 may provide.

29 4. Four members of the financial institutions
30 board shall constitute a quorum for the transaction
31 of business; provided that the affirmative vote of
32 a majority of the full membership of the board is
33 required to take any substantive action. All members
34 of the board shall have the right to vote on any
35 matter within the jurisdiction of the board.

36 5. A member of the financial institutions board
37 shall be allowed actual and necessary expenses incurred
38 in the performance of duties, and in lieu of salary
39 shall receive a per diem of forty dollars each day
40 in which engaged in official duties.

41 6. A member of the financial institutions board
42 may be removed from office for any of the causes and
43 in the manner provided in chapter sixty-six (66) of
44 the Code. Removal from office shall not be in lieu
45 of any other penalty provided by law.

46 7. Any vacancy on the board which occurs when

47 the general assembly is not in session shall be filled
48 by the appointment by the governor, which appointment
49 shall expire at the end of thirty days following the
50 convening of the next session of the general assembly.

Page 3

1 Prior to the expiration of the thirty-day period,
2 the governor shall transmit to the senate for its
3 approval the name of the appointee for the unexpired
4 portion of the regular term. Any vacancy occurring
5 when the general assembly is in session shall be
6 filled in the same manner as regular appointments
7 are made, and before the end of the session, and for
8 the unexpired portion of the regular term.

9 **Sec. 3. NEW SECTION. BOARD MEETINGS.** The
10 financial institutions board shall meet regularly
11 once each month; and in addition shall meet at the
12 call of its chairperson, upon not less than two days'
13 notice. Upon the written request of any two board
14 members, or upon the written request of the
15 superintendent of banking, or the superintendent of
16 savings and loan associations, or the superintendent
17 of credit unions, or the superintendent of supervised
18 lenders, a meeting of the financial institutions board
19 shall be called, upon not less than two days' notice.

20 **Sec. 4. NEW SECTION. DEPARTMENTS SUBJECT TO**
21 **BOARD.** The financial institutions board shall have
22 the authority conferred by this chapter with respect
23 to the department of banking, the department of credit
24 unions, the department of savings and loan
25 associations, and the department of supervised lenders.

26 **Sec. 5. NEW SECTION. DUTIES OF BOARD.** The
27 financial institutions board shall:

28 1. Act with each superintendent in an advisory
29 capacity, either upon the request of a superintendent
30 or upon its own motion, concerning laws which the
31 superintendent is charged to administer;

32 2. Review all existing or proposed rules of a
33 superintendent which are required to be promulgated
34 under chapter seventeen A (17A) of the Code by any
35 law of this state which a superintendent has the duty
36 to administer;

37 3. Promulgate rules, subject to chapter seventeen
38 A (17A) of the Code, relating to the exercise of the
39 powers and duties of the financial institutions board;

40 4. Review the budget of each superintendent prior
41 to the submission of the budget to the governor and
42 the general assembly, and make recommendations to

43 the governor and the general assembly respecting each
44 budget;

45 5. Accomplish and maintain uniformity, to the
46 extent permitted by applicable laws, in the
47 administrative and internal operations guidelines
48 used within the departments;

49 6. Establish and maintain uniformity in the
50 application of chapters five hundred twenty-seven

Page 4

1 (527) and five hundred thirty-seven (537) of the Code;

2 7. Submit legislative proposals to the general
3 assembly, and review any legislative proposal
4 recommended by the superintendent of the department;
5 and

6 8. Exercise any other duties established in the
7 financial institutions board by law.

8 **Sec. 6. NEW SECTION. AUTHORITY OVER DEPARTMENTAL**
9 **ACTIONS.**

10 1. The financial institutions board is empowered
11 to exercise the following specific powers with respect
12 to actions of the superintendent of banking, the
13 superintendent of savings and loan associations, the
14 superintendent of credit unions, and the superintendent
15 of supervised lenders:

16 a. To disapprove any proposed administrative rule
17 relating to the administration of chapter five hundred
18 twenty-seven (527) of the Code, if the board determines
19 that the rule would be inconsistent with other
20 departmental rules promulgated under the authority
21 of that chapter.

22 b. To make recommendations to the governor and
23 to the general assembly with respect to the budget
24 proposal of a department.

25 2. A superintendent shall not promulgate any rule
26 which has been disapproved by the financial
27 institutions board.

28 **Sec. 7. NEW SECTION. COSTS OF ADMINISTRATION.**

29 1. All expenses incurred in the administration
30 of this chapter shall be paid from appropriations.
31 The state comptroller shall draw warrants on the
32 treasurer of state for all disbursements authorized
33 by the provisions of this chapter upon itemized and
34 verified vouchers bearing the approval of the executive
35 secretary of the financial institutions board.

36 2. Expenses incurred in the administration of
37 this chapter shall be certified annually by the
38 treasurer of state to the respective superintendents,

- 39 and shall be assessed by the respective superinten—
 40 dents against financial institutions as follows:
- 41 a. Twenty—five percent of the expenses shall be
 42 expenses of administering chapter five hundred twenty—
 43 four (524) of the Code, and shall be assessed against
 44 state banks by the superintendent of banking in the
 45 same manner as other general administration expenses
 46 of the department of banking are assessed under section
 47 five hundred twenty—four point two hundred nineteen
 48 (524.219) of the Code.
- 49 b. Twenty—five percent of the expenses shall be
 50 expenses of administering chapter five hundred thirty—

Page 5

- 1 three (533) of the Code, and shall be assessed against
 2 credit unions by the superintendent of credit unions
 3 in the same manner as other general administration
 4 expenses of the department of credit unions are
 5 assessed under section twenty (20) of this Act.
- 6 c. Twenty—five percent of the expenses shall be
 7 expenses of administering chapter five hundred thirty—
 8 four (534) of the Code, and shall be assessed against
 9 savings and loan associations by the superintendent
 10 of savings and loan associations in the same manner
 11 as other general administration expenses of the
 12 department of savings and loan association are assessed
 13 under section five hundred thirty—four point sixty—
 14 one (534.61) of the Code.
- 15 d. Twenty—five percent of the expenses shall be
 16 expenses of administering chapters five hundred thirty—
 17 six (536) and five hundred thirty—six A (536A) of
 18 the Code, and shall be assessed against supervised
 19 lenders by the superintendent of supervised lenders
 20 in the same manner as other general administration
 21 expenses of the department of supervised lenders are
 22 assessed under sections five hundred thirty—six point
 23 ten (536.10) and five hundred thirty—six A point
 24 twelve (536A.12) of the Code.
- 25 3. Notwithstanding any provision of chapters five
 26 hundred twenty—four (524), five hundred thirty—three
 27 (533), five hundred thirty—four (534), five hundred
 28 thirty—six (536), or five hundred thirty—six A (536A)
 29 of the Code to the contrary, amounts received by a
 30 superintendent which represent payment of the
 31 assessments imposed by this section shall be credited
 32 to the general fund, and not to any revolving fund
 33 or other departmental account.
- 34 Sec. 8. NEW SECTION. EXECUTIVE SECRETARY —

35 ASSISTANCE FROM DEPARTMENTS.

36 1. The financial institutions board shall employ
37 an executive secretary who shall hold office during
38 the pleasure of the board, and who shall perform such
39 duties as may be required by the financial institutions
40 board. The executive secretary shall receive a salary
41 as determined by the merit employment department,
42 and shall be reimbursed for actual and necessary
43 expenses incurred in the performance of official
44 duties. The executive secretary shall be employed
45 full-time and shall not be an officer or director
46 of, or otherwise be affiliated with, any bank, credit
47 union, savings and loan association, or supervised
48 lender.

49 2. The executive secretary shall keep a complete
50 record of the proceedings of the financial institutions

Page 6

1 board.

2 3. Except as provided in section eight (8) of
3 this Act, the financial institutions board shall not
4 employ other personnel. The financial institutions
5 board may request that the superintendent of banking,
6 the superintendent of credit unions, the superintendent
7 of savings and loan associations, or the superintendent
8 of supervised lenders make personnel of their
9 departments available from time to time to assist
10 the board, and each superintendent shall make per-
11 sonnel available except when such would result in
12 the neglect of other duties of the department.

13 Sec. 9. NEW SECTION. GENERAL COUNSEL.

14 1. Within sixty days after the effective date
15 of this Act, the financial institutions board shall
16 appoint an attorney who is licensed to practice in
17 this state as general counsel for a term ending June
18 30, 1981, and until a successor is appointed.
19 Effective July 1, 1981 and every fourth year thereafter
20 a general counsel shall be appointed for a term of
21 four years and until a successor is appointed. A
22 vacancy in the office of general counsel shall be
23 filled for the unexpired term in the same manner as
24 original appointments.

25 2. The financial institutions board shall obtain
26 the advice and consent of the respective
27 superintendents of the departments of banking, credit
28 unions, savings and loan associations and supervised
29 lenders with respect to all applicants for the office
30 of general counsel. Applications for the office shall

31 be received, upon reasonable publication of notice
32 of a vacancy, for a period of thirty days before final
33 consideration is given to applicants.

34 3. The general counsel shall receive a salary
35 of thirty—five thousand dollars per year, unless
36 otherwise provided by the general assembly, and shall
37 be reimbursed for actual and necessary expenses
38 reasonably incurred in the performance of official
39 duties.

40 4. The general counsel shall devote full time
41 to the duties of office, and shall not be a member
42 of any political committee or contribute to any
43 political campaign fund or take any part in political
44 campaigns or be a candidate for any political office.

45 5. The financial institutions board may remove
46 the general counsel for any malfeasance or nonfeasance
47 in office, or for any cause which renders the person
48 ineligible for appointment, or incapable or unfit
49 to discharge the duties of office, and findings of
50 the board with respect to removal of the general

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1 counsel shall be conclusive.

2 Sec. 10 NEW SECTION. DUTIES OF GENERAL COUNSEL.

3 The general counsel shall have the following duties:

4 1. To act as attorney for, and legal advisor of,
5 the financial institutions board and the departments
6 of banking, credit unions, savings and loan
7 associations and supervised lenders;

8 2. To investigate as directed by the board or
9 any superintendent the legality of any acts or
10 practices of a bank, credit union, savings and loan
11 association or supervised lender, and to institute
12 civil proceedings before any superintendent or any
13 court to obtain compliance by any such financial
14 institution with the laws of this state which the
15 superintendent in charged with enforcing; and

16 3. To appear for the board or any department in
17 all actions instituted in any state or federal court
18 which involves the validity of any rule or order of
19 a superintendent, and prosecute in any state or federal
20 court in the name of the state all actions necessary
21 to enforce or to restrain the violation of any rule
22 or order of a superintendent.

23 Sec. 11. NEW SECTION. OFFICE—ASSISTANT—
24 EXPENSES. The office of general counsel shall be
25 at the seat of state government. The general counsel
26 shall be given access to all files, records, and

27 documents in the custody of any department. The
 28 general counsel may employ one confidential secretary,
 29 but shall not employ other assistants. Each
 30 superintendent shall make available to the general
 31 counsel from time to time such assistants as the
 32 general counsel may require in fulfilling the duties
 33 of counsel to the respective departments or to the
 34 board. All salaries and expenses of the office of
 35 general counsel shall be costs of administering this
 36 chapter, and shall be paid, certified and assessed
 37 as provided in section six (6) of this Act.

38 DIVISION II

39 Sec. 12. Section five hundred twenty-four point
 40 one hundred three (524.103), Code 1977, is amended
 41 by adding the following new subsections:

42 NEW SUBSECTION, "Financial institutions board"
 43 means the board created under section two (2) of this
 44 Act.

45 NEW SUBSECTION, "General counsel" means the person
 46 appointed under section eight (8) of this Act.

47 Sec. 13. Section five hundred twenty-four point
 48 two hundred one (524.201), Code 1977, is amended by
 49 adding the following new subsection:

50 NEW SUBSECTION, The governor shall obtain the

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1 advice of the financial institutions board with respect
 2 to any appointee to a regular term or vacancy as
 3 superintendent of banking.

4 Sec. 14. Section five hundred twenty-four point
 5 two hundred two (524.202), Code 1977, is amended to
 6 read as follows:

7 524.202 SUPERINTENDENT—SALARY. The superintendent
 8 shall receive a salary to be fixed by the ~~state banking~~
 9 financial institutions board. The superintendent
 10 shall be entitled to receive reimbursement for expenses
 11 incurred in the performance of his duties, subject
 12 to the provisions of section 524.209.

13 Sec. 15. Section five hundred twenty-four point
 14 two hundred four (524.204), subsection three (3),
 15 Code 1977, is amended to read as follows:

16 3. The deputy superintendent shall receive a
 17 salary to be fixed by the ~~state banking~~ financial
 18 institutions board. The deputy superintendent shall
 19 be entitled to receive reimbursement for expenses
 20 incurred in the performance of his duties, subject
 21 to the provisions of section 524.209.

22 Sec. 16. Section five hundred twenty-four point

23 two hundred five (524.205), Code 1977, is amended
 24 by striking the section and inserting in lieu thereof
 25 the following:
 26 524.205 FINANCIAL INSTITUTIONS BOARD—GENERAL
 27 COUNSEL.

28 1. The financial institutions board shall act
 29 with the superintendent in an advisory capacity
 30 concerning the administration of this chapter, and
 31 shall have other duties as provided in division one
 32 (I) of this Act.

33 2. The general counsel shall act with the
 34 superintendent in an advisory capacity concerning
 35 the administration of this chapter, and shall have
 36 other duties as provided in division one (I) of this
 37 Act.

38 DIVISION III

39 Sec. 17. Chapter five hundred thirty—three (533),
 40 Code 1977, is amended by adding the following new
 41 sections:

42 NEW SECTION. DEPARTMENT OF CREDIT UNIONS. There
 43 is created the department of credit unions which shall
 44 be the office of the superintendent, and shall include
 45 other personnel employed in the discharge of the
 46 duties and responsibilities imposed upon the
 47 superintendent by the laws of this state.

48 NEW SECTION. SUPERINTENDENT OF CREDIT UNIONS.
 49 1. APPOINTMENT. The governor shall appoint,
 50 subject to the approval of at least two—thirds of

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1 the members of the senate, for an irregular term
 2 ending June 30, 1980, and for each four—year period
 3 thereafter, a superintendent of credit unions. An
 4 appointee shall be selected solely with regard to
 5 qualifications and fitness for office. The
 6 superintendent shall hold office at the seat of
 7 government.

8 2. TERM—REMOVAL—VACANCY. The regular term of
 9 office of the superintendent shall be four years from
 10 the first day of July of the year of his appointment,
 11 subject to removal at the pleasure of the governor.
 12 A vacancy in the office of superintendent occurring
 13 while the general assembly is not in session shall
 14 be filled by appointment by the governor, which
 15 appointment shall expire at the end of thirty days
 16 from the time the general assembly next convenes.
 17 Prior to the expiration of that thirty days the
 18 governor shall transmit to the senate for confirmation

19 an appointment for the unexpired portion of the regular
 20 term. A vacancy occurring during a session of the
 21 general assembly shall be filled as regular
 22 appointments are made and before the end of the session
 23 and for the unexpired portion of the regular term.

24 3. The governor shall obtain the advice of the
 25 financial institutions board with respect to any
 26 appointee to a regular term or vacancy as
 27 superintendent.

28 4. SALARY AND EXPENSES. The superintendent shall
 29 receive a salary to be fixed by the governor and
 30 comptroller, and shall be reimbursed for actual and
 31 necessary expenses incurred in the performance of
 32 duties.

33 5. BOND AND OATH. The superintendent, upon
 34 appointment, shall give bond to the state, signed
 35 by a responsible surety company, in the penal sum
 36 of two thousand dollars, conditioned upon faithful
 37 and impartial discharge of his duties, and upon proper
 38 accounting for all funds and other valuables which
 39 may come into his hands. The superintendent shall
 40 take an oath of office, and the bond and oath shall
 41 be approved by and filed with the governor. The cost
 42 of the bond shall be paid by the department as an
 43 expense.

44 NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT.

45 The superintendent shall make an annual report in
 46 writing to the financial institutions board and to
 47 the general assembly. A copy of the report shall
 48 be furnished by the superintendent at cost to each
 49 credit union or other person on request. The annual
 50 report shall contain:

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1 1. A summary of applications approved or denied
 2 by the superintendent since the last report.

3 2. A summary of the assets, liabilities and capital
 4 structure of all credit unions as of December thirty—
 5 first of the year for which the report is made.

6 3. A statement of the receipts and disbursements
 7 of the department during the calendar year ending
 8 the preceding December thirty—first, and of the funds
 9 on hand on that date.

10 4. Information which the superintendent may deem
 11 appropriate and advisable to disclose.

12 5. Information which the financial institutions
 13 board may require to be included.

14 NEW SECTION. PERSONNEL. The superintendent may

15 employ, subject to the approval of the governor and
 16 state comptroller, assistants, examiners and other
 17 personnel necessary for the proper execution of duties
 18 and responsibilities. Chapter nineteen A (19A) of
 19 the Code shall apply to all department personnel
 20 except the superintendent and his or her secretary. The
 21 salary of the secretary shall be fixed by the
 22 superintendent. Examiners' salaries shall be
 23 commensurate with those of national credit union
 24 administration examiners having similar duties.
 25 Department personnel shall be reimbursed for the
 26 actual and necessary expenses incurred by them in
 27 the performance of their duties. All salaries and
 28 reimbursements shall be department expenses.

29 Before engaging in official duties each examiner
 30 shall take an oath of office and shall give bond to
 31 the state, signed by a responsible surety company,
 32 in the penal sum of two thousand dollars, conditioned
 33 upon faithful and impartial discharge of duties and
 34 upon proper accounting for all funds and other
 35 valuables which may come into his or her hands. Each
 36 bond and oath shall be approved by and filed with
 37 the superintendent. The cost of bonds shall be paid
 38 by the department as an expense.

39 **NEW SECTION. EXPENSES OF THE DEPARTMENT.** All
 40 expenses incurred by the department shall be paid
 41 from appropriations. All fees shall be payable to
 42 the superintendent who shall pay all fees and other
 43 money received by him to the treasurer of state within
 44 the time required by section twelve point ten (12.10)
 45 of the Code. The treasurer shall hold the funds in
 46 an account in the name of the department for the
 47 payment of the expenses of the department. The account
 48 at all times shall be subject to the warrant of the
 49 state comptroller, drawn upon the written request
 50 of the superintendent, for the payment of expenses

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1 of the department.

2 The superintendent shall account for receipts and
 3 disbursements according to the separate duties imposed
 4 upon him by the laws of this state.

5 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
 6 **COUNSEL.**

7 1. The financial institutions board shall act
 8 with the superintendent in an advisory capacity
 9 concerning the administration of this chapter, and
 10 shall have other duties as provided in division one

11 (I) of this Act.

12 2. The general counsel shall act with the
13 superintendent in an advisory capacity concerning
14 the administration of this chapter, and shall have
15 other duties as provided in division one (I) of this
16 Act.

17 **NEW SECTION. SUBPOENA—CONTEMPT.**

18 1. The superintendent, and upon the approval of
19 the superintendent, any assistant or examiner shall
20 have the power to subpoena witnesses, to compel their
21 attendance, to administer oaths, to examine any person
22 under oath and to require the production of relevant
23 books or papers. The examination may be conducted
24 on any subject relating to the duties imposed upon,
25 or powers vested in, the superintendent under the
26 provisions of this Act.

27 2. When a person subpoenaed pursuant to subsection
28 one (1) of this section neglects or refuses to obey
29 the terms of the subpoena, or to produce books or
30 papers or to give testimony, as required, the
31 superintendent may apply to the district court of
32 Polk county for the enforcement of the subpoena or
33 for the issuance of an order compelling compliance
34 as the court directs.

35 3. The refusal without reasonable cause of a
36 person to obey an order of the district court, issued
37 pursuant to subsection two (2) of this section, shall
38 be considered contempt of court.

39 **NEW SECTION. RECORDS OF CREDIT UNION DEPARTMENT.**

40 Records of the credit union department are public
41 records subject to the provisions of chapter sixty—
42 eight A (68A) of the Code, except that papers,
43 documents, reports, reports of examinations and other
44 writings relating specifically to the supervision
45 and regulation of a specific credit union or persons
46 by the superintendent pursuant to the laws of this
47 state are not public records and shall not be open
48 for examination or copying by the public or for
49 examination or publication by the news media.

50 The superintendent and all employees and deputies

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1 may give information secured from or about credit
2 unions to the Iowa credit union league and its
3 affiliates. The superintendent may provide information
4 regarding credit unions to the administrator of any
5 share insurance corporation including the national
6 credit union administration, for the purpose of

7 availability of the national credit union insurance
8 fund to the credit unions.

9 The superintendent or other employees of the
10 department shall not be subpoenaed in any cause or
11 proceeding to give testimony concerning information
12 relating to the supervision and regulation of a
13 specific credit union or persons by the superintendent
14 pursuant to the laws of this state, nor shall the
15 records of the credit union department which relate
16 to the supervision and regulation of a specific credit
17 union or persons be offered in evidence in a court
18 or subject to subpoena by a party except where
19 relevant:

20 1. In actions or proceedings brought by the
21 superintendent.

22 2. In matters in which an interested and proper
23 party seeks review of a decision of the superintendent.

24 3. In actions or proceedings which arise out of
25 the criminal provisions of the laws of this state
26 or of the United States.

27 4. In actions brought as shareholder derivative
28 suits against a credit union.

29 5. In actions brought to recover moneys or to
30 recover upon an indemnity bond for embezzlement,
31 misappropriation or misuse of credit union funds.

32 **NEW SECTION. CONFLICTS PROHIBITED.** The
33 superintendent and employees of the department shall
34 not be members of nor have any business dealings with
35 a credit union. Credit unions shall not accept moneys
36 for deposit and shall not have any business transaction
37 with the superintendent or an employee of the credit
38 union department. If a person willfully receives
39 or accepts a deposit or undertakes to establish a
40 business dealing contrary to this section, upon
41 conviction that person shall be guilty of a serious
42 misdemeanor, and shall be permanently disqualified
43 from acting as an officer, director or employee of
44 a state chartered credit union and permanently
45 disqualified from acting as superintendent or employee
46 of the state credit union department.

47 Sec. 18. Section five hundred thirty—three point
48 one (533.1), unnumbered paragraphs two (2) and three
49 (3), and subsections three (3) through seven (7),
50 Code 1977, are amended to read as follows:

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1 ADMINISTRATION. The superintendent of banking
2 shall be charged with the execution of the laws of
3 this state relating to credit unions.

4 ORGANIZATION. Any seven residents of the state
5 of Iowa may apply to the superintendent of banking
6 for permission to organize a credit union.

7 3. The articles and the bylaws, both executed
8 in duplicate, shall be forwarded with a fee of ten
9 dollars to the superintendent of banking.

10 4. The superintendent shall, within thirty days
11 of the receipt of said articles and by laws, determine
12 whether they conform with the provisions of this
13 chapter, and whether or not the organization of the
14 credit union in question would benefit the its members
15 of it and be consistent with the purposes of this
16 chapter.

17 5. The superintendent shall thereupon notify the
18 applicants of his or her decision. If ~~it~~ the decision
19 is favorable ~~he~~ the superintendent shall issue a
20 certificate of approval, which shall be attached to
21 the duplicate articles of incorporation and the
22 superintendent shall return the same, together with
23 the duplicate bylaws to the applicants.

24 6. The applicants shall thereupon file ~~the said~~
25 this duplicate of the articles of incorporation, with
26 and the attached certificate of approval attached
27 thereto, with the county recorder of the county within
28 which the credit union is to ~~do~~ have its principal
29 place of business, who. The county recorder shall
30 record and index the same and return it, with his
31 or her certificate of record attached thereto, to
32 the ~~said~~ superintendent of banking for permanent
33 record.

34 7. The applicants shall thereupon become and be
35 a credit union, incorporated in accordance with the
36 provisions of this chapter.

37 In order to simplify the organization of credit
38 unions, the superintendent of banking, ~~upon the taking~~
39 ~~effect of this chapter, or as soon thereafter as~~
40 ~~sufficient fees shall have accumulated to liquidate~~
41 ~~the cost of same,~~ shall cause to be prepared an
42 approved form of articles of incorporation and a form
43 of bylaws, consistent with this chapter which may
44 be used by credit union incorporators for their
45 guidance, and on written application of any seven
46 residents of the state, shall supply them without
47 charge with blank articles of incorporation and a

- 48 copy of ~~said this~~ form of suggested bylaws.
 49 Sec. 19. Section five hundred thirty-three point
 50 four (533.4), subsection five (5), paragraph e, and

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1 subsection thirteen (13), Code 1977, are amended to
 2 read as follows:

3 e. Purchase of notes of liquidating credit unions
 4 with the approval of the superintendent ~~of banking.~~
 5 13. Upon the approval of the superintendent of
 6 ~~banking~~, serve an employee group having an insufficient
 7 number of members to form or conduct the affairs of
 8 a separate credit union. There shall be no requirement
 9 for the existence of a common bond relationship between
 10 the said small employee group and the credit union
 11 effecting such service.

12 Sec. 20. Section five hundred thirty-three point
 13 six (533.6), Code 1977, is amended to read as follows:

14 533.6 REPORTS—EXAMINATIONS.

15 1. Credit unions organized under this chapter
 16 shall report annually on or before the first day of
 17 February to the superintendent ~~of banking~~ annually
 18 ~~on or before the first day of February~~ on blanks
 19 supplied by ~~him~~ the superintendent for that purpose.
 20 Additional reports may be required. If any report
 21 remains in arrears for more than five days, a fine
 22 of five dollars for each day such report remains in
 23 arrears may be levied against ~~such the~~ offending
 24 credit union in addition to the fine for failure to
 25 pay the annual fee. If such report is not returned
 26 within thirty days of the due date, the superintendent
 27 ~~of banking~~ may, after written notice to the president
 28 of ~~such the~~ credit union ~~of his intention to do so~~,
 29 suspend or revoke the certificate of approval, take
 30 possession of the business and property of such credit
 31 union, and order its dissolution.

32 2. The superintendent ~~of banking~~ shall annually
 33 examine, or cause to be examined, each credit union
 34 annually. Each credit union and all of its officers
 35 and agents shall give to the representatives of ~~said~~
 36 the superintendent free access to all books, papers,
 37 securities, records and other sources of information
 38 under their control, ~~and for the purposes of such~~
 39 ~~examination~~ said representatives shall have the power
 40 to subpoena witnesses, administer oaths, compel the
 41 giving of testimony, and require the submission of
 42 documents. A report of such examination shall be
 43 forwarded to the ~~president~~ chairperson of each credit

44 union within thirty days after the completion of the
45 examination. Within thirty days of the receipt of
46 such ~~this~~ report, a meeting of the directors shall
47 be called to consider matters contained in the report
48 and the action taken shall be set forth in the minutes
49 of the board. ~~The superintendent may furnish to the~~
50 ~~administrator or any other official of the national~~

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1 ~~credit union administration any information or report~~
2 ~~relating to examinations and reports of the status~~
3 ~~of any state credit union insured by the national~~
4 ~~credit union administration.~~ The superintendent of
5 banking may accept, in lieu of the annual examination
6 of a credit union, an audit report conducted by a
7 certified public accounting firm selected from a list
8 of firms previously approved by the superintendent
9 of banking. The cost of the audit shall be paid by
10 the credit union.

11 3. The superintendent of banking may require any
12 credit union, whose records are inadequate or whose
13 books have not been balanced as of the end of the
14 month not less than thirty days previously or whose
15 affairs are in an unfavorable condition, to submit
16 to an additional examination each year.

17 ~~4. Each credit union shall pay to the~~
18 ~~superintendent of banking a fee for making~~
19 ~~examinations, based on the actual cost of the operation~~
20 ~~of the credit union division of the department of~~
21 ~~banking and the proportionate share of administrative~~
22 ~~expenses in the operation of the department of banking,~~
23 ~~attributable to credit unions, to be determined by~~
24 ~~the superintendent of banking, in accordance with~~
25 ~~chapter 17A.~~

26 4. At the time of filing its annual report each
27 credit union shall pay an annual filing fee, which
28 shall be based on the actual costs and administrative
29 expenses in the operation of the department, as
30 determined by the superintendent. The fee shall be
31 established by the superintendent by rule pursuant
32 to chapter seventeen A (17A) of the Code, and may
33 not be changed more frequently than annually, and
34 when changed shall be effective on January first of
35 the year following the year in which the change was
36 adopted.

37 The superintendent shall assess against each credit
38 union the actual and necessary expenses incidental
39 to any examination made pursuant to an order under

40 authority of this chapter. Upon completion, the
 41 examiner in charge shall render a bill for the fee,
 42 in triplicate, and shall deliver one copy to the
 43 credit union and one copy to the superintendent.
 44 Failure to pay the fee to the superintendent within
 45 ten days after the date of receipt of the bill shall
 46 subject the credit union to an additional fee equal
 47 to five percent of the amount of the fee for each
 48 day the payment is delinquent.
 49 Failure of a credit union to pay an annual filing
 50 fee or examination fee shall result in a penalty of

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1 five dollars per day, or for any part of a day, during
 2 which the credit union is delinquent, and may be the
 3 grounds for revocation of the charter of the credit
 4 union which failed to make payment.

5 5. If it shall appear that any credit union is
 6 insolvent or that it has violated any of the provisions
 7 of this chapter, the superintendent ~~of banking~~ may,
 8 after a hearing or ~~giving after an opportunity for~~
 9 a hearing ~~is given~~, order ~~such that~~ credit union to
 10 correct ~~such the~~ condition ~~and~~. The superintendent
 11 shall grant it ~~the credit union~~ not less than sixty
 12 days within which to comply ~~and failure so~~ with the
 13 order. Failure to ~~do~~ comply shall afford the said
 14 superintendent grounds to revoke the certificate of
 15 approval and shall afford the superintendent the
 16 authority to apply to the district court of the
 17 district in which ~~such this~~ credit union is located
 18 for the appointment of a receiver for the credit
 19 union. The district court shall appoint the
 20 superintendent as receiver unless the superintendent
 21 has tendered the appointment to the administrator
 22 of the national credit union administration. The
 23 administrator as receiver shall possess the rights,
 24 powers, and privileges granted by state law to a
 25 receiver of a state credit union. Neither the
 26 superintendent nor the administrator shall be required
 27 to furnish bond as receiver of a state credit union.

28 Sec. 21. Section five hundred thirty-three point
 29 twenty (533.20), Code 1977, is amended to read as
 30 follows:

31 533.20 VOLUNTARY DISSOLUTION. The process of
 32 voluntary dissolution shall be as follows:

33 1. At a special meeting called for the that
 34 purpose, notice of which purpose must be contained
 35 in the call, a credit union may dissolve upon the

36 affirmative vote of a majority of its members eligible
37 to vote at the special meeting. Notice of the
38 meeting's purpose shall be contained in the meet-
39 ing's notice. Any member eligible to vote and not
40 present at the meeting may, within twenty days after
41 the date on which the meeting was held, vote in favor
42 of dissolution by signing a statement in the form
43 approved by the superintendent ~~of banking and the~~.
44 This vote shall have the same force and effect as
45 if cast at the meeting.

46 2. The credit union shall cease to do business
47 except for the purposes of liquidation immediately
48 upon the giving of notice of the special meeting of
49 the called for the members to vote on dissolution
50 and the. The board of directors shall immediately

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1 notify the superintendent ~~of banking~~ of the intention
2 of the credit union to dissolve. The credit union
3 shall not resume its regular business unless the
4 dissolution fails to receive the required vote of
5 the members or unless the members shall have revoked
6 prior affirmative action to dissolve as provided for
7 in subsection 4 of this section.

8 3. The board of directors shall have power to
9 terminate and settle the affairs of a credit union
10 in voluntary dissolution. The credit union shall
11 continue in existence for the purpose of discharging
12 its liabilities, collecting and distributing its
13 assets, and doing all acts required in order to
14 terminate its affairs. The credit union may sue and
15 be sued for the purpose of enforcing such liabilities
16 and for the purpose of collecting its assets until
17 its affairs are fully settled. During the course
18 of dissolution proceedings, the credit union shall
19 make such reports and shall be subject to such
20 examinations as the superintendent ~~of banking~~ may
21 require. If at any time, ~~after the~~ affirmative vote
22 of a majority of the members of a credit union to
23 dissolve the credit union, the superintendent ~~of~~
24 ~~banking~~ finds that the credit union is not making
25 reasonable progress toward terminating its affairs
26 or finds that the credit union is insolvent, he the
27 superintendent may apply to the district court for
28 a an appointment of a receiver to be appointed to
29 terminate the affairs of the credit union.

30 4. ~~A credit union may, at~~ At any time prior to
31 any distirubtion of its assets, a credit union may
32 revoke the voluntary dissolution proceedings ~~upon~~

33 by the affirmative vote of a majority of its members
 34 eligible to vote. ~~This vote, if taken, shall be at~~
 35 a special meeting called for that purpose in the
 36 manner prescribed by the bylaws. The board of
 37 directors shall immediately notify the superintendent
 38 ~~of banking~~ of any such action to revoke voluntary
 39 dissolution proceedings.

40 5. Upon such proof as is satisfactory to the
 41 superintendent ~~of banking~~ that all assets have been
 42 liquidated from which there is a reasonable expectance
 43 of realization, that the liabilities of the credit
 44 union have been discharged and distribution made to
 45 its members, and that the liquidation has been
 46 completed, the superintendent ~~of banking~~ shall issue
 47 a certificate of dissolution, which certificate shall
 48 be filed and recorded in the county in which the
 49 credit union has its principal place of business and
 50 in the county in which its original articles of

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1 incorporation were filed and recorded. Upon the
 2 issuance of a certificate of dissolution, the existence
 3 of the credit union shall cease.

4 Sec. 22. Section five hundred thirty-three point
 5 twenty-one (533.21), subsections one (1) through three
 6 (3), Code 1977, are amended to read as follows:

7 1. In all situations in which the superintendent
 8 has been appointed as receiver as provided in ~~section~~
 9 ~~533.6 and section 533.20~~ he this chapter, the
 10 superintendent shall make a diligent effort to collect
 11 and realize on the assets of the credit union, and
 12 shall make distribution of the proceeds from time
 13 to time to those entitled thereto in the order provided
 14 for by law. The superintendent may execute as receiver
 15 or after the receivership has terminated assignments,
 16 releases, and satisfactions to effectuate sales and
 17 transfers ~~as receiver or after the receivership has~~
 18 ~~terminated~~. Upon the order of the court in which
 19 the receivership is pending, the superintendent may
 20 sell or compound all bad or doubtful debts, ~~and, on~~
 21 ~~a like order,~~ Upon the order of the court in which
 22 the receivership is pending, the superintendent may
 23 sell all the real and personal property of the credit
 24 union, on such terms as the court shall direct.

25 2. All expenses of the receivership and dissolution
 26 shall be fixed determined by the superintendent,
 27 subject to the approval of the district court, and
 28 shall be paid out of the assets of the credit union.

29 3. At the termination of the receivership, the

30 superintendent shall file his a final report containing
31 which shall contain the details of his or her actions
32 ~~therein, together with~~ and such additional facts as
33 the court may require.

34 Sec. 23. Section five hundred thirty-three point
35 twenty-two (533.22), subsection three (3), Code 1977,
36 is amended to read as follows:

37 3. The superintendent ~~of banking~~ shall assume
38 custody of the records of a credit union dissolved
39 pursuant to this chapter and shall retain them ~~these~~
40 records in accordance with the provisions of section
41 533.26. The superintendent may cause film, photo-
42 graphic, photostatic, or other copies of ~~such these~~
43 records to be made and the superintendent shall retain
44 such these copies in lieu of the original records.

45 Sec. 24. Section five hundred thirty-three point
46 twenty-seven (533.27), unnumbered paragraph two (2),
47 Code 1977, is amended to read as follows:

48 For the purpose of assisting credit unions in the
49 retention of only necessary records and files, or
50 for the destruction of those which are obsolete or

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1 unnecessary, credit unions are authorized to destroy
2 such records and files or classes thereof within the
3 period of limitation of actions upon the joint
4 recommendation of the superintendent ~~of banking~~ and
5 ~~a~~ the credit union review board relating to ~~records~~
6 ~~consisting of the directors of the Iowa credit union~~
7 ~~league.~~

8 Sec. 25. Section five hundred thirty-three point
9 thirty (533.30), subsections one (1), three (3), and
10 four (4), Code 1977, are amended to read as follows:

11 1. A credit union may, ~~with the approval of the~~
12 ~~superintendent of banking,~~ merge with another credit
13 union under the existing organization of the other
14 credit union if the merger receives approval of the
15 superintendent and if the merger is pursuant to a
16 plan agreed upon by the majority of the board of
17 directors of each credit union joining in the merger
18 and which plan is approved by the affirmative vote
19 of a majority of the members of the merging credit
20 unions.

21 3. The certificate and a copy of the agreed plan
22 of merger agreed upon shall be forwarded to the
23 superintendent ~~of banking~~, certified by him or her,
24 and returned to both credit unions within thirty days
25 of the date of receipt by the superintendent.

26 4. Upon return of the certificates from the
 27 superintendent ~~of banking~~, all property, property
 28 rights, and members' interest of the merged credit
 29 union shall vest in the surviving credit union without
 30 ~~deed, endorsement the legal need for deeds, endors-~~
 31 ~~ments or other instrument instruments~~ of transfer,
 32 and all debts, obligations and liabilities of the
 33 merged credit union ~~are~~ shall be assumed by the
 34 surviving credit union under whose charter the merger
 35 was effected. The rights and privileges of the members
 36 of the merged credit union shall remain intact.
 37 Credit union membership in the surviving credit un-
 38 ion shall be available to persons within the field
 39 of membership of the merged credit union.

40 Sec. 26. Section five hundred thirty-three point
 41 thirty-three (533.33), subsection one (1), Code 1977,
 42 is amended to read as follows:

43 1. The superintendent may tender to the
 44 administrator of the national credit union
 45 administration the appointment as receiver for an
 46 insured credit union. If the administrator ~~of the~~
 47 national credit union administration accepts the
 48 appointment as receiver, the rights of the members
 49 and ~~other~~ the rights of creditors of the insured
 50 credit union shall be determined in accordance with

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1 the laws of this state.

2 Sec. 27. Section five hundred thirty-three point
 3 thirty-four (533.34), Code 1977, is amended to read
 4 as follows:

5 533.34 CONVERSION OF STATE CREDIT UNION INTO
 6 FEDERAL CREDIT UNION.

7 1. A state credit union may convert into a federal
 8 credit union upon with the approval of the
 9 superintendent and by the affirmative vote of a
 10 majority of ~~its~~ the credit union's members eligible
 11 to vote. ~~This vote, if taken, shall be~~ at a special
 12 meeting called for that purpose and shall be in the
 13 manner prescribed by the bylaws ~~and with the approval~~
 14 ~~of the administrator of the national credit union~~
 15 administration. Any member eligible to vote and not
 16 present at the meeting may, within twenty days after
 17 the date on which the meeting was held, vote in favor
 18 of conversion by signing a statement in a form
 19 satisfactory to the superintendent ~~of banking and~~
 20 ~~the~~. This vote shall have the same force and effect
 21 as if cast at the meeting.

22 2. The board of directors of the state credit
23 union shall notify the superintendent ~~of banking~~ of
24 any proposed conversion and of any abandonment or
25 disapproval of the conversion by the members or by
26 the administrator of the national credit union
27 administration. The board of directors of the state
28 credit union shall file with the superintendent
29 appropriate evidence of approval of the conversion
30 by the administrator of the national credit union
31 administration and shall notify the superintendent
32 of the date on which the conversion is to be effective.

33 3. Upon receipt of satisfactory proof that the
34 state credit union has complied with all applicable
35 laws of this state and of the United States, the
36 superintendent shall issue a certificate of conversion
37 which shall be filed and recorded in the county in
38 which the state credit union has its principal place
39 of business and in the county in which its original
40 articles of incorporation were filed and recorded.

41 Sec. 28. Section five hundred thirty-three point
42 thirty-five (533.35), subsection one (1) and two (2),
43 Code 1977, are amended to read as follows:

44 1. A federal credit union may convert into a state
45 credit union upon by compliance with the laws of the
46 United States and upon the approval by of the
47 superintendent ~~of banking~~. Application for approval
48 of the conversion to a state credit union shall be
49 submitted to the superintendent in the form prescribed
50 by the superintendent, together with the articles

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1 of incorporation and bylaws as required by section
2 533.1. The superintendent ~~of banking~~ may cause an
3 examination to be made of any converting federal
4 credit union ~~and the~~. The credit union shall pay
5 to the superintendent the same examination fee as
6 paid for examinations of state credit unions.

7 2. If the superintendent shall should approve
8 the application of a federal credit union for
9 conversion to a state credit union, he or she shall
10 cause the articles of incorporation of the resulting
11 state credit union to be filed and recorded in the
12 county in which the credit union has its principal
13 place of business and he or she shall issue a
14 certificate of authority to do business under the
15 laws of this state to the resulting state credit union
16 ~~to do business under the laws of this state~~. The
17 credit union shall then become a state credit union

18 subject to the laws of this state. The superintendent
19 shall furnish a copy of the certificate to the
20 administrator of the national credit union
21 administration.

22 Sec. 29. Section five hundred thirty—three point
23 thirty—six (533.36), Code 1977, is amended by adding
24 the following new subsections:

25 NEW SUBSECTION. "Superintendent" means the
26 superintendent of credit unions.

27 NEW SUBSECTION. "Department" means the department
28 of credit unions.

29 NEW SUBSECTION. "Financial institutions board"
30 means the board created under section two (2) of this
31 Act.

32 NEW SUBSECTION. "General counsel" means the person
33 appointed under section eight (8) of this Act.

34 Sec. 30. The credit union examination supervisor,
35 examiners and other staff existing within the
36 department of banking, credit union section, are
37 transferred to the department of credit unions. The
38 Iowa merit employment commission shall promulgate
39 rules to carry out this transfer and shall arbitrate
40 and decide any written appeal made by any employee
41 concerning this transfer. No employee shall lose,
42 because of this transfer, any benefits accrued to him,
43 including but not limited to salary, retirement,
44 vacation, sick leave or longevity.

45 The state comptroller, pursuant to section eight
46 point thirty—nine (8.39) of the Code, shall determine
47 what portion of the appropriation made to the
48 department of banking will be in excess of need, if
49 any, because of the transfer of duties and personnel
50 as provided in this section, and shall transfer such

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1 amounts to the account of the department of credit
2 unions. The comptroller also shall determine what
3 other funds or accounts, including reserves, are held
4 in the name or for the use or benefit of the existing
5 section of credit unions within the department of
6 banking, and shall transfer all assets and liabilities
7 to the account of the department of credit unions.

8 Sec. 31. All effective rules, regulations, forms,
9 orders and directives promulgated by the superintendent
10 of banking or other authority pursuant to chapter
11 five hundred thirty—three (533) of the Code shall
12 continue in full force and effect as rules,

13 regulations, forms, orders and directives of the
 14 superintendent of credit unions until amended, supple-
 15 mented or repealed by affirmative action of the
 16 superintendent of credit unions. Any approval or
 17 certificate of authority, or any other form of
 18 permission or license granted or issued by the
 19 superintendent of banking or other authority pursuant
 20 to chapter five hundred thirty-three (533) of the
 21 Code, and in effect on the effective date of this
 22 Act, shall continue to be in effect until it expires
 23 according to the terms of its issuance or until it
 24 is otherwise revoked, suspended or withdrawn as
 25 provided by law.

26 Sec. 32. All existing bonds, deposits, reserves
 27 or other funds established pursuant to chapter five
 28 hundred thirty-three (533) of the Code, and of which
 29 the superintendent of banking is the beneficiary,
 30 trustee, or payee, or by which the superintendent
 31 of banking acquired right, authority or power, shall
 32 continue in effect, and all right, authority, power
 33 or benefit shall inure to the superintendent of credit
 34 unions who for all intents and purposes shall be a
 35 lawful substitute for the superintendent of bank-
 36 ing. All legal proceedings, conservatorships,
 37 receiverships or other actions pending shall be
 38 continued, and any rights, duties or liabilities of
 39 the superintendent of banking in those actions shall
 40 be rights, duties or liabilities of the superintendent
 41 of credit unions.

42 Sec. 33. Sections five hundred thirty-three point
 43 two (533.2), five hundred thirty-three point eight
 44 (533.8), five hundred thirty-three point seventeen
 45 (533.17), subsections one (1) and three (3), five
 46 hundred thirty-three point twenty-three (533.23),
 47 Code 1977, are amended by striking the words
 48 "superintendent of banking" wherever in those sections,
 49 subsections, or paragraphs they may appear, and
 50 inserting in lieu thereof the word "superintendent".

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1 DIVISION IV

2 Sec. 34. Section five hundred thirty-four point
 3 two (534.2), Code 1977, is amended by striking
 4 subsection two (2) and inserting in lieu thereof the
 5 following:

6 2. "Superintendent" means the superintendent of
 7 savings and loan associations.

8 Sec. 35. Section five hundred thirty-four point

9 two (534.2), Code 1977, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. "Department" means the department
12 of savings and loan associations.

13 NEW SUBSECTION. "Financial institutions board"
14 means the board created under section two (2) of this
15 Act.

16 NEW SUBSECTION. "General counsel" means the person
17 appointed under section eight (8) of this Act.

18 Sec. 36. Chapter five hundred thirty-four (534),
19 Code 1977, is amended by adding the following new
20 sections:

21 NEW SECTION. DEPARTMENT OF SAVINGS AND LOAN
22 ASSOCIATIONS. There is created a department of savings
23 and loan associations which shall be the office of
24 the superintendent and shall include other personnel
25 necessary for the discharge of the duties and
26 responsibilities imposed upon the superintendent
27 by the laws of this state.

28 NEW SECTION. SUPERINTENDENT OF SAVINGS AND LOAN
29 ASSOCIATIONS.

30 1. APPOINTMENT. The governor shall appoint,
31 subject to the confirmation of at least two-thirds
32 of the members of the senate, for an irregular term
33 ending June 30, 1980 and for each four-year period
34 thereafter, a superintendent of savings and loan
35 associations. An appointee shall be selected solely
36 with regard to qualification and fitness to discharge
37 the duties of office. The superintendent shall hold
38 office at the seat of state government.

39 2. TERM—REMOVAL—VACANCY. The regular term of
40 office of the superintendent shall be four years from
41 the first day of July of the year of his or her
42 appointment, subject to removal at the pleasure of
43 the governor. A vacancy in the office of
44 superintendent occurring while the general assem-
45 bly is not in session shall be filled by temporary
46 appointment by the governor, which appointment shall
47 expire at the end of thirty days from the time the
48 general assembly next convenes. Prior to the
49 expiration of that thirty days the governor shall
50 transmit to the senate for confirmation an appointment

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1 for the unexpired portion of the regular term. A
2 vacancy occurring during a session of the general
3 assembly shall be filled as regular appointments are
4 made and before the end of the session and for the

5 unexpired portion of the regular term.

6 3. The governor shall obtain the advice of the
7 financial institutions board with respect to any
8 appointee to a regular term or vacancy as
9 superintendent of savings and loan associations.

10 4. SALARY AND EXPENSES. The superintendent shall
11 receive a salary to be fixed by the governor and
12 comptroller and he or she shall be entitled to
13 reimbursement for expenses incurred in the performance
14 of duties.

15 5. DUTIES AND POWERS. The superintendent shall
16 be charged with the administration and execution of
17 the laws relating to savings and loan associations,
18 and with other duties and responsibilities as provided
19 by law.

20 6. BOND AND OATH. The superintendent, upon
21 appointment, shall give bond to the state, signed
22 by a responsible surety company, in the penal sum
23 of two thousand dollars, conditioned upon faithful
24 and impartial discharge of duties, and upon proper
25 accounting for all funds and other valuables which
26 may come into his or her hands. The superintendent
27 also shall take an oath of office, and the bond and
28 oath shall be approved by and filed with the governor.
29 The cost of the bond shall be paid by the department
30 as an expense.

31 **NEW SECTION. PERSONNEL.** The superintendent may
32 employ, subject to the approval of the governor and
33 the state comptroller, examiners, assistants and other
34 personnel necessary for the execution of the duties
35 and obligations imposed upon the superintendent.
36 Chapter nineteen A (19A) of the Code shall apply to
37 all department personnel except the superintendent
38 and his or her secretary. The salary of the secre-
39 tary shall be fixed by the superintendent. Examiners'
40 salaries shall be commensurate with those for examiners
41 of the federal savings and loan insurance corporation
42 in this area of the United States. Department
43 personnel shall be reimbursed for the actual and
44 necessary expenses incurred by them in the performance
45 of their duties.

46 Before engaging in his or her duties each examiner
47 shall take an oath of office and shall give bond to
48 the state, signed by a responsible surety company,
49 in the penal sum of two thousand dollars, conditioned
50 upon faithful and impartial discharge of his or her

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1 duties and upon proper accounting for all funds and
2 other valuables which may come into his or her hands.
3 The bond and oath shall be approved by and filed with
4 the governor. The cost of bonds shall be paid by
5 the department as an expense.

6 NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL
7 COUNSEL

8 1. The financial institutions board shall act
9 with the superintendent in an advisory capacity
10 concerning the administration of this chapter, and
11 shall have other duties as provided in division one
12 (I) of this Act.

13 2. The general counsel shall act with the
14 superintendent in an advisory capacity concerning
15 the administration of this chapter, and shall have
16 other duties as provided in division one (I) of this
17 Act.

18 Sec. 37. Section five hundred thirty-four point
19 thirty-eight (534.38), Code 1977, is amended to read
20 as follows:

21 534.38 APPROVAL BY MEMBERS. Such plan shall be
22 submitted to the members of both associations, either
23 at the regular meeting or at special meetings called
24 for that purpose, and if approved by a vote of fifty—
25 one percent of the members of each association, voted
26 in person or by proxy at said meeting, the same shall
27 then be filed ~~in the office of the auditor of state~~
28 with the superintendent, who shall issue a certificate
29 authorizing the consolidation.

30 Sec. 38. Section five hundred thirty-four point
31 forty-one (534.41), subsection six (6), Code 1977,
32 is amended to read as follows:

33 6. RECORD REQUIRED.

34 a. A record of such examination shall be kept
35 in the ~~auditor's office department~~, showing in detail
36 as to each association all matters connected with
37 the conduct of the business, its financial standing
38 and everything touching its solvency, plan of business
39 and integrity.

40 b. Such examinations and reports, and other
41 information connected therewith, shall be kept
42 confidential ~~in the office of the auditor of state~~
43 ~~and the supervisor of savings and loan associations~~,
44 and shall not be subject to publication or disclosure
45 to others except as in this chapter provided. However,
46 any evidence of felonious acts on the part of the
47 officers, directors or employees of such association

48 may be referred by the ~~office of the auditor of state~~
49 ~~superintendent~~ to proper authorities. Members of
50 such associations, other than their officers and

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1 directors, shall not be entitled to inspection of
2 any such records or information and shall not be
3 entitled to any information relative to the names
4 of the members of any association, or the amounts
5 invested by them, as disclosed in the ~~auditor's office~~
6 ~~records of the department~~, or in the records of any
7 such association.

8 Sec. 39. Section five hundred thirty-four point
9 three (534.3), subsection one (1), Code 1977, is
10 amended to read as follows:

11 1. PETITION FOR CERTIFICATE OF INCORPORATION.

12 At any time hereafter any five or more individuals
13 (hereinafter referred to as the "incorporators", who
14 are citizens of this state may form an association
15 to promote thrift and home financing, subject to
16 approval as hereinafter provided in this chapter by
17 signing and acknowledging, before an officer competent
18 to take acknowledgements of deeds, two copies of a
19 petition for a certificate of incorporation in the
20 form prescribed by the ~~savings and loan supervisor~~
21 ~~superintendent~~, and of the bylaws in a form approved
22 by the ~~savings and loan supervisor superintendent~~,
23 which shall be filed with the ~~savings and loan~~
24 ~~supervisor in the office of the auditor of state~~
25 ~~superintendent~~ and accompanied by an incorporation
26 fee.

27 Sec. 40. Section five hundred thirty-four point
28 three (534.3), subsection three (3), paragraph a,
29 Code 1977, is amended to read as follows:

30 a. The proposed articles of incorporation for
31 any proposed new association, together with proposed
32 bylaws, shall be ~~presented to the auditor of state~~
33 ~~filed with the superintendent~~ and by him or her
34 submitted to the state executive council and if it
35 finds that they are in conformity with the law and
36 based upon a plan equitable in all respects to its
37 members, and further finds from the best sources at
38 its command and from such investigation as it may
39 deem necessary, that the proposed incorporators are
40 persons of good character, ability and responsibility; 1
41 that a reasonable necessity exists for such new
42 institution in the community to be served; 1 that it
43 can be established and operated without undue injury

44 to existing local thrift and home financing
 45 institutions and that the proposed name of such
 46 institution is not similar to that of any other
 47 association operating in the same community and is
 48 not misleading or deceitful, the executive council
 49 shall attach thereto its certificate of approval and
 50 enter its approval of record, and thereupon such

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1 articles of incorporation shall be recorded in the
 2 office of the secretary of state and in the office
 3 of the recorder of the county in which the as-
 4 sociation's principal place of business is to be
 5 situated and then shall be filed ~~in the office of~~
 6 ~~the auditor of state~~ with the superintendent who shall
 7 at that time issue a certificate authorizing the
 8 association to transact business as a building and
 9 loan or savings and loan association.

10 Sec. 41. Section five hundred thirty-four point
 11 four (534.4), subsection one (1), paragraph d,
 12 unnumbered subparagraphs two (2) and three (3), Code
 13 1977, are amended to read as follows:

14 The population of any such city shall be determined
 15 by the ~~said supervisor~~ superintendent in accordance
 16 with the latest federal decennial census.

17 The treasurer of the incorporators committee shall
 18 file with the ~~said supervisor~~ superintendent a fidelity
 19 bond, signed by himself ~~the treasurer~~ and an authorized
 20 surety company acceptable to the ~~supervisor~~
 21 superintendent, in a penal sum at least equal to the
 22 required paid-in savings liability and expense fund
 23 as hereinbefore required, payable to the ~~supervisor~~
 24 ~~of building and loan associations~~ superintendent.
 25 Such bond shall assure the safekeeping and delivery
 26 to the association, after issuance of a certificate
 27 of incorporation, and after the association's
 28 authorized officers have filed the required bonds
 29 of all of such required paid-in savings liability
 30 and expense fund, or in the event of failure to
 31 complete organization, such bond shall assure the
 32 return to the persons providing such paid-in savings
 33 liability and expense funds of the amounts contributed
 34 thereto by them, less any necessary cost and expenses.

35 Sec. 42. Section five hundred thirty-four point
 36 sixty-six (534.66), subsection six (6), Code 1977,
 37 is amended to read as follows:

38 6. APPROVAL—CERTIFICATE OF AUTHORITY. If the
 39 executive council approves the plan or method of

40 business of any such building and loan association,
 41 it shall endorse its approval upon the statement of
 42 the resources and liabilities and plan of business
 43 presented to it, and such statement shall thereupon
 44 be filed ~~in the office of the auditor of state~~ with
 45 the superintendent, who shall issue a certificate
 46 to such building and loan association to transact
 47 business within the state, if such association has
 48 deposited with him ~~or her~~ the mortgages and securities
 49 required by the other provisions of this chapter.
 50 Sec. 43. The supervisor, examiners and other staff

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1 existing within the savings and loan division of the
 2 office of the auditor of state are transferred to
 3 the department of savings and loan associations.
 4 The Iowa merit employment commission shall promulgate
 5 rules to carry out this transfer and shall arbitrate
 6 and decide any written appeal made by any employee
 7 concerning this transfer. No employee shall lose,
 8 because of this transfer, any benefits he or she may
 9 have accrued, including but not limited to salary,
 10 retirement, vacation, sick leave or longevity.

11 The state comptroller, pursuant to section eight
 12 point thirty-nine (8.39) of the Code, shall determine
 13 what portion of the appropriation made to the auditor
 14 of state will be in excess of need, if any, because
 15 of the transfer of duties and personnel as provided
 16 in this section, and shall transfer such amounts to
 17 the account of the department. The comptroller also
 18 shall determine what other funds or accounts, including
 19 reserves, are held in the name or for the benefit
 20 of the division of savings and loans, and shall
 21 transfer all assets and liabilities to the account
 22 of the department.

23 Sec. 44. All rules, regulations, forms, orders,
 24 and directives promulgated by the auditor of state
 25 or the supervisor of savings and loan associations
 26 pursuant to chapter five hundred thirty-four (534)
 27 of the Code, shall continue in full force and effect
 28 as rules, regulations, forms, orders and directives
 29 of the department of savings and loan associations
 30 until amended, supplemented or repealed by affirmative
 31 action of the superintendent. Any approval,
 32 certificate of authority, or other form of permission
 33 or license granted or issued by the auditor, executive
 34 council or supervisor pursuant to chapter five hundred
 35 thirty-four (534) of the Code, and in effect on the

36 effective date of this Act, shall continue to be in
37 effect until it expires according to the terms of
38 its issuance or until it is otherwise revoked,
39 suspended or withdrawn as provided by law.

40 Sec. 45. All existing bonds, deposits, reserves
41 or other funds established pursuant to chapter five
42 hundred thirty-four (534) of the Code, of which the
43 auditor of state or the supervisor of savings and
44 loan associations is the beneficiary, trustee, or
45 payee, or by which the auditor or the supervisor
46 acquired right, authority or power, shall continue
47 in effect, and all right, authority, power or benefit
48 shall inure to the superintendent who shall be for
49 all intents and purposes a lawful substitute for the
50 auditor or supervisor. All pending legal proceedings,

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1 conservatorships, receiverships or other actions
2 initiated pursuant to chapter five hundred thirty-
3 four (534) of the Code, shall be continued and any
4 rights, duties or liabilities of the auditor or
5 supervisor in those actions shall be rights, duties
6 or liabilities of the superintendent.
7 Sec. 46. Sections five hundred thirty-four point
8 two (534.2), subsections two (2) and nineteen (19),
9 five hundred thirty-four point three (534.3),
10 subsection one (1), five hundred thirty-four point
11 three (534.3), subsection three (3), paragraph c,
12 five hundred thirty-four point five (534.5),
13 subsections one (1) and two (2), five hundred thirty-
14 four point six (534.6), five hundred thirty-four point
15 seventeen (534.17), subsection two (2), unnumbered
16 paragraph two (2), five hundred thirty-four point
17 eighteen (534.18), five hundred thirty-four point
18 nineteen (534.19), subsection seven (7), unnumbered
19 paragraph one (1), five hundred thirty-four point
20 nineteen (534.19), subsections nine (9), thirteen
21 (13), fifteen (15), and subsection eighteen (18),
22 unnumbered paragraphs one (1) and two (2), five hundred
23 thirty-four point twenty (534.20), unnumbered paragraph
24 two (2), five hundred thirty-four point twenty-one
25 (534.21), subsections one (1) and four (4), five
26 hundred thirty-four point twenty-four (534.24),
27 subsections one (1) and two (2), five hundred thirty-
28 four point thirty-two (534.32), five hundred thirty-
29 four point thirty-four (534.34), five hundred thirty-
30 four point forty-one (534.41), five hundred thirty-
31 four point forty-two (534.42), five hundred thirty-

32 four point forty—six (534.46), five hundred thirty—
 33 four point sixty—one (534.61), and five hundred thirty—
 34 four point sixty—eight (534.68), Code 1977, are amended
 35 by striking the words “savings and loan supervisor”,
 36 “supervisor”, “supervisor of savings and loan
 37 associations”, and “supervisor of state chartered
 38 associations” wherever they may appear in those
 39 sections, subsections, and paragraphs, and inserting
 40 in lieu thereof the word “superintendent”.

41 Sec. 47. Sections five hundred thirty—four point
 42 three (534.3), subsection three (3), paragraph b,
 43 five hundred thirty—four point seven (534.7),
 44 subsections one (1) and two (2), five hundred thirty—
 45 four point twenty—nine (534.29), five hundred thirty—
 46 four point thirty (534.30), five hundred thirty—four
 47 point forty—one (534.41), five hundred thirty—four
 48 point forty—seven (534.47), five hundred thirty—four
 49 point forty—nine (534.49), five hundred thirty—four
 50 point fifty—one (534.51), subsections one (1) and

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1 two (2), five hundred thirty—four point fifty—two
 2 (534.52), five hundred thirty—four point fifty—three
 3 (534.53), five hundred thirty—four point fifty—four
 4 (534.54), five hundred thirty—four point fifty—five
 5 (534.55), five hundred thirty—four point fifty—six
 6 (534.56), five hundred thirty—four point fifty—eight
 7 (534.58), five hundred thirty—four point sixty
 8 (534.60), five hundred thirty—four point sixty—one
 9 (534.61), five hundred thirty—four point sixty—two
 10 (534.62), five hundred thirty—four point sixty—three
 11 (534.63), and five hundred thirty—four point sixty—
 12 six (534.66), Code 1977, are amended by striking the
 13 words “auditor”, “state auditor”, “auditor of state”,
 14 “auditor of this state”, and “auditor of the state”
 15 wherever they may appear in those sections,
 16 subsections, and paragraphs, and inserting in lieu
 17 thereof the word “superintendent”.

18 Sec. 48. Section five hundred thirty—four point
 19 forty—one (534.41), Code 1977, is amended by striking
 20 subsection one (1); and unnumbered paragraphs one
 21 (1) through four (4), subsection two (2).

22 DIVISION V

23 Sec. 49. Chapter five hundred thirty—six (536),
 24 Code 1977, is amended by adding the following new
 25 section:

26 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
 27 **COUNSEL.**

28 1. The financial institutions board shall act
29 with the superintendent in an advisory capacity
30 concerning the administration of this chapter, and
31 shall have other duties as provided in division one
32 (I) of this Act.

33 2. The general counsel shall act with the
34 superintendent in an advisory capacity concerning
35 the administration of this chapter, and shall have
36 other duties as provided in division one (I) of this
37 Act.

38 Sec. 50. Section five hundred thirty-six point
39 four (536.4), unnumbered paragraph three (3), Code
40 1977, is amended to read as follows:

41 If the application is denied the superintendent
42 shall within twenty days thereafter file ~~with the~~
43 banking in the records of the department a written
44 transcript of the evidence and decision and findings
45 with respect thereto containing the reasons supporting
46 the denial, and forthwith serve upon the applicant
47 a copy thereof.

48 Sec. 51. Section five hundred thirty-six point
49 nine (536.9), subsection seven (7), Code 1977, is
50 amended to read as follows:

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1 7. Whenever the superintendent shall revoke or
2 suspend a license issued under this chapter, he ~~or~~
3 she shall forthwith file ~~with the banking in the~~
4 records of the department a written transcript of
5 the evidence and order to that effect and findings
6 with respect thereto containing the reasons supporting
7 the revocation or suspension, and forthwith serve
8 upon the licensee a copy thereof.

9 Sec. 52. Section five hundred thirty-six point
10 ten (536.10), unnumbered paragraph three (3), Code
11 1977, is amended to read as follows:

12 Every licensee subject to examination, supervision
13 and regulation by the superintendent, shall pay to
14 the superintendent an examination fee, based on the
15 ~~actual cost of the operation of the small loan division~~
16 ~~of the department of banking; and the proportionate~~
17 ~~share of costs and~~ administrative expenses in the
18 operation of the department ~~of banking~~ which are
19 attributable to the ~~small loan division~~ administration
20 of this chapter, as determined by the superintendent
21 ~~of banking~~. Such fee shall apply equally to all
22 licenses and shall not be changed more frequently
23 than annually and when changed, shall be effective

24 on January 1 first of the year following the year
25 in which the change is approved adopted.

26 Sec. 53. Section five hundred thirty-six point
27 twenty-one (536.21), Code 1977, is amended to read
28 as follows:

29 536.21 RULES. The superintendent is hereby
30 authorized and empowered to make such reasonable and
31 relevant rules may promulgate rules pursuant to chapter
32 seventeen A (17A) of the Code as may be necessary
33 for the execution and the enforcement of the provisions
34 of this chapter, ~~in addition hereto and not~~
35 ~~inconsistent herewith.~~ All rules shall be filed and
36 entered by the superintendent in the ~~banking department~~
37 ~~in an indexed, permanent book or record; with the~~
38 ~~effective date thereof suitable indicated; and such~~
39 ~~book or record shall be a public document~~ records
40 of the department.

41 Sec. 54. Section five hundred thirty-six point
42 twenty-eight (536.28), Code 1977, is amended by adding
43 the following new subsections:

44 NEW SUBSECTION. "Superintendent" means the
45 superintendent of supervised lenders.

46 NEW SUBSECTION. "Department" means the department
47 of supervised lenders.

48 NEW SUBSECTION. "Financial institutions board"
49 means the board created under section two (2) of this
50 Act.

Page 32

1 NEW SUBSECTION. "General counsel" means the person
2 appointed under section eight (8) of this Act.

3 Sec. 55. Sections five hundred thirty-six point
4 one (536.1), five hundred thirty-six point twenty-
5 two (536.22) and five hundred thirty-six point twenty-
6 four (536.24), Code 1977, are amended by striking
7 the words "Supeintendent of banking" wherever in
8 those provisions those words appear and inserting
9 in lieu thereof the word "superintendent".

10 Sec. 56. Sections five hundred thirty-six point
11 thirteen (536.13), section title and subsection one
12 (1), and five hundred thirty-six point twenty-three
13 (536.23), Code 1977, are amended by striking the words
14 "banking board" and "state banking board" wherever
15 in those provisions those words appear and inserting
16 in lieu thereof the words "financial institutions
17 board".

18 Sec. 57. Section five hundred thirty-six A point
19 two (536A.2), Code 1977, is amended by adding the

20 following new subsections:

21 NEW SUBSECTION. "Superintendent" means the
22 superintendent of supervised lenders.

23 NEW SUBSECTION. "Department" means the department
24 of supervised lenders.

25 NEW SUBSECTION. "Financial institutions board"
26 means the board created under section two (2) of this
27 Act.

28 NEW SUBSECTION. "General counsel" means the person
29 appointed under section eight (8) of this Act.

30 Sec. 58. Section five hundred thirty-six A point
31 fifteen (536A.15), Code 1977, is amended to read as
32 follows:

33 536A.15 EXAMINATION OF LICENSEES—FEE. ~~The auditor~~
34 ~~superintendent~~ or his duly authorized representative
35 shall, at least once each year without previous notice,
36 examine and audit the books, accounts and records
37 of each licensee engaged in the industrial loan
38 business as defined by this chapter. Any licensee,
39 in lieu of such examination and audit by the ~~auditor~~
40 ~~superintendent~~ or his duly authorized representative,
41 at the option of the ~~auditor superintendent~~, may be
42 audited at the expense of the licensee by a certified
43 public accountant licensed to practice in the state
44 of Iowa. After receiving such an audit the ~~auditor~~
45 ~~superintendent~~ may make such further examination of
46 the licensee as he may deem necessary. A record of
47 each examination shall be kept in the ~~auditor's office~~
48 ~~records of the department~~. Such examinations and
49 reports, and other information connected therewith,
50 shall be kept confidential ~~in the office of the auditor~~

Page 33

1 and shall not be subject to publication or disclosure
2 to others except as in this chapter provided. Any
3 evidence of criminal acts committed by officers,
4 directors or employees of any industrial loan
5 association shall be reported by the ~~auditor~~
6 ~~superintendent~~ to the proper authorities. ~~The licensee-~~
7 ~~shall be charged and shall pay the actual costs of~~
8 ~~the examination.-~~

9 Every licensee shall pay to the superintendent
10 an examination fee, based on the actual costs and
11 administrative expenses in the operation of the
12 department which are attributable to the adminis-
13 tration of this chapter, as determined by the
14 superintendent. The fee shall apply equally to all
15 licensees and shall not be changed more frequently

16 than annually, and when changed shall be effective
 17 on January first of the year following the year in
 18 which the change is adopted.

19 Sec. 59. Sections five hundred thirty-six A point
 20 three (536A.3), five hundred thirty-six A point four
 21 (536A.4), five hundred thirty-six A point six (536A.6),
 22 five hundred thirty-six A point seven (536A.7), five
 23 hundred thirty-six A point nine (536A.9), five hundred
 24 thirty-six A point ten (536A.10), five hundred thirty-
 25 six A point eleven (536A.11), five hundred thirty-
 26 six A point twelve (536A.12), five hundred thirty-
 27 six A point thirteen (536A.13), five hundred thirty-
 28 six A point fourteen (536A.14), five hundred thirty-
 29 six A point sixteen (536A.16), five hundred thirty-
 30 six A point seventeen (536A.17), five hundred thirty-
 31 six A point eighteen (536A.18), five hundred thirty-
 32 six A point nineteen (536A.19), five hundred thirty-
 33 six A point twenty-one (536A.21), five hundred thirty-
 34 six A point twenty-eight (536A.28), five hundred
 35 thirty-six A point twenty-nine (536A.29), and five
 36 hundred thirty-six A point thirty (536A.30), Code
 37 1977, are amended by striking the words "auditor of
 38 the state of Iowa" and "auditor" wherever those words
 39 appear in those sections and inserting in lieu thereof
 40 the word "superintendent".

41 Sec. 60. Section five hundred thirty-six A point
 42 two (536A.2), Code 1977, is amended by striking
 43 subsection four (4).

44 DIVISION VI

45 Sec. 61. The following new sections are enacted
 46 as a new chapter five hundred thirty-six B (536B)
 47 of the Code.

48 NEW SECTION. DEFINITIONS. As used in this chapter,
 49 unless the context otherwise require:

50 1. "Superintendent" means the superintendent of

Page 34

- 1 supervised lenders.
 2 2. "Department" means the department of supervised
 3 lenders.
 4 3. "Supervised lender" means and includes a person
 5 licensed under the provisions of chapters five hundred
 6 thirty-six (536) or five hundred thirty-six A (536A)
 7 of the Code.
 8 4. "Financial institutions board" means the board
 9 created under section two (2) of this Act.
 10 5. "General counsel" means the person appointed
 11 under section eight (8) of this Act.

12 NEW SECTION. DEPARTMENT OF SUPERVISED LENDERS

13 There is created a department of supervised lenders
14 which shall be the office of the superintendent, and
15 shall include personnel necessary for the discharge
16 of the duties and responsibilities imposed upon the
17 superintendent by the laws of this state.

18 NEW SECTION. SUPERINTENDENT.

19 1. APPOINTMENT. The governor shall appoint,
20 subject to confirmation of at least two-thirds of
21 the members of the senate, for an irregular term
22 ending June 30, 1981, and for each four-year period
23 thereafter, a superintendent of supervised loan
24 licensees. An appointee shall be selected solely
25 with regard to qualifications and fitness for office.
26 The superintendent shall hold office at the seat of
27 government.

28 2. TERM—REMOVAL—VACANCY. The regular term of
29 office of the superintendent shall be four years from
30 the first day of July of the year of his appointment,
31 subject to removal at the pleasure of the governor.
32 A vacancy in the office of superintendent occurring
33 while the general assembly is not in session shall
34 be filled by appointment by the governor, which
35 appointment shall expire at the end of thirty days
36 from the time the general assembly next convenes.
37 Prior to the expiration of that thirty days the
38 governor shall transmit to the senate for confirmation
39 an appointment for the unexpired portion of the regular
40 term. A vacancy occurring during a session of the
41 general assembly shall be filled as regular
42 appointments are made and before the end of the session
43 and for the unexpired portion of the regular term.

44 3. The governor shall obtain the advice of the
45 financial institutions board with respect to any
46 appointee to a regular term or vacancy as
47 superintendent of supervised lenders.

48 4. SALARY AND EXPENSES. The superintendent shall
49 receive a salary to be fixed by the governor and
50 comptroller, and shall be entitled to reimbursement

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1 for expenses incurred in the performance of duties.

2 5. DUTIES AND POWERS. The superintendent shall
3 have the powers, duties and responsibilities provided
4 in chapters five hundred thirty-six (536) and five
5 hundred thirty-six A (536A) of the Code and other
6 powers, duties and responsibilities as the law may
7 provide.

8 6. **BOND AND OATH.** The superintendent, upon
 9 appointment, shall give bond to the state, signed
 10 by a responsible surety company, in the penal sum
 11 of two thousand dollars, conditioned upon faithful
 12 and impartial discharge of duties, and upon proper
 13 accounting for all funds and other valuables which
 14 may come into his or her hands. The superintendent
 15 also shall take an oath of office, and the bond and
 16 oath shall be approved by and filed with the governor.
 17 The cost of the bond shall be paid by the department
 18 as an expense.

19 **NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT.**

20 The superintendent shall make an annual report in
 21 writing to the financial institutions board and the
 22 general assembly. A copy of the report shall be
 23 furnished at cost by the superintendent to each
 24 supervised lender or other person upon request. The
 25 annual report shall contain:

26 1. A summary of license applications approved
 27 or denied by the superintendent since the last report.

28 2. A summary of the assets, liabilities and capital
 29 structure of all supervised lenders as of December
 30 thirty-first of the year for which the report is made.

31 3. A statement of the receipts and disbursements
 32 of department funds during the calendar year ending
 33 the preceding December thirty-first, and of the funds
 34 on hand on that date.

35 4. Information which the superintendent may deem
 36 appropriate and advisable to disclose.

37 5. Information which the financial institutions
 38 board may require to be included.

39 **NEW SECTION. PERSONNEL.** The superintendent may
 40 employ, subject to the approval of the governor and
 41 the state comptroller, assistants, examiners and other
 42 personnel necessary for the proper execution of his
 43 or her duties and responsibilities. Chapter nineteen
 44 A(19A) of the Code shall apply to all department
 45 personnel except the superintendent and his or her
 46 secretary. The salary of the secretary shall be fixed
 47 by the superintendent. Examiner's salaries shall
 48 be commensurate with those for examiners of the federal
 49 deposit insurance corporation in this area of the
 50 United States. Department personnel shall be

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1 reimbursed for the actual and necessary expenses
 2 incurred by them in the performance of their duties.
 3 Before engaging in his or her duties each examiner

4 shall take an oath of office and shall give bond to
 5 the state, signed by a responsible surety company,
 6 in the penal sum of two thousand dollars, conditioned
 7 upon faithful and impartial discharge of his or her
 8 duty and upon proper accounting for all funds and
 9 other valuables which may come into his or her hands.
 10 Each bond and oath shall be approved by and filed
 11 with the director. The cost of bonds shall be paid
 12 by the department as an expense.

13 **NEW SECTION. EXPENSES OF THE DEPARTMENT.** All
 14 expenses incurred by the department shall be paid
 15 from appropriations. All fees shall be apyable to
 16 the superintendent who shall pay all fees and other
 17 money received to the treasurer of state within the
 18 time required by section twelve point ten (12.10)
 19 of the Code. The treasurer shall hold the funds in
 20 an account in the name of the department for the
 21 payment of the expenses of the department. The account
 22 at all times shall be subject to the warrant of the
 23 state comptroller, drawn upon the written request
 24 of the superintendent, for the payment of expenses
 25 of the department.

26 The superintendent shall account for receipts and
 27 disbursements according to the separate duties imposed
 28 by the laws of this state.

29 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
 30 **COUNSEL.**

31 1. The financial institutions board shall act
 32 with the superintendent in an advisory capacity
 33 concerning the administration of this chapter, and
 34 shall have other duties as provided in division one
 35 (I) of this Act.

36 2. The general counsel shall act with the
 37 superintendent in an advisory capacity concerning
 38 the administration of this chapter, and shall have
 39 other duties as provided in division one (I) of this
 40 Act.

41 **Sec. 62.** The loan institution examination
 42 supervisor, examiners and other related staff existing
 43 within the loan institution section of the department
 44 of banking are transferred to the department of
 45 supervised lenders. The Iowa merit employment
 46 commission shall promulgate rules to carry out this
 47 transfer and shall arbitrate and decide any written
 48 appeal made by any employee concerning this transfer.
 49 No employee shall lose, because of this transfer, any
 50 benefits accrued to him, including but not limited

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1 to salary, retirement, vacation, sick leave or
2 longevity.

3 The state comptroller, pursuant to section eight
4 point thirty-nine (8.39) of the Code, shall determine
5 what portion of the appropriation made to the
6 department of banking will be in excess of need, if
7 any, because of the transfer of duties and personnel
8 as provided in this section, and shall transfer such
9 amounts to the account of the department of supervised
10 lenders. The comptroller also shall determine what
11 other funds or accounts, including reserves, are held
12 in the name or for the benefit of the loan institution
13 section of the department of banking and shall transfer
14 all assets and liabilities to the account of the
15 department of supervised lenders.

16 Sec. 63. All rules, regulations, forms, orders,
17 and directives promulgated by the superintendent of
18 banking or the banking board pursuant to chapter five
19 hundred thirty-six (536) of the Code, shall continue
20 in full force and effect as rules, regulations, forms,
21 orders and directives of the department of supervised
22 lenders until amended, supplemented or repealed by
23 affirmative action of the superintendent. Any
24 approval, certificate of authority, or any other form
25 of permission or license granted or issued by the
26 superintendent of banking or the banking board pursuant
27 to chapter five hundred thirty-six (536) of the Code,
28 and in effect on the date of enactment of this section,
29 shall continue to be in effect until it expires
30 according to the terms of its issuance or until it
31 is otherwise revoked, suspended or withdrawn as
32 provided by law.

33 Sec. 64. The supervisor, examiners and other staff
34 existing within the industrial loan division of the
35 office of the auditor of state are transferred to
36 the department of supervised lenders. The Iowa merit
37 employment commission shall promulgate rules to carry
38 out this transfer and shall arbitrate and decide any
39 written appeal made by any employee concerning this
40 transfer. No employee shall lose, because of this
41 transfer, any benefits accrued to him, including but
42 not limited to salary, retirement, vacation, sick
43 leave or longevity.

44 The state comptroller, pursuant to section eight
45 point thirty-nine (8.39) of the Code, shall determine
46 what portion of the appropriation made to the auditor
47 of state will be in excess of need, if any, because

48 of the transfer of duties and personnel as provided
49 in this section, and shall transfer such amounts to
50 the account of the department of supervised lenders.

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1 The comptroller also shall determine what other funds
2 or accounts, including reserves, are held in the name
3 or for the benefit of the industrial loan division
4 of the office of the auditor of state and shall
5 transfer all assets and liabilities to the account
6 of the department of supervised lenders.

7 Sec. 65. All rules, regulations, forms, orders,
8 and directives promulgated by the auditor of state
9 or the supervisor pursuant to chapter five hundred
10 thirty-six A (536A) of the Code, shall continue in
11 full force and effect as rules, regulations, forms,
12 orders and directives of the department of supervised
13 lenders until amended, supplemented or repealed by
14 affirmative action of the superintendent. Any
15 approval, certificate of authority, or other form
16 of permission or license granted or issued by the
17 auditor, executive council or supervisor pursuant
18 to chapter five hundred thirty-six A (536A) of the
19 Code, and in effect on the effective date of this
20 Act, shall continue to be in effect until it expires
21 according to the terms of its issuance or until it
22 is otherwise revoked, suspended or withdrawn as
23 provided by law.

24 Sec. 66. All existing bonds, deposits, reserves
25 or other funds established pursuant to chapters five
26 hundred thirty-six (536) or five hundred thirty-six
27 A (536A) of the Code, of which the superintendent
28 of banking, the auditor of state, or another official
29 of the state of Iowa, is the beneficiary, trustee,
30 or payee, or by which the official acquired right,
31 authority or power, shall continue in effect, and
32 all right, power, authority or benefit shall inure
33 to the superintendent who shall be, for all intents
34 and purposes, a lawful substitute for the auditor,
35 superintendent of banking, or other official. All
36 pending legal proceedings, conservatorships,
37 receiverships or other actions initiated pursuant
38 to chapter five hundred thirty-six (536) or five
39 hundred thirty-six A (536A) of the Code, shall continue
40 and any rights, duties, or liabilities of the auditor,
41 superintendent of banking, or other official shall
42 be rights, duties or liabilities of the
43 superintendent.

- 44 Sec. 67. The Code editor shall codify sections
 45 one (1) through eleven (11) of this Act as a new
 46 chapter of the Code.”
 47 2. Amend the title by striking lines 1 through
 48 3 and inserting in lieu thereof the following:
 49 “An Act relating to the administration of the laws
 50 regulating financial institutions, including banks,

Page 39

- 1 savings and loan associations, credit unions, and
 2 persons licensed under chapters five hundred thirty—
 3 six (536) or five hundred thirty—six A (536A) of the
 4 Code.”

CHIODO of Polk
 SMALL of Johnson
 TAUKE of Dubuque
 VARLEY of Adair
 EVANS of Grundy
 HANSEN of O'Brien
 HALVORSON of Clayton
 BROCKETT of Marshall
 MONROE of Des Moines
 AVENSON of Fayette
 KOOGLER of Mahaska

H-4137

- 1 Amend the Committee on State Government amendment,
 2 H-4071, amending Senate File 222 as amended, passed
 3 and reprinted by the Senate as follows:
 4 1. Page 1, by striking lines 6 and 7 and inserting
 5 in lieu thereof the following: “ing of seven
 6 directors. The elected directors shall be selected”.
 7 2. Page 1, by inserting after line 21 the follow—
 8 ing:
 9 “b. One director shall be elected from the state
 10 at large by the delegates at the convention. The
 11 director shall be an eligible elector of the state.”
 12 3. Page 1, line 22, by striking the letter and
 13 word “b. Two” and inserting in lieu thereof the
 14 figure and word “2. Three”.
 15 4. Page 1, line 25, by striking the word “state.”
 16 and inserting in lieu thereof the word “state.””
 17 5. Page 1, by striking lines 26 through 31.
 18 6. Page 1, line 35, by striking the word ‘October’
 19 and inserting in lieu thereof the word “December”.

- 20 7. Page 2, line 22, by striking the words "and
21 one director to a two-year term" and inserting in
22 lieu thereof the words "one director to a two-year
23 term, and one director to a three-year term".
- 24 8. Page 2, line 24, by striking the words "than
25 three" and inserting in lieu thereof the words "than
26 two".
- 27 9. Page 2, line 29, by inserting after the word
28 "elected" the words "from state fair districts".
- 29 10. Page 2, line 33, by striking the words "than
30 three" and inserting in lieu thereof the words "than
31 two".
- 32 11. Page 2, line 49, by inserting after the word
33 "district" the words "or of the state if the vacancy
34 is of the director elected at large from the state".
- 35 12. Page 3, line 9, by striking the words "Members
36 and directors" and inserting in lieu thereof the word
37 "Directors".
- 38 13. Page 3, line 13, by striking the words "members
39 and".
- 40 14. Page 3, line 15, by striking the words " and
41 member".
- 42 15. Page 3, by striking lines 16 through 18 and
43 inserting in lieu thereof the following: "shall not
44 be employed by or serve in any administrative capacity
45 with the state fair except as specifically".
- 46 16. Page 3, line 20, by striking the words "or
47 member".
- 48 17. Page 3, lines 33 and 34, by striking the words
49 "general assembly" and inserting in lieu thereof the
50 words "state fair board".

Page 2

- 1 18. Page 3, Line 38, by striking the word "October"
2 and inserting in lieu thereof the word "January".
- 3 19. Page 4, line 7, by striking the words " and
4 members".
- 5 20. Page 4, line 23, by striking the words "members
6 and".
- 7 21. Page 4, line 47, by striking the word "October"
8 and inserting in lieu thereof the word "December".
- 9 22. Page 4, line 50, by striking the word "Code." "
10 and inserting in lieu thereof the word "Code."
- 11 23. Page 4, by inserting after line 50 the follow-
12 ing:
13 "Sec. . Notwithstanding the provisions of this
14 Act, to preserve continuity of experience on the state
15 fair board, the president of the state fair board

16 on the effective date of this Act shall serve from
 17 noon the day following the adjournment of the
 18 convention held in December, 1977, until noon the
 19 day following the convention held in December, 1980,
 20 as the director elected from the state at large by
 21 the convention." "

STROMER of Hancock
 MONROE of Des Moines
 VARLEY of Adair
 WYCKOFF of Benton
 HARVEY of Scott
 WALTER of Pottwattamie

H-4138

1 Amend H-3332 amending House File 356 as follows:
 2 1. Page 1, line 3, by inserting after the word
 3 "disabled" the words "and unemployable".
 4 2. Page 1, line 5, by inserting after the word
 5 "disabled" the words "and unemployable".
 6 3. Page 1, line 7, by inserting after the word
 7 "disabled" the words "and unemployable".
 8 4. Page 1, line 9, by inserting after the word
 9 "disabled" the words "and unemployable".
 10 5. Page 1, line 11, by inserting after the word
 11 "disabled" the words "and unemployable".
 12 6. Page 1, line 13, by inserting after the word
 13 "disabled" the words "and unemployable".

LONERGAN of Boone

H-4139

1 Amend House File 356 as follows:
 2 1. Page 1, by inserting before line 1 the follow-
 3 ing:
 4 "Section 1. Section one hundred nine point seventy-
 5 four (109.74), Code 1977, is repealed."
 6 2. By renumbering the sections to conform with
 7 this amendment.

LONERGAN of Boone

H-4148

1 Amend amendment H-4147, to House File 594,
 2 as follows:

- 3 1. Page 8, by striking lines 21 through 50.
 4 2. By striking page 9.
 5 3. Page 10, by striking lines 1 through 43.

WELDEN of Hardin

H-4152

- 1 Amend Senate File 213, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 9, by striking the words and
 4 figures “, two (2), three (3)”.
 5 2. Page 3, lines 13 and 14, by striking the words
 6 “~~eight twelve~~” and inserting in lieu thereof the word
 7 “eight”.
 8 3. Page 3, line 17, by striking the words “~~nine~~
 9 ~~fourteen~~ thousand ~~five-hundred~~” and inserting in lieu
 10 thereof the words “nine thousand five hundred”.
 11 4. Page 4, by striking lines 7 through 24.
 12 5. Page 5, by inserting after line 16 the following
 13 section:
 14 “Sec. . Section two point ten (2.10), Code
 15 1977, is amended by adding the following new
 16 subsection:
 17 NEW SUBSECTION. Notwithstanding the annual salaries
 18 specified in subsections one (1), two (2), and three
 19 (3) of this section, for the legislative session
 20 beginning January 8, 1979, the annual salaries for
 21 the lieutenant governor, speaker of the house, majority
 22 and minority floor leaders of the senate and house,
 23 and other members of the senate and house shall be
 24 equal to the annual salaries specified in subsections
 25 one (1), two (2) and three (3) of this section times
 26 one hundred percent plus the sum of the percents of
 27 increase in the consumer price index for the years
 28 beginning January 1, 1975, January 1, 1976, January
 29 1, 1977, and January 1, 1978. For each year
 30 thereafter, the annual salaries for the various
 31 positions shall be equal to the annual salaries
 32 specified for the positions for the preceding year
 33 times one hundred percent plus the percent of increase
 34 in the consumer price index for the preceding year.
 35 The amounts of the annual salaries shall be computed
 36 by the state comptroller as soon as possible after
 37 the end of each year and shall be paid to every member
 38 for each year the member serves in such capacity.
 39 The state comptroller may estimate the annual salaries
 40 and make payments on the basis of the estimates until
 41 the consumer price index for the preceding year is
 42 officially issued. The state comptroller shall make

43 any necessary adjustments to the annual salaries after
 44 receipt of the official consumer price index for the
 45 preceding year.
 46 For the purpose of this subsection, "consumer price
 47 index" means the consumer price index published by
 48 the bureau of labor statistics, United States
 49 department of labor computed as a percentage of
 50 change."

Page 2

1 6. Page 5, by striking lines 28 and 29 and
 2 inserting in lieu thereof the following sections:
 3 "Sec. . Section ninety—seven B point forty—
 4 one (97B.41), subsection three (3), paragraph b,
 5 subparagraphs one (1) and two (2), Code 1977, are
 6 amended to read as follows:

7 (1) ~~Members of the general assembly; elective~~
 8 Elective officials in positions for which the
 9 compensation is on a fee basis, elective officials
 10 of school districts, elective officials of townships,
 11 and elective officials of other political subdivisions
 12 who are in part—time positions, graduate medical
 13 students while serving as interns or resident doctors
 14 in training at any hospital, or county medical
 15 examiners and deputy county medical examiners under
 16 chapter 339.

17 (2) Temporary Members of the general assembly
 18 of Iowa and temporary employees of the general assembly
 19 of Iowa unless such members or employees shall make
 20 an application to the department to be covered under
 21 the provisions of this chapter.

22 Sec. . Section ninety—seven C point two (97C.2),
 23 subsection three (3), Code 1977, is amended to read
 24 as follows:

25 3. The term "employee" includes elective and
 26 appointive officials of the state or any political
 27 subdivision thereof, ~~except members of the general~~
 28 ~~assembly;~~ elective officials in positions, the
 29 compensation for which is on a fee basis, elective
 30 officials of school districts, elective officials
 31 of townships, and elective officials of other political
 32 subdivisions who are in part—time positions; provided
 33 that no member of a county board of supervisors shall
 34 be deemed to be an elective official in a part—time
 35 position, but every member of a county board of
 36 supervisors shall be deemed to be an employee within
 37 the purview of this chapter and shall be eligible
 38 to receive all of the benefits provided by this chapter

- 39 to which he may be entitled as an employee.
 40 Sec. Sections one (1) and two (2) of this
 41 Act are effective July 1, 1977. All other sections
 42 of this Act are effective January 8, 1979.”
 43 7. By numbering and renumbering sections as
 44 necessary.

HORN of Linn

H-4156

- 1 Amend Senate File 213 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. The salary rates specified in this
 6 section shall be in effect from the effective date
 7 of this section until otherwise provided by the general
 8 assembly. Salaries provided for in this section shall
 9 be paid from funds appropriated to the department
 10 or agency specified in this section or pursuant to
 11 any Act of the general assembly appropriating funds
 12 for the payment of salaries specified in this section.
 13 The following annual salary rates shall be paid
 14 to the person holding the position indicated from
 15 funds appropriated by the general assembly for such
 16 purposes:
 17 1. DEPARTMENT OF AGRICULTURE
 18 Salary for the secretary of
 19 agriculture \$30,000
 20 2. OFFICE OF THE ATTORNEY
 21 GENERAL
 22 Salary of the attorney gen-
 23 eral \$40,000
 24 3. OFFICE OF THE AUDITOR
 25 OF STATE
 26 Salary of the auditor of
 27 state. \$30,000
 28 4. OFFICE OF THE GOVERNOR
 29 Salary of the governor. \$55,000
 30 5. OFFICE OF THE SECRETARY
 31 OF STATE
 32 Salary of the secretary of
 33 state. \$30,000
 34 6. OFFICE OF THE TREASURER
 35 OF STATE
 36 Salary of the treasurer of
 37 state. \$30,000

38 This section is effective for the fiscal year
 39 commencing July 1, 1977.

40 Sec. 2. The salary rates established in this
 41 section shall be in effect for the fiscal year
 42 beginning July 1, 1977 and for each fiscal year
 43 thereafter the rate shall be the same as the rate
 44 established by this section unless otherwise specified
 45 by the general assembly. Persons receiving the salary
 46 rates established by this section shall not receive
 47 any salary adjustments pursuant to an Act of the
 48 general assembly and if this Act conflicts with any
 49 other provisions of law, this Act shall govern unless
 50 otherwise specified by the general assembly. Salaries

Page 2

1 provided for in this section shall be paid from funds
 2 appropriated to the agency which the person represents
 3 or for which the person is employed, however if the
 4 funds of the agency which have been appropriated for
 5 salaries are insufficient to pay the salaries fixed
 6 by this section because of increases in such salaries,
 7 funds may be allocated from funds appropriated by
 8 the general assembly for salary adjustment purposes.
 9 In addition, if federal funds are available for any
 10 position provided for in this section, such federal
 11 funds may be expended if the combined federal and
 12 state funds do not exceed the rates provided for in
 13 this section.:

14 The following annual salary rates shall be paid
 15 to the persons holding the positions indicated in
 16 the manner provided by this section:

17	1. Chief justice of the	
18	supreme court	\$50,000
19	2. Each justice of the	
20	supreme court.	\$45,000
21	3. Chief justice of the	
22	appellate court.	\$43,500
23	4. Each justice of the	
24	appellate court.	\$42,500
25	5. Each chief judge of	
26	a judicial district.	\$42,000
27	6. Each district court	
28	judge except the chief judge	
29	of a judicial district.	\$40,000
30	7. Each district assoc-	
31	ciate judge.	\$33,000
32	8. Each full-time judi-	
33	cial magistrate.	\$33,000
34	9. Each part-time judi-	

35 cial magistrate. \$ 8,750

36 Sec. 3. Section two point ten (2.10), subsections
37 one (1), two (2), three (3), five (5) and six (6),
38 Code 1977, are amended to read as follows:

39 1. Every member of the general assembly except
40 the speaker of the house and majority and minority
41 floor leaders of the senate and house shall receive
42 an annual salary of eight twelve thousand dollars
43 for each year while serving as a member of the general
44 assembly. The majority and minority floor leaders
45 of the senate and house shall receive an annual salary
46 of nine fourteen thousand five-hundred dollars for
47 each year while serving in such capacity. In addition,
48 each such member shall receive the sum of twenty
49 thirty dollars per day for expenses of office, except
50 travel, for each day the general assembly is in session

Page 3

1 commencing with the first day of a legislative session
2 and ending with the day of final adjournment of each
3 legislative session as indicated by the journals of
4 the house and senate: except that in the event the
5 length of the first regular session of the general
6 assembly exceeds one hundred twenty calendar days
7 and the second regular session exceeds one hundred
8 calendar days, such payments shall be made only for
9 one hundred twenty calendar days for the first session
10 and one hundred calendar days for the second session.

11 However, members from Polk county shall receive ~~ten~~
12 fifteen dollars per day. Travel expenses shall be
13 paid at the rate established by section 79.9 for
14 actual travel in going to and returning from the seat
15 of government by the nearest traveled route for not
16 more than one time per week during a legislative
17 session. However, any increase from time to time
18 in the mileage rate established by section 79.9 shall
19 not become effective for members of the general
20 assembly until the convening of the next general
21 assembly following the session in which the increase
22 is adopted; and this provision shall prevail over
23 any inconsistent provision of any present or future
24 statute.

25 2. The lieutenant governor shall receive an annual
26 salary of twelve eighteen thousand dollars. Personal
27 expense and travel allowances shall be the same for
28 the lieutenant governor as for a senator. The
29 lieutenant governor while performing administrative
30 duties of the office of lieutenant governor when the

31 general assembly is not in session or serving as the
 32 president of the senate during special sessions of
 33 the general assembly shall receive ~~sixty dollars per~~
 34 ~~diem~~ and reimbursement for expenses incurred in
 35 performing such duties. The salary, ~~per diem~~; and
 36 expenses of the lieutenant governor provided for under
 37 this subsection, including office and staff expenses,
 38 shall be paid from funds appropriated to the office
 39 of the lieutenant governor by the general assembly.
 40 3. The speaker of the house shall receive an
 41 annual salary of ~~twelve~~ ~~eighteen~~ thousand dollars
 42 for each year while serving as the speaker of the
 43 house. Expense and travel allowances shall be the
 44 same for the speaker of the house as provided for
 45 other members of the general assembly.
 46 5. The state comptroller shall pay the travel
 47 and expenses of the members of the general assembly
 48 and the lieutenant governor semimonthly commencing
 49 with the first pay period after the names of such
 50 persons are officially certified. The salaries of

Page 4

1 the members of the general assembly and lieutenant
 2 governor shall be paid ~~in twelve equal installments~~
 3 ~~after each pay period of the first six months of each~~
 4 ~~calendar year pursuant to any of the following~~
 5 ~~alternative methods:~~
 6 a. During each month of the year at the same time
 7 state employees are paid.
 8 b. During each pay period during the first six
 9 months of each calendar year.
 10 c. During the first six months of each calendar
 11 year by allocating two-thirds of the annual salary
 12 to each pay period during such time period and one-
 13 third of the annual salary to each pay period during
 14 the second six months of a calendar year. Each member
 15 of the general assembly and the lieutenant governor
 16 shall file with the state comptroller a statement
 17 as to the method the member selects for receiving
 18 payment of salary. The presiding officers of the two
 19 houses of the general assembly shall jointly certify
 20 to the state comptroller the names of the members,
 21 officers, and employees of their respective houses
 22 and the salaries and mileage to which each is entitled.
 23 Travel and expense allowances shall be paid upon the
 24 submission of vouchers to the state comptroller
 25 indicating a claim for the same. Such vouchers shall
 26 be submitted no more frequently than once each month.

27 6. In addition to the salaries and expenses
28 authorized by this section, members of the general
29 assembly shall be paid ~~forty dollars per day, except~~
30 ~~the speaker of the house who shall be paid sixty-~~
31 ~~dollars per day, and necessary travel and actual~~
32 ~~expenses incurred in attending meetings for which~~
33 ~~per diem or~~ expenses are authorized by law for members
34 of the general assembly who serve on statutory boards,
35 commissions, or councils, and for standing or interim
36 committee or subcommittee meetings subject to the
37 provisions of section 2.14, or when on authorized
38 legislative business when the general assembly is
39 not in session. However, if a member of the general
40 assembly or the lieutenant governor is engaged in
41 authorized legislative business at a location other
42 than at the seat of government during the time the
43 general assembly is in session, payment may be made
44 for the actual transportation and lodging costs
45 incurred because of the business. Such ~~per diem or~~
46 expenses shall be paid promptly from funds appropriated
47 pursuant to section 2.12.

48 Sec. 4. Section two point twelve (2.12), unnumbered
49 paragraph two (2), Code 1977, is amended to read as
50 follows:

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1 There is hereby appropriated out of any funds in
2 the state treasury not otherwise appropriated, such
3 sums as may be necessary, for each house of the general
4 assembly for the payment of any unpaid expense of
5 the general assembly incurred during or in the interim
6 between sessions of the general assembly, including
7 but not limited to salaries and necessary travel and
8 actual expenses of members and expenses of stand-
9 ing and interim committees or subcommittees and per
10 diem or expenses for members of the general assembly
11 who serve on statutory boards, commissions, or councils
12 for which ~~per diem or~~ expenses are authorized by law.
13 The state comptroller is hereby authorized and directed
14 to issue warrants for such items of expense upon
15 requisition of the president and secretary of the
16 senate for senate expense or the speaker and chief
17 clerk of the house for house expense.

18 Sec. 5. Section two point fourteen (2.14),
19 subsection five (5), Code 1977, is amended to read
20 as follows:

21 5. When the general assembly is not in session,
22 a member of the general assembly shall be paid ~~forty~~
23 ~~dollars per day and his necessary travel and actual~~

24 expenses incurred in attending meetings of a standing
 25 committee or subcommittee of ~~which he is a member~~
 26 ~~in addition to his regular compensation.~~ Such
 27 compensation and expenses shall be allowed only if
 28 the member attends a meeting of the committee or
 29 subcommittee for at least four hours.

30 Sec. 6. Section two point forty-four (2.44), Code
 31 1977, is amended to read as follows:

32 2.44 EXPENSES OF COUNCIL AND SPECIAL INTERIM
 33 COMMITTEES. Members of the legislative council shall
 34 be reimbursed for actual and necessary expenses
 35 incurred in the performance of their duties, ~~and shall~~
 36 ~~receive a per diem of forty dollars~~ for each day in
 37 which engaged in the performance of such duties.
 38 However, such ~~per diem compensation~~ and expenses shall
 39 not be paid when the general assembly is actually
 40 in session at the seat of government. Such expenses
 41 ~~and per diem~~ shall be paid in the manner provided
 42 for in section 2.12.

43 Members of special interim study committees which
 44 may from time to time be created and members of the
 45 legislative fiscal committee who are not members of
 46 the legislative council shall be entitled to receive
 47 the same expenses ~~and compensation~~ provided for the
 48 members of the legislative council.

49 Sec. 7. Section two point sixty-six (2.66), Code
 50 1977, is amended to read as follows:

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1 2.66 OFFICE AND SUPPLIES—EXPENSES. The office
 2 of the service bureau shall be located in the
 3 statehouse. Supplies, postage, and equipment may
 4 be requisitioned from the department of general
 5 services. Expenses of the legislative service bureau
 6 shall be paid upon the approval of the director of
 7 the bureau and, if an extraordinary expense, upon
 8 the approval of the legislative council or its ~~chairman~~
 9 ~~chairperson~~. Funds appropriated for ~~per diem and~~
 10 expenses of the legislative council, legislative
 11 fiscal committee, and special interim study committees
 12 shall be paid and administered in the manner provided
 13 by the legislative council.

14 Sec. 8. Section eighteen A point five (18A.5),
 15 Code 1977, is amended to read as follows:

16 18A.5 COMPENSATION AND EXPENSES. The
 17 ~~nonlegislative~~ members of the commission shall be
 18 reimbursed for their actual and necessary expenses
 19 and shall be paid a forty-dollar per diem while in

20 attendance at any meeting of the commission held at
 21 the seat of government and shall be reimbursed for
 22 their expenses for going to and from the seat of
 23 government to attend a meeting. All per diem and
 24 expense moneys paid to the nonlegislative ~~commissioners~~
 25 members of the commission shall be paid from funds
 26 appropriated to the commission. Service of the dir-
 27 ector of the department of general services and the
 28 state architect upon this commission shall be an
 29 additional duty conferred by statute. Legislative
 30 members of the commission shall receive payment for
 31 expenses pursuant to section 2.10 and section 2.12.

32 Sec. 9. Section twenty-eight B point four (28B.4),
 33 Code 1977, is amended to read as follows:

34 28B.4 REPORT. The commission shall report to
 35 the governor and to the legislature within fifteen
 36 days after the convening of each general assembly,
 37 and at such other times as it deems appropriate.
 38 Its members and the members of all committees which
 39 it establishes shall be reimbursed for their travel
 40 and other necessary expenses in carrying out their
 41 obligations under this chapter and legislative members
 42 shall be paid ~~a per diem of forty dollars~~ expenses
 43 for each day in which engaged in the performance of
 44 their duties, such ~~per diem~~ and legislators' expenses
 45 to be paid from funds appropriated by sections 2.10
 46 and 2.12. Expenses of administrative officers, state
 47 officials, or state employees who are members of the
 48 Iowa commission on interstate co-operation or a
 49 committee appointed by the commission shall be paid
 50 from funds appropriated to the agencies or departments

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1 which such persons represent except as may otherwise
 2 be provided by the general assembly. Expenses of
 3 citizen members who may be appointed to committees
 4 of the commission may be paid from funds as authorized
 5 by the general assembly. Expenses of the secretary
 6 or employees of the secretary and support services
 7 in connection with the administration of the commission
 8 shall be paid from funds appropriated to the
 9 legislative service bureau unless otherwise provided
 10 by the general assembly. Expenses of commission
 11 members shall be paid upon approval of the ~~chair-~~
 12 man chairperson or the secretary of the commission.
 13 Sec. 10. Section sixty-eight B point ten (68B.10),
 14 unnumbered paragraph two (2), Code 1977, is amended

15 to read as follows:

16 The two individuals appointed by the chief justice
17 of the supreme court shall receive a per diem of forty
18 dollars and ~~travel actual and necessary~~ expenses at
19 ~~the same rate as paid members of interim committees~~
20 including travel for attending meetings of the ethics
21 committee. Members of the general assembly shall
22 receive a ~~per diem of forty dollars and travel actual~~
23 and necessary expenses including travel at the same
24 rate as paid members of interim committees for
25 attending meetings held when the general assembly
26 is not in session. The per diem for members appointed
27 by the chief justice and expenses shall be paid from
28 funds appropriated by section 2.12.

29 Sec. 11. Section eighty B point eight (80B.8),
30 Code 1977, is amended to read as follows:

31 80B.8 COMPENSATION AND EXPENSES. The members
32 of the council, ~~who are not except~~ employees of the
33 state or a political subdivision or members of the
34 general assembly, shall be paid a forty-dollar per
35 diem. All members of the council shall be reimbursed
36 for necessary and actual expenses incurred in attending
37 meetings and in the performance of their duties.
38 All per diem and expense moneys paid to nonlegislative
39 members shall be paid from funds appropriated to the
40 Iowa law enforcement academy. Legislative members
41 of the council shall receive payment pursuant to sec-
42 tion 2.10 and section 2.12.

43 Sec. 12. Section ninety-three point five (93.5),
44 Code 1977, is amended to read as follows:

45 93.5 COMPENSATION AND EXPENSES. Council members
46 ~~who are not, except~~ employees of the state and
47 legislative members, shall receive a per diem at the
48 rate of forty dollars for each day devoted to council
49 business and all nonlegislative members shall be
50 reimbursed for actual expenses incurred in carrying

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1 out their duties as members of the council.
2 Legislative members shall receive payment pursuant
3 to section 2.10 and section 2.12.

4 Sec. 13. Section ninety-seven B point eight
5 (97B.8), Code 1977, is amended to read as follows:
6 97B.8 ADVISORY INVESTMENT BOARD. A board shall
7 be established to be known as the "Advisory Investment
8 Board of the Iowa Public Employees' Retirement System",
9 hereinafter called the "board", whose duties shall
10 be to advise and confer with the department in matters

11 relating to the investment of the trust funds of the
12 Iowa public employeess' retirement system. The powers
13 of the board shall be purely advisory and the de-
14 partment shall not be bound in the making of any
15 investment by the recommendations of the board. The
16 board shall consist of seven members. Five of the
17 members shall be appointed by the governor, one of
18 whom shall be an executive of a domestic life insurance
19 company, one an executive of a state or national bank
20 operating within the state of Iowa, the third shall
21 be an executive of a major industrial corporation
22 located within the state of Iowa, and two shall be
23 active members of the system, one of whom shall be
24 an employee of a school district, county school system,
25 joint county system or merged area and one of whom
26 shall not be an employee of a school district, county
27 school system, joint county system or merged area.
28 The president of the senate shall appoint one member
29 from the membership of the senate and the speaker
30 of the house of representatives shall appoint one
31 member from the membership of the house. The two
32 members appointed by the president of the senate and
33 the speaker of the house of representatives and the
34 two active members of the system appointed by the
35 governor shall be ex officio members of the board.
36 The members who are executives of a domestic life
37 insurance company, a state or national bank and a
38 major industrial corporation shall be paid their
39 actual expenses incurred in performance of their
40 duties and shall receive in addition thereto the sum
41 of forty dollars for each day of service not exceeding
42 forty days per year. Legislative members shall receive
43 ~~the sum of forty dollars~~ for each day of service and
44 their actual expenses incurred in the performance
45 of their duties. The ~~per diem and~~ expenses of the
46 legislative members shall be paid from funds
47 appropriated under section 2.12. The members who
48 are active members of the system shall be paid their
49 actual expenses incurred in the performance of their
50 duties as members of the board and performance of

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1 their duties as members of the board shall not affect
2 their salaries, vacation or leaves of absence for
3 sickness or injury. The appointive terms of the
4 members appointed by the governor shall be for a
5 period of six years dating from July 1 first of the

6 year in which they are appointed. In the event of
7 vacancy, through resignation or any other cause, in
8 the membership of the board, the governor shall have
9 the power of appointment. Appointees to this board
10 shall be subject to confirmation by a two-thirds vote
11 of the senate, but in the event of interim
12 appointments, such confirmation shall be necessary
13 at the next session of the senate.

14 Sec. 14. Section two hundred forty-nine A point
15 four (249A.4), subsection eight (8), unnumbered
16 paragraph two (2), Code 1977, is amended to read as
17 follows:

18 For each council meeting, other than those held
19 during the time the general assembly is in session,
20 each legislative member of the council shall be
21 reimbursed for actual traveling and other necessary
22 expenses ~~and shall receive a per diem of forty dollars~~
23 ~~for each day in attendance, as shall the public~~
24 Public representatives, regardless of whether the
25 general assembly is in session shall receive a per
26 diem of forty dollars and actual travel and other
27 necessary expenses.

28 Sec. 15. Section two hundred forty-nine B point
29 six (249B.6), Code 1977, is amended to read as follows:

30 249B.6 EXPENSES. Members of the commission,
31 except members of the general assembly, while engaged
32 in their official duties shall be reimbursed for their
33 actual and necessary expenses and be paid a forty-
34 dollar per diem. Legislative members of the commission
35 shall receive payment pursuant to section 2.10 and
36 section 2.12.

37 Sec. 16. Section two hundred sixty-one point four
38 (261.4), Code 1977, is amended to read as follows:

39 261.4 FUNDS—COMPTROLLER—COMPENSATION AND
40 EXPENSES OF COMMISSION. The state comptroller shall keep an
41 accounting of all funds received and expended by the
42 commission. The members of the commission, except
43 those members who are employees of the state ~~or members~~
44 ~~of the general assembly,~~ shall be paid a forty-dollar
45 per diem and shall be reimbursed for actual and
46 necessary expenses. Members of the general assembly
47 shall be reimbursed for actual and necessary expenses.
48 All per diem and expense moneys paid to nonlegislative
49 members shall be paid from funds appropriated to the
50 commission. Legislative members of the commission

2 section 2.12.

3 Sec. 17. Section three hundred four point four
4 (304.4), Code 1977, is amended to read as follows:

5 304.4 EXPENSES. The nonlegislative members of
6 the commission shall serve without compensation but
7 may receive their actual expenses incurred in the
8 performance of their duties. Legislative members
9 shall receive ~~per diem and payment for~~ expenses
10 pursuant to section 2.10 and section 2.12.

11 Sec. 18. Section seven hundred fifty point eight
12 (750.8), unnumbered paragraph two (2), Code 1977,
13 is amended to read as follows:

14 Members shall be appointed prior to the adjournment
15 of the first regular session of each general assembly
16 and shall serve for terms ending upon the convening
17 of the following general assembly or when their
18 successors are appointed. Vacancies shall be filled
19 in the same manner as original appointments and shall
20 be for the remainder of the unexpired term of the
21 vacancy. The members of the committee shall be
22 reimbursed for actual and necessary expenses incurred
23 in the performance of their duties ~~and shall receive~~
24 ~~forty dollars~~ for each day in which engaged in the
25 performance of such duties. However, such ~~per diem~~
26 ~~compensation and~~ expenses shall not be paid when the
27 general assembly is actually in session at the seat
28 of government. Expenses ~~and per diem~~ shall be paid
29 from funds appropriated pursuant to section 2.12.

30 Sec. 19. The provisions of sections three (3)
31 through eighteen (18) of this Act are effective January
32 8, 1979."

33 2. Title page, by striking lines 5 through 7 and
34 inserting in lieu thereof the words " and members of
35 the general assembly, abolishing per diem pay for
36 interim work by members of the general assembly, and
37 providing an effective date."

MILLEN of Van Buren
WELDEN of Hardin
HARBOR of Mills
WEST of Marshall
LINDEEN of Henry
DEN HERDER of Sioux
EVANS of Grundy
BENNETT of Ida
HARVEY of Scott

WULFF of Black Hawk
CRABB of Crawford
VARLEY of Adair
SMALLEY of Polk
STEPHENS of Plymouth
HALVORSON of Clayton
TOFTE of Winneshiek
SCHNEKLOTH of Scott

H-4160

1 Amend Senate File 376 as follows:

2 1. Page 3, by inserting after line 20 the
3 following new division:

4 "DIVISION

5 Sec. Chapter four hundred ninety-six A
6 (496A), Code 1977, is amended by adding the follow-
7 ing new section:

8 NEW SECTION. OFFER TO PURCHASE STOCK — COND—
9 ITIONS—PENALTY.

10 1. A person shall not offer to purchase or
11 acquire, directly or indirectly, equity securities
12 as defined in section seven (7) of this Act of a
13 corporation organized under this chapter for consid-
14 eration which exceeds by ten (10) per-cent the
15 aggregate market values of those securities with
16 the intent to acquire control of the corporation
17 unless the person extends the same offer to all
18 owners of such securities not owned or controlled
19 by the person making the offer. The person making
20 the offer shall do so in a writing which complies
21 with subsection three (3) of this section.

22 2. A person who is required by subsection one
23 (1) of this section to give notice of an offer to
24 purchase equity securities shall purchase at the
25 price stated in the offer the shares of any share-
26 holder who accepts the offer in writing within six-
27 ty days after receipt by the shareholder of the
28 offer; provided, however that the person making the
29 offer shall not be required to purchase a greater
30 number of shares than the number which the written
31 offer states will be purchased. In the event the
32 number of shares tendered for sale in acceptance of
33 the offer exceeds the number which the person offer-
34 ed to purchase, the person making the offer shall
35 purchase from each shareholder who makes timely
36 acceptance a number of shares which bears the same
37 ratio to the total number of shares tendered for
38 purchase by the shareholder as the number of shares
39 the person offered to purchase or acquire bears to
40 the total number of shares tendered in acceptance
41 by all shareholders to whom the written offer was
42 made. For purposes of this subsection "tendered
43 in acceptance" means stated in writing by the share-
44 holder as the number of shares which the share-
45 holder agrees to sell in response to the offer, and
46 does not require the actual delivery of the shares.
47 3. The written offer required by subsection one
48 (1) of this section must state the price which will

49 be paid for each share and the maximum number of
50 shares which the person making the offer will purchase

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1 in the aggregate, and must state that (a) the
2 offer must be accepted in a writing which states the
3 number of shares the shareholder agrees to sell and
4 (b) the acceptance must be received by the person mak-
5 ing the offer no later than sixty days after delivery
6 to the shareholder of the written offer.
7 4. For purposes of this section, a written offer
8 to a shareholder shall be deemed delivered on the
9 date when the written offer is mailed by first class
10 mail, postage paid, to the shareholder at the address
11 as shown in the records of the corporation whose
12 shares are the subject of the offer.
13 5. A person who fails to comply with subsections
14 one (1) or two (2) of this section commits an
15 aggravated misdemeanor."

HIGGINS of Scott

H-4163

1 Amend House File 593 as follows:
2 1. Page 1, by striking line 1 and inserting in
3 lieu thereof the following:
4 "Section 1. Section thirty-nine point twenty-four
5 (39.24), Code 1977, 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 shall be elected at the school election. Their
10 respective terms of office shall be ~~three~~ four years,
11 except as otherwise provided by section 280A.12.
12 Sec. 2. Section forty-three point eight (43.8),
13 Code 1977, is amended to read as follows:
14 43.8 STATE COMMISSIONER TO FURNISH BLANKS. The
15 state commissioner shall, at state expense, furnish
16 blank nomination papers, in the form provided in this
17 chapter, to any qualified eligible elector who desires
18 to petition for the nomination of any candidate, or
19 to any person who intends to be a candidate, for any
20 office for which nomination papers are required to
21 be filed in his the state commissioner's office.
22 Sec. . Section forty-three point eighteen (43.18),"
23 2. Page 6, lines 31 and 32, by striking the words
24 "~~two-dollars the current federal minimum wage per~~

25 hour" and inserting in lieu thereof the words
26 "compensation at an hourly rate established by the
27 board of supervisors, which shall not be less than
28 two dollars and thirty cents per hour."

29 3. Page 8, lines 15 and 16, by striking the words
30 "two-dollars the current federal minimum wage per
31 hour" and inserting in lieu thereof the words "two-
32 dollars per hour computed at the hourly rate
33 established pursuant to section forty-nine point
34 twenty (49.20) of the Code,."

35 4. Page 13, by inserting after line 17 the
36 following new sections:

37 "Sec. 24. Section two hundred seventy-four point
38 seven (274.7), Code 1977, is amended to read as
39 follows:

40 274.7 DIRECTORS. The affairs of each school
41 corporation shall be conducted by a board of directors,
42 the members of which in all community or independent
43 school districts shall be chosen for a term of ~~three~~
44 four years.

45 Sec. 25. Section two hundred seventy-five point
46 twelve (275.12), subsection two (2), paragraphs b,
47 c and d, Code 1977, is amended to read as follows:

48 b. Division of the entire school district into
49 designated geographical subdistricts on the basis
50 of population, to be known as director districts,

Page 2

1 each of which director districts shall be represented
2 on the school board by one director who shall be a
3 resident of such director district but who shall be
4 elected by the vote of the electors of the entire
5 school district. The school district shall be divided
6 into the same number of director districts as the
7 number of school directors the district is authorized
8 by law. The boundaries of such director districts
9 and the area and population included within each
10 district shall be such as justice, equity, and the
11 interests of the people may require. Changes in the
12 boundaries of director districts shall not be made
13 during a period commencing sixty days prior to the
14 date of the annual biennial regular school election.
15 Insofar as may be practicable, the boundaries of such
16 districts shall follow established political or natural
17 geographical divisions.

18 c. Election of not more than one-half of the total
19 number of school directors at large from the entire
20 district and the remaining directors from and as

21 residents of designated single—member director
 22 districts into which the entire school district shall
 23 be divided on the basis of population. In such case,
 24 all directors shall be elected by the electors of
 25 the entire school district. Changes in the boundaries
 26 of director districts shall not be made during a
 27 period commencing sixty days prior to the date of
 28 the ~~annual~~ biennial regular school election.

29 d. Division of the entire school district into
 30 designated geographical subdistricts on the basis
 31 of population, to be known as director districts,
 32 each of which director districts shall be represented
 33 on the school board by one director who shall be a
 34 resident of such director district and who shall be
 35 elected by the voters of said director district.
 36 Place of voting in such director district shall be
 37 designated by the commissioner of elections. Changes
 38 in the boundaries of director districts shall not
 39 be made during a period commencing sixty days prior
 40 to the date of the ~~annual~~ biennial regular school
 41 election."

42 5. Page 14, by inserting after line 12 the
 43 following new sections:

44 "Sec. 27. Section two hundred seventy—five point
 45 thirty—seven (275.37), Code 1977, is amended to read
 46 as follows:

47 275.37 INCREASE IN NUMBER OF DIRECTORS. At the
 48 next succeeding ~~annual~~ regular school election in
 49 a district where the number of directors has been
 50 increased from five to seven, and directors are elected

Page 3

1 at large, there shall be elected a director to succeed
 2 each incumbent director whose term is expiring in
 3 that year, and two additional directors. Upon
 4 organizing as required by section 279.1, the newly
 5 elected director who received the fewest votes in
 6 the election shall be assigned a term of ~~either one~~
 7 ~~year or~~ two years if necessary in order that as nearly
 8 as possible one ~~third~~ half of the members of the board
 9 shall be elected ~~each year~~ at each biennial regular
 10 school election.

11 Sec. 28. Section two hundred seventy—seven point
 12 one (277.1), Code 1977, is amended to read as follows:

13 277.1 REGULAR ELECTION. The regular election
 14 shall be held annually on the ~~second first~~ second Tuesday
 15 after the first Monday in ~~September~~ June of each ~~odd—~~
 16 numbered year in each school district for the election

17 of officers of the district, merged area, and county
18 school system and for the purpose of submitting to
19 the voters thereof any matter authorized by law.

20 Sec. 29. Section two hundred seventy-seven point
21 twenty (277.20), unnumbered paragraph one (1), Code
22 1977, is amended to read as follows:

23 On the next-Friday ~~Monday~~ after the regular school
24 election, the county board of supervisors shall canvass
25 the returns made to the county commissioner of
26 elections from the several precinct polling places
27 and the absentee ballot counting board, ascertain
28 the result of the voting with regard to every matter
29 voted upon and cause a record to be made thereof as
30 required by section 50.24. Special elections held
31 in school districts shall be canvassed at the time
32 and in the manner required by that section. The board
33 shall declare the results of the voting for members
34 of boards of directors of school corporations nominated
35 pursuant to section 277.4, and the commissioner shall
36 at once issue a certificate of election to each person
37 declared elected. The board shall also declare the
38 results of the voting on any public question submitted
39 to the voters of a single school district, and the
40 commissioner shall certify the result as required
41 by section 50.27.

42 Sec. 30. Section two hundred seventy-seven point
43 twenty-eight (277.28), unnumbered paragraph one (1),
44 Code 1977, is amended to read as follows:

45 Each director elected at a regular district or
46 director district election, as the case may be, shall
47 qualify by taking the oath of office on or before
48 the time set by section two hundred seventy-nine point
49 one (279.1) of the Code for the organization meeting
50 of the board ~~the third-Monday-in-September~~, and his

Page 4

1 the director's election and qualification shall be
2 entered of record by the secretary. The oath may
3 be administered by any qualified member of the board
4 or the secretary of the board and may be taken in
5 substantially the following form:

6 Sec. 31. Section two hundred seventy-nine point
7 one (279.1), unnumbered paragraph one (1), Code 1977,
8 is amended to read as follows:

9 The board of directors of each school corporation
10 shall meet and organize at two o'clock p.m., or at
11 seven-thirty o'clock p.m., if so ordered by the
12 president of the board, on the third second Monday

13 in ~~September~~ July of each ~~odd-numbered~~ year at some
 14 suitable place to be designated by the secretary.
 15 Notice of the place and hour of such meeting shall
 16 be given by the secretary to each member and each
 17 member-elect of the board."

18 6. Page 15, by inserting after line 30 the
 19 following new sections:

20 "Sec. 33. Section two hundred eighty A point
 21 twelve (280A.12), Code 1977, is amended to read as
 22 follows:

23 280A.12 GOVERNING BOARD. The governing board
 24 of a merged area shall be a board of directors composed
 25 of one member elected from each director district
 26 in the area by the electors of the respective district.
 27 Members of the board shall be residents of the district
 28 from which elected. Successors shall be chosen at
 29 the ~~annual-regular biennial~~ school elections for
 30 members whose terms expire on the ~~first~~ second Monday
 31 in ~~October~~ July following such elections. Terms of
 32 members of the board of directors shall be ~~three~~ four
 33 years except that members of the initial board of
 34 directors elected at the special election shall
 35 determine their respective terms by lot so that the
 36 terms of ~~one-third~~ one-half of the members, as nearly
 37 as may be, shall expire on the ~~first~~ second Monday
 38 in ~~October~~ July of each succeeding ~~odd-numbered~~ year.
 39 Vacancies on the board which occur more than ninety
 40 days prior to the next regular school election may
 41 be filled at the next regular meeting of the board
 42 by appointment by the remaining members of the board.
 43 A member so chosen shall be a resident of the dis-
 44 trict in which the vacancy occurred and shall serve
 45 until a member shall be elected pursuant to section
 46 69.12 to fill the vacancy for the balance of the
 47 unexpired term. A vacancy shall be defined as in
 48 section 277.29. No member shall serve on the board
 49 of directors who is a member of a board of directors
 50 of a local school district or a member of an area

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1 education agency board.

2 Sec. 34. Section two hundred eighty A point
 3 thirteen (280A.13), Code 1977, is amended to read
 4 as follows:

5 280A.13 DIRECTORS OF MERGED AREA. In each merged
 6 area, the initial board of directors elected at the
 7 special election shall organize within fifteen days
 8 following the election and may thereafter proceed

9 with the establishment of the designated area
10 vocational school or area community college. The
11 board of directors shall thereafter organize on the
12 first ~~second~~ Monday in ~~October~~ July of each ~~odd-~~
13 ~~numbered~~ year. Organization of the board shall be
14 effected by the election of a president and such other
15 officers from the board membership as board members
16 so determine. The board of directors shall appoint
17 a secretary and a treasurer who shall each give bond
18 as prescribed in section 291.2 and who shall each
19 receive such salary as shall be determined by the
20 board. The secretary and treasurer shall perform
21 such duties as are prescribed in chapter 291 and such
22 additional duties as the board of directors may deem
23 necessary. The frequency of meetings other than
24 organizational meetings shall be as determined by
25 the board of directors but the president or a majority
26 of the members may call a special meeting at any time.

27 Sec. 35. Section two hundred eighty A point fifteen
28 (280A.15), subsection one (1), Code 1977, is amended
29 to read as follows:

30 1. Regular elections held ~~annually~~ ~~biennially~~
31 by the merged area for the election of members of
32 the board of directors as required by section 280A.12,
33 for the renewal of the twenty and one-fourth cents
34 per thousand dollars of assessed valuation levy
35 authorized in section 280A.22, or for any other matter
36 authorized by law and designated for election by the
37 board of directors of the merged area, shall be held
38 on the date of the school election as fixed by section
39 277.1. The election notice shall be made a part of
40 the local school election notice published as provided
41 in section 49.53 in each local school district where
42 voting is to occur in the merged area election, and
43 the election shall be conducted by the county
44 commissioner of elections pursuant to chapters 39
45 to 53 and section 277.20.

46 Sec. 36. Section two hundred eighty A point fifteen
47 (280A.15), subsection four (4), Code 1977, is amended
48 to read as follows:

49 4. The votes cast in the election shall be
50 canvassed and abstracts of the votes cast shall be

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1 certified as required by section 277.20. In each
2 county whose commissioner of elections is responsible
3 under section 47.2 for conducting elections held for
4 a merged area, the county board of supervisors shall

5 convene at ten o'clock a.m. on the last Monday in
6 September June, canvass the abstracts of votes cast
7 and declare the results of the voting. The
8 commissioner shall at once issue certificates of
9 election to each person declared elected, and shall
10 certify to the merged area board in substantially
11 the manner prescribed by section 50.27 the result
12 of the voting on any public question submitted to
13 the voters of the merged area. Members elected to
14 the board of directors of a merged area shall qualify
15 by taking the oath of office prescribed in section
16 277.28."

17 7. Page 20, by inserting after line 20 the
18 following new section.

19 "Sec. 46.

20 1. Section one (1) of item one (1) of this
21 amendment, sections twenty-four (24) and twenty-five
22 (25) of item four (4) of this amendment, sections
23 twenty-seven (27), twenty-eight (28), twenty-nine
24 (29), thirty (30) and thirty-one (31) of item five
25 (5) of this amendment, and sections thirty-three (33),
26 thirty-four (34), thirty-five (35) and thirty-six
27 (36) of item six (6) of this amendment are effective
28 January 1, 1978.

29 2. As used in this subsection, "board member"
30 means either a member of a school district board of
31 directors, referred to in section two hundred seventy-
32 four point seven (274.7) of the Code, or a member
33 of a merged area board of directors, referred to in
34 section two hundred eighty A point twelve (280A.12)
35 of the Code. The term of office of each board member
36 elected to or appointed to fill a vacancy in a term
37 which would have expired in September or October 1978,
38 except for the sections cited in subsection one (1)
39 of this section, is extended until the second Monday
40 in July, 1979. The term of office of each board
41 member elected to or appointed to fill a vacancy in
42 a term which would have expired in September or
43 October, 1979, except for the sections cited in
44 subsection one (1) of this section, is terminated
45 effective the second Monday in July, 1979. The term
46 of office of each board member elected to or appointed
47 to fill a vacancy in a term which would have expired
48 in September or October, 1980, except for the sections
49 cited in subsection one (1) of this section, is
50 extended until the second Monday in July, 1981.

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1 3. There shall be elected at the regular biennial
 2 school election on the first Tuesday after the first
 3 Monday in June, 1979, a successor to each member of
 4 a school district board of directors and each member
 5 of a merged area board of directors whose term of
 6 office is either extended to or terminated effective
 7 upon the second Monday in July, 1979. Upon the
 8 organizational meeting of each such board of directors
 9 in July, 1979, the term or terms of the newly elected
 10 member or members receiving the fewest votes in the
 11 election shall be shortened from four years to two
 12 years, to the extent necessary to insure that the
 13 terms of one-half of the members of the board, as
 14 nearly as possible, shall expire in each odd-numbered
 15 year thereafter."

MONROE of Des Moines
 TAUKE of Dubuque
 WALTER of Pottawattamie
 THOMPSON of Polk
 PATCHETT of Johnson

H-4173

1 Amend House Concurrent Resolution 12 as follows:
 2 1. Page 1, line 1, by inserting after the word
 3 "of" the words "both elementary and secondary educa-
 4 tion and".
 5 2. Page 1, line 4, by inserting after the word "of"
 6 the words "elementary and secondary education and".
 7 3. Page 1, by inserting after line 14 the follow-
 8 ing:
 9 "Whereas, many smaller school districts are unable
 10 to provide an adequate program to prepare their students
 11 for college or a vocation; and
 12 Whereas, attention should be given to the development
 13 of joint and cooperative programs among school districts
 14 and between school districts and institutions of higher
 15 learning, especially the area schools; and
 16 Whereas the role of the institutions of higher educa-
 17 tion, especially the area schools, for students of high
 18 school age needs further clarification; and "
 19 4. Page 1, line 19, by striking the word "higher" and
 20 inserting in lieu thereof the word "comprehensive".
 21 5. Page 1, line 21, by inserting after the word "to"
 22 the words "school districts and".
 23 6. Page 2, line 10, by inserting after the word

- 24 "education" the words "and the various school districts".
 25 7. Page 2, line 12, by inserting after the word
 26 "of" the words "elementary and secondary education and".
 27 8. Page 2, line 14, by inserting after the words
 28 "segments of" the words "elementary and secondary
 29 education and".

DAVITT of Warren	CUSACK of Scott
HINKHOUSE of Cedar	MENKE of O'Brien
MIDDLESWART of Warren	STROMER of Hancock
SMALL of Johnson	THOMPSON of Polk
BAKER of Buena Vista	HORN of Linn
ANDERSON of Jasper	PATCHETT of Johnson
BINA of Scott	PELTON of Clinton
SHIMANEK of Jones	TAUKE of Dubuque
HULLINGER of Decatur	BRUNOW of Appanoose
GILSON of Guthrie	MILLEN of Van Buren
CLARK of Cerro Gordo	BRANSTAD of Winnebago
KOOGLER of Mahaska	DIELEMAN of Marion
BROCKETT of Marshall	NIELSEN of Polk
AVENSON of Fayette	VARLEY of Adair
SCHROEDER of Pottawattamie	

H-4174

- 1 Amend House File 590 as follows:
 2 1. Page 14, line 32, by striking the word
 3 "subsection" and inserting in lieu thereof the word
 4 "subsections".
 5 2. Page 15, by inserting after line 12 the
 6 following:
 7 "NEW SUBSECTION. The committee may establish a
 8 modified allowable growth for a district by increasing
 9 the allowable growth for costs for new or expanded
 10 programs or additional costs created by action of
 11 the general assembly if the costs are over and above
 12 the costs included in the district cost of the district
 13 and if the general assembly has not specifically
 14 appropriated funds or provided other means of financing
 15 the costs."

ANDERSON of Jasper

H-4177

- 1 Amend House File 585 as follows:
 2 1. Page 1, line 10, by striking the word
 3 "three" and inserting in lieu thereof the word
 4 "three two".

HARGRAVE of Johnson

H-4178

1 Amend House File 485 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION SHORT TITLE. This Act
5 shall be known and may be cited as the Residential
6 Utility Consumer Action Group Act.

7 Sec. 2. NEW SECTION. LEGISLATIVE INTENT. The
8 purpose of this Act is to ensure effective and
9 democratic representation of residential utility
10 consumers before regulatory agencies, legislatures,
11 and other public bodies by creation of an efficient
12 funding mechanism, involving no compulsory burden
13 whatsoever on the taxpayers of this state, whereby
14 residential utility consumers and others may
15 voluntarily contribute money to a nonprofit organ-
16 ization whose sole purpose is the representation of
17 the interests of urban and rural residential utility
18 consumers before regulatory agencies, legislatures,
19 and other public bodies.

20 Sec. 3. NEW SECTION. DEFINITIONS. As used in
21 this Act, the following definitions shall apply:

22 1. "Public utility" means a person or corporation
23 engaged in the business of supplying utility services
24 to persons within this state if rates or charges for
25 such utility services have been established or are
26 subject to approval by a local, state, or federal
27 authority.

28 2. "Utility services" means electricity, water,
29 natural gas, and telephone services supplied by a
30 public utility.

31 3. "Residential utility consumer" means any
32 resident of this state whose residence is furnished
33 with a utility service by a public utility.

34 4. "Commission" means the Iowa state commerce
35 commission.

36 5. "Corporation" means any residential utility
37 consumer action group which meets the requirements
38 for certification by the commission as set forth in
39 section six (6) of this Act.

40 6. "Member" means any resident of this state who:
41 contributes a minimum of four dollars per year to
42 a corporation and who is at least sixteen years of
43 age.

44 7. "Director" means any person serving on the
45 board of directors of a corporation.

46 8. "Periodic customer billing" means a demand
47 for payment for utility services by a public utility

48 to a residential utility consumer which is made on
49 a monthly or other regular basis.
50 9. The "immediate family" of a person means the

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1 person and his or her spouse, and his or her dependent
2 children.

3 10. "Certificate" means a certificate of funding
4 issued pursuant to sections five (5) and six (6) of
5 this Act.

6 Sec. 4. NEW SECTION. FUNDING OF A CORPORATION.

7 1. A corporation which has obtained a certificate
8 of funding from the commission as set forth in sections
9 five (5) and six (6) of this Act shall have the
10 authority to prepare and furnish each public utility
11 in this state, not less than thirty calendar days
12 and not more than one year in advance of the date
13 of each of the public utility's periodic customer
14 billings, the following materials:

15 a. A statement, not to exceed the folded size
16 of three and three-quarters inches by eight and one-
17 half inches, concerning the organization and activities
18 of the corporation and other matters which the cor-
19 poration determines may affect the interests of res-
20 idential utility consumers.

21 b. A business return envelope, not to exceed the
22 folded size of three and three-quarter inches by eight
23 and one-half inches:

24 (1) Indicating that the utility consumer billed
25 and others in his or her household may contribute
26 money directly to the corporation; and

27 (2) Containing space where the names and addresses
28 and phone numbers of contributing persons may be
29 written by the consumer.

30 2. Each public utility furnished with such state-
31 ments or other enclosures in accordance with the
32 provisions of subsection one (1) of this section shall
33 enclose such statements or enclosures within, upon,
34 or attached to each periodic customer billing which
35 the public utility mails or delivers to any residential
36 consumer. However, a utility shall not be required
37 to enclose any materials which have a combined total
38 weight in excess of one-half of one ounce avoirdupois.
39 Neither shall a utility be required to accept such
40 enclosures more than four times within any calendar
41 year.

42 3. A corporation shall promptly reimburse each
43 public utility for all reasonable costs incurred by

44 the public utility above the utility's normal billing
45 costs, in complying with this section; provided that:
46 a. All postage costs of mailings pursuant to this
47 section shall be borne by the utility; and
48 b. A corporation may postpone reimbursement of
49 public utilities for costs incurred for six months
50 after the corporation has furnished the utilities

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1 with the first set of enclosures described in
2 subsection one (1) of this section.
3 4. Any disputes arising from the operation of
4 this section shall be resolved by negotiations be-
5 tween a corporation and a public utility if possible,
6 or by a civil proceeding in the courts of this state.
7 Neither the utility nor the corporation shall fail
8 to comply with the provisions of this Act by reason
9 of the existence of such a dispute.

10 5. A public utility, or an officer, employee,
11 or agent of a public utility shall not interfere or
12 threaten to interfere with or cause interference with
13 the utility service of, or penalize or threaten to
14 penalize or cause to be penalized, any person who
15 contributes to a corporation or participates in any
16 of its activities, in retribution for such contri-
17 bution or participation.

18 6. A person who violates subsections four (4)
19 or five (5) of this section shall be subject to a
20 civil penalty of not more than five thousand dollars.
21 Each such violation shall constitute a separate and
22 continuing violation of this Act.

23 7. A person shall not use any list of contri-
24 butors to a corporation, nor any part of such list,
25 for purposes other than the conduct of the activities
26 and business of a corporation as prescribed in sections
27 five (5) and six (6) of this Act. A person shall
28 not disclose any such list or part thereof to any
29 other who the person has substantial reason to believe
30 intends to use it for other than the lawful purposes
31 described in this subsection. A person who violates
32 this subsection shall be subject to a civil penalty
33 of not more than five thousand dollars.

34 5. NEW SECTION. CERTIFICATE OF FUNDING REQUIRED.
35 Commencing January 1, 1978, any nonprofit permanent
36 organization incorporated according to the laws of
37 this state whose sole purpose is the representation
38 of the interests of urban and rural residential utility
39 consumers before regulatory agencies, legislative

40 bodies, and other public authorities may use the
 41 funding mechanism described in section four (4) of
 42 this Act only after a certificate of funding has been
 43 issued to the corporation by the commission. An
 44 application for a certificate shall be submitted to
 45 the commission on such forms as the commission may
 46 prescribe.

47 Sec. 6. NEW SECTION. DECISION—CRITERIA. The
 48 commission shall render a decision on the application
 49 within thirty days. A certificate shall be issued
 50 if the commission finds that:

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- 1 1. It is the sole purpose of the corporation to
 2 effectively represent and protect the interests of
 3 residential utility consumers of this state;
- 4 2. The corporation has the rights and power
 5 generally accorded to, and shall be subject to all
 6 duties imposed generally upon, not-for-profit mem-
 7 bership corporations under the laws of this state;
- 8 3. The corporation intends to conduct, support,
 9 and assist research, surveys, investigations, planning
 10 activities, conferences, demonstration projects, and
 11 public information activities concerning the interests
 12 of residential utility consumers;
- 13 4. The corporation may accept grants, contracts
 14 and contributions to carry out its responsibilities;
- 15 5. The corporation intends to represent the
 16 interests of residential utility consumers before
 17 regulatory agencies, legislative bodies, and other
 18 public authorities;
- 19 6. The corporation will not sponsor, endorse,
 20 or otherwise support, nor will it oppose, any political
 21 party or the candidacy of any person for public office;
- 22 7. The corporation will support or oppose initia-
 23 tives or referenda concerning matters which it deter-
 24 mines may affect the interests of its members;
- 25 8. The corporation has such other incidental
 26 rights and powers as are reasonably necessary for
 27 effective representation and protection of the
 28 interests of its members;
- 29 9. The corporation has a membership which consists
 30 of those residents of this state who individually
 31 contribute a minimum of four dollars per year and
 32 who are at least sixteen years of age.
- 33 10. Democratic accountability of the board of
 34 directors of the corporation to the will of its
 35 consumer constituency has been provided through:

- 36 a. Open elections of directors with thorough
- 37 financial disclosure requirements and campaign spend-
- 38 ing limitations;
- 39 b. Encouragement of active citizen participation
- 40 in the regulatory process through involvement in the
- 41 activities of the organization;
- 42 c. The recall of directors; and
- 43 d. An annual membership meeting.
- 44 11. The corporation's board of directors con-
- 45 sists of not less than seven nor more than eleven
- 46 residents of this state who are members of the cor-
- 47 poration except that no officer, employee, consul-
- 48 tant, attorney, accountant, real estate agent,
- 49 shareholder, or bondholder, or member of the imme-
- 50 diate family of an officer, employee, consultant

Page 5

1 attorney, accountant, real estate agent, shareholder,
 2 or bondholder, of any public utility doing business
 3 in this state shall be eligible to become a director.

4 **Sec. 7. NEW SECTION. COMPETING CORPORATIONS.**

5 If two or more organizations apply for a certificate,
 6 the commission may determine which one will best serve
 7 the interests of residential utility consumers. In
 8 no event shall a public utility be required to accept
 9 the enclosures described in section four (4) of this
 10 Act from more than one corporation in any calendar
 11 year. Should the commission find that two or more
 12 organizations can equally serve the residential utility
 13 consumers, it may issue a certificate to each
 14 organization that limits the funding mechanism to
 15 specified utilities either by class or service area.
 16 Such restrictions, however, shall only serve to
 17 facilitate cooperation between organizations rather
 18 than to arbitrarily limit their funding base.

19 **Sec. 8. NEW SECTION. CORRUPT PRACTICES AND**
 20 **CONFLICTS OF INTEREST.**

21 1. Neither a corporation nor any of its directors,
 22 employees, or agents shall offer anything of monetary
 23 value to, or accept anything of monetary value from,
 24 any public official or official or employee of any
 25 public utility or agent thereof, except as specifically
 26 permitted in this Act.

27 2. No director shall personally or through any
 28 partner or agent render any professional service or
 29 make or perform any business contract with or for
 30 any public utility.

31 3. No public official, or official or employee

32 of any public utility or agent thereof, shall offer
 33 anything of monetary value to, or accept anything
 34 of monetary value from, a corporation or any of its
 35 directors, employees, or agents, except as specifically
 36 permitted in this Act.

37 4. Any person who violates subsection one (1),
 38 two (2), or three (3) of this section is guilty of
 39 an aggravated misdemeanor.

40 5. A director found in violation of subsection
 41 one (1) or two (2) of this section shall be immediately
 42 removed from office by the board.

43 Sec. 9. NEW SECTION. BOND REQUIRED. A public
 44 utility shall not be required to provide a corporation
 45 with any assistance as required by this Act until
 46 the corporation submits evidence that it has obtained
 47 a bond of ten thousand dollars to guarantee payment
 48 by the corporation of costs incurred by public
 49 utilities in providing such assistance.

50 Sec. 10. NEW SECTION. CONSTRUCTION OF THE ACT.

Page 6

1 1. The provisions of this Act shall be construed
 2 in such a manner as best to enable a corporation
 3 effectively to represent and protect the interest
 4 of the residential utility consumers of this state.

5 2. Nothing in this Act shall be construed to limit
 6 the right of any person to initiate, intervene in,
 7 or otherwise participate in any regulatory agency
 8 proceeding or court action, nor to require any peti-
 9 tion or notification to a corporation as a condition
 10 precedent to the exercise of such right, nor to re-
 11 lieve any regulatory agency or court of any obligation,
 12 or to affect its discretion, to permit intervention
 13 or participation by any person in any proceeding or
 14 action.

15 Sec. 11: This Act shall be effective January 1,
 16 1978."

17 2. Amend the title page by striking the title and inserting in lieu
 18 thereof the following: "An Act creating a funding
 19 mechanism for corporate residential utility consumer
 20 action groups, and providing penalties."

COMMITTEE ON SIFTING
 FITZGERALD of Webster, chair

H-4181

- 1 Amend amendment H-4178 to House File 485
2 as follows:
3 1. Page 3, line 2, by inserting after the
4 period the following: "However, the corporation
5 shall pay a rate of interest not to exceed seven
6 point five (7.5) percent to the utility during
7 that period that the reimbursement is postponed."

HARBOR of Mills

H-4182

- 1 Amend the Sifting Committee amendment, H-4178
2 to House File 485 as follows:
3 1. Page 3, line 2, by inserting after the period
4 the following: "However, the corporation shall pay
5 interest to the public utility at a rate of three—
6 fourths of one percent per month on the unpaid balance
7 of costs incurred by the public utility commencing
8 thirty days after the date costs are incurred by the
9 public utility."
10 2. Page 3, line 46, by inserting after the period
11 the following: "A certification shall be valid for
12 a period of one year and may be renewed by the
13 commission upon application by the corporation. An
14 application for renewal shall be in such form as the
15 commission shall require."
16 3. Page 4, line 19, by striking the word "will"
17 and inserting in lieu thereof the word "shall".
18 4. Page 4, line 20, by striking the word "will"
19 and inserting in lieu thereof the word "shall".
20 5. Page 4, line 22, by striking the word "will"
21 and inserting in lieu thereof the word "shall".
22 6. Page 5, by inserting after line 3 the following:
23 " . If the application is for a renewal of a
24 certificate, the commission shall determine if the
25 corporation has complied with the provisions of this
26 Act during the preceding year.
27 . The corporation agrees that the auditor of
28 state shall be permitted to have access to the
29 financial books and records of the corporation for
30 the purpose of performing the annual audit required
31 by this Act."
32 7. Page 5, by inserting after line 49 the
33 following:
34 "Sec. . NEW SECTION. AUDIT. The auditor of
35 state shall examine the financial books and records

36 of a corporation to whom a certificate has been issued
 37 under section six (6) of this Act. The audit shall
 38 be conducted during the final three months of the
 39 year for which the certificate is valid. The auditor
 40 of state shall submit a report of the audit to the
 41 commission. Refusal by the corporation or any officer
 42 thereof to permit the auditor of state or his or her
 43 representatives to examine the financial books and
 44 records of the corporation shall be grounds for
 45 revocation or nonrenewal of the certificate. The
 46 commission may promulgate rules pursuant to chapter
 47 seventeen A (17A) of the Code which provide for the
 48 information to be contained in the audit performed
 49 by the auditor of state.”
 50 8. By renumbering sections and correcting internal

Page 2

1 references as necessary.

SMALLEY of Polk

H-4184

1 Amend the Sifting Committee amendment, H-4178
 2 to House File 485 as follows:
 3 1. Page 5, by inserting after line 36, the
 4 following:
 5 “4. No person who has been registered with the
 6 Iowa general assembly as a lobbyist on this bill shall
 7 accept employment or remuneration from any corporation
 8 funded under the provisions of this Act for a period
 9 of two years from the effective date of this Act.”
 10 2. Page 5, line 38, by striking the words “or
 11 three (3)” and inserting in lieu thereof the words
 12 “three (3), or four (4)”.
 13 3. By renumbering subsections as necessary.

WELDEN of Hardin

H-4185

1 Amend House File 372 as follows:
 2 1. Page 1, by inserting after line 8 the following:
 3 “Sec. 2. Section six hundred one A point fourteen
 4 (601A.14), subsection six (6), Code 1977, is amended
 5 to read as follows:
 6 6. When the investigating official is satisfied
 7 that further endeavor to settle a complaint by

8 conference, conciliation, and persuasion shall be
 9 futile, the official shall report the same to the
 10 commission. If the commission determines that the
 11 circumstances warrant, it shall issue and cause to
 12 be served a written notice requiring the respondent
 13 to answer the charges of such complaint at a hearing
 14 before the commission, a commissioner, or such other
 15 person designated by the commission to conduct the
 16 hearing, hereafter referred to as hearing examiner,
 17 and at a time and place to be specified in such notice.
 18 In an age discrimination case, if the commission
 19 determines that probable cause exists that the
 20 respondent violated any applicable section of this
 21 chapter or the rules adopted pursuant to the chapter,
 22 the commission may find that a violation of the chapter
 23 or rules has occurred and the commission may issue
 24 a citation to the respondent. If a citation is issued
 25 it shall be served upon the respondent personally
 26 or by certified mail. The citation shall specifically
 27 describe the nature of the violation, identifying
 28 the Code section or subsection or rule violated.
 29 If the respondent desires to contest the citation,
 30 the respondent shall notify the commission within
 31 twenty business days after service of the citation
 32 that he or she contests the citation and requests
 33 a hearing before the commission to answer the charges
 34 of the complaint. The procedures and powers as
 35 provided for in subsections seven (7) through fifteen
 36 (15) of this section shall be applicable to this
 37 hearing, except that the respondent shall bear the
 38 burden of proof."

MONROE of Des Moines

H-4186

- 1 Amend the Sifting Committee amendment, H-4178
 2 to House File 485 as follows:
 3 1. Page 4, by striking lines 8 through 12.
 4 2. Page 4, by striking lines 15 through 18.
 5 3. Page 4, by striking lines 22 through 28.
 6 4. Page 5, by inserting after line 3 the following:
 7 " . The corporation will limit its representation
 8 of interests of residential utility consumers before
 9 city councils, regulatory agencies, legislative bodies,
 10 courts and other public authorities to rate cases

- 11 or proceedings.”
 12 5. By renumbering subsections as necessary.

MIDDLESWART of Warren
 WELDEN of Hardin

H-4191

- 1 Amend the Sifting Committee amendment, H-4178
 2 to House File 485 as follows:
 3 1. Page 6, line 17, by inserting after the
 4 word “striking” the words “lines 1 and 2 and”.

JOCHUM of Dubuque

H-4192

- 1 Amend amendment H-4178 to House File 485 as fol-
 2 lows:
 3 1. Page 2, line 41, by inserting after the word
 4 “year.” the following: “No action for libel may be
 5 maintained against a public utility for dissemination
 6 of written materials according to the direction of
 7 the corporation.”

SMALLEY of Polk

H-4194

- 1 Amend amendment H-4178 to House File 485 as
 2 follows:
 3 1. Page 2, by striking lines 15 through 20
 4 and inserting in lieu thereof the following:
 5 “a. A statement concerning the organization
 6 and activities of the corporation and other matters
 7 which the corporation determines may affect the
 8 interests of residential utility consumers. With
 9 the exception of its billing statement, the corp-
 10 oration shall be required to submit all other
 11 materials to the commission for review at least one
 12 hundred and eighty calendar days prior to being
 13 furnished to the utility pursuant to subsection
 14 one (1) of this section.”

BENNETT of Ida

H-4195

- 1 Amend amendment H-4163 to House File 593 as
- 2 follows:
- 3 1. Page 1, by striking everything after line 1.
- 4 2. By striking all of page 2, 3, 4, 5, 6, and
- 5 7.

WELDEN of Hardin

H-4197

- 1 Amend House File 621 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 "Sec. . This Act is effective January 1,
- 5 1978."

CONNORS of Polk

H-4198

- 1 Amend amendment H-4178 to House File 485 as
- 2 follows:
- 3 1. Page 2, line 20, by inserting after the
- 4 period the following: "A utility shall be held
- 5 harmless from prosecution for all materials sub-
- 6 mitted to it for mailing by the corporation."

BENNETT of Ida

H-4203

- 1 Amend the Senate amendment H-4176 to House
- 2 File 332 as amended, passed, and reprinted by the
- 3 House as follows:
- 4 1. Page 7, by inserting after line 7 the
- 5 following:
- 6 " . Page 5, by inserting after line 26 the
- 7 following:
- 8 Sec. . Chapter six hundred ten (610), Code
- 9 1977, is amended by adding the following new
- 10 section:
- 11 **NEW SECTION.** Whenever a written opinion respect-
- 12 ing the history or present condition of, or the
- 13 status with reference to liens or encumbrances upon,
- 14 the title to real property, commonly known as a title
- 15 opinion, is issued by an attorney in connection with
- 16 the execution of a mortgage upon real property located

17 in this state, the warranties contained in that
 18 opinion shall extend to both the mortgagor and the
 19 mortgagee, whether or not in privity of contract with
 20 the attorney. The provisions of this section shall
 21 not be subject to limitation or modification by
 22 agreement."

CONNORS of Polk

H-4204

1 Amend House File 243 as follows:

2 1. By striking all after the enacting clause and
 3 inserting in lieu thereof the following:
 4 "Section 1. Chapter one hundred twenty-three
 5 (123), Code 1977, is amended by adding the following
 6 new section:

7 **NEW SECTION.** Chapter two hundred thirty-two (232)
 8 of the Code shall have no application in the
 9 prosecution of offenses committed in violation of
 10 this chapter which constitute simple misdemeanors.

11 Notwithstanding the provisions of chapter one thou-
 12 sand two hundred forty-five (1245), Acts of the Sixty-
 13 sixth General Assembly, 1976 Session, chapter three
 14 (3), section three hundred one (301), subsection three
 15 (3), a person under the age of eighteen convicted
 16 of a simple misdemeanor under the authority of this
 17 chapter shall not be punished by imprisonment for
 18 the first or second such conviction. A person under
 19 the age of eighteen may be punished as provided in
 20 chapter one thousand two hundred forty-five (1245),
 21 Acts of the Sixty-sixth General Assembly, 1976 Session,
 22 chapter three (3), section three hundred one (301),
 23 subsection three (3) for third and subsequent simple
 24 misdemeanor convictions under this chapter, provided
 25 that any term of imprisonment imposed shall be served
 26 in a juvenile secure facility.

27 Sec. 2. Section three hundred sixty-four point
 28 three (364.3), subsection two (2), Code 1977, is
 29 amended to read as follows:

30 2. a. A city may not provide a penalty in excess
 31 of a one hundred dollar fine or in excess of thirty
 32 days imprisonment for the violation of an ordinance.

33 b. Chapter two hundred thirty-two (232) of the
 34 Code shall have no application in the prosecution
 35 of offenses which are committed in violation of
 36 ordinances punishable as provided in this subsection
 37 provided the violations would be punishable if
 38 committed by an adult. A person under the age of

39 eighteen convicted of the violation of an ordinance
40 shall not be punished by imprisonment for the first
41 or second such conviction. A person under the age
42 of eighteen may be punished by either fine or
43 imprisonment for third and subsequent ordinance viola-
44 tions, provided that any term of imprisonment imposed
45 shall be served in a juvenile secure facility.

46 c. An amount equal to ten percent of all fines
47 collected by municipal corporations shall be remitted
48 quarterly to the county treasurer of the county in
49 which the municipal corporation is located for deposit
50 in the county general fund. However, one hundred

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1 percent of all fines collected by a city pursuant
2 to section 321.236, subsection 1, shall be retained
3 by the city.

4 Sec. 3. Chapter one thousand two hundred forty-
5 five (1245), Acts of the Sixty-sixth General Assembly,
6 1976 Session, chapter four (4), section eighty-one
7 (81), is amended to read as follows:

8 SEC. 81. Section one hundred six point thirteen
9 (106.13), Code 1975, is amended to read as follows:

10 106.13 PENALTY. Any person violating any of the
11 provisions of this chapter, for which another penalty
12 is not otherwise specifically provided, shall be
13 guilty of a simple misdemeanor.

14 Chapter 232 shall have no application in the prose-
15 cution of offenses committed in violation of this
16 chapter or rules and regulations which are adopted
17 under the authority of this chapter which constitute
18 simple misdemeanors.

19 Notwithstanding the provisions of chapter three
20 (3), section three hundred one (301), subsection three
21 (3), of this Act, a person under the age of eighteen
22 convicted of a simple misdemeanor under the authority
23 of this chapter shall not be punished by imprisonment
24 for the first or second such conviction. A person
25 under the age of eighteen may be punished as provided
26 in chapter three (3), section three hundred one (301),
27 subsection three (3), of this Act for third and subse-
28 quent simple misdemeanor convictions under this chap-
29 ter, provided that any term of imprisonment imposed
30 shall be served in a juvenile secure facility.

31 Sec. 4. Chapter one thousand two hundred forty-
32 five (1245), Acts of the Sixty-sixth General Assembly,
33 1976 Session, chapter four (4), section two hundred
34 eighty-nine (289), is amended to read as follows:

35 SEC. 289. Section three hundred twenty—one point
36 four hundred eighty—two (321.482), Code 1975, is
37 amended to read as follows:

38 321.482 PENALTIES FOR MISDEMEANOR. It is a simple
39 misdemeanor for any person to do any act forbidden
40 or to fail to perform any act required by any of the
41 provisions of this chapter unless any such violation
42 is by this chapter or other law of this state declared
43 to be a felony. Chapter 232 shall have no application
44 in the prosecution of offenses committed in violation
45 of this chapter which are simple ~~misdemeanor mis-~~
46 ~~demeanors.~~

47 Notwithstanding the provisions of chapter three
48 (3), section three hundred one (301), subsection three
49 (3), of this Act, a person under the age of eighteen
50 convicted of a simple misdemeanor under the authority

Page 3

1 of this chapter shall not be punished by imprisonment
2 for the first or second such conviction. A person
3 under the age of eighteen may be punished as provided
4 in chapter three (3), section three hundred one (301),
5 subsection three (3), of this Act for third and subse-
6 quent simple misdemeanor convictions under this
7 chapter, provided that any term of imprisonment imposed
8 shall be served in a juvenile secure facility.

9 Sec. 5. Chapter one thousand two hundred forty—
10 five (1245), Acts of the Sixty—sixth General Assembly,
11 1976 Session, chapter four (4), section two hundred
12 ninety—five (295), is amended to read as follows:

13 SEC. 295. Section three hundred twenty—one G point
14 fourteen (321G.14), Code 1975, is amended to read
15 as follows:

16 321G.14 PENALTY. Any person who shall violate
17 any provision of this chapter or any regulation of
18 the commission or director of transportation shall
19 be guilty of a simple misdemeanor.

20 Chapter 232 shall have no application in the prose-
21 cution of offenses which are committed in violation
22 of this chapter, and which constitute simple misde-
23 meanors.

24 Notwithstanding the provisions of chapter three
25 (3), section three hundred one (301), subsection three
26 (3), of this Act, a person under the age of eighteen
27 convicted of a simple misdemeanor under the authority
28 of this chapter shall not be punished by imprisonment
29 for the first or second such conviction. A person
30 under the age of eighteen may be punished as provided

31 in chapter three (3), section three hundred one (301),
32 subsection three (3), of this Act for third and
33 subsequent simple misdemeanor convictions under this
34 chapter, provided that any term of imprisonment imposed
35 shall be served in a juvenile secure facility. "

HIGGINS of Scott

H-4205

1 Amend the Sifting Committee amendment, H-4178,
2 to House File 485 as follows:
3 1. Page 1, line 43, by inserting after the word
4 "age" the words " and who has been a utility service
5 account holder for a period of at least sixty days
6 prior to becoming a member".
7 2. Page 2, by striking lines 46 and 47 and
8 inserting in lieu thereof the following:
9 "a. One-half of postage costs of mailings pursuant
10 to this section shall be borne by the public utility
11 and one-half shall be borne by the corporation; and".
12 3. Page 4, by striking lines 31 and 32 and
13 inserting in lieu thereof the words "meet the
14 qualifications for membership specified in subsection
15 six (6) of section three (3) of this Act."
16 4. Page 5, lines 48 and 49, by striking the words
17 "public utilities in providing such assistance" and
18 inserting in lieu thereof the words "that public
19 utility in providing such assistance. If the
20 corporation requests assistance from more than one
21 public utility a separate bond shall be obtained for
22 each utility".

BAKER of Buena Vista
KOOGLER of Mahaska
PERKINS of Greene
MILLEN of Van Buren
HANSEN of O'Brien

H-4206

1 Amend amendment H-4178 to House File 485 as
2 follows:
3 1. Page 2, line 47, by inserting after the word
4 "utility" the following: "if, however, the material
5 sent by the corporation causes an increase in the
6 postage above that which would be required for the

7 utility's own statement, the corporation shall be
8 required to reimburse the utility for such additional
9 expense".

DIELEMAN of Marion

H-4208

1 Amend Senate File 213 as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 1, line 14, by striking the figure
4 "30,000" and inserting in lieu thereof the figure
5 "28,000".
6 2. Page 1, line 18, by striking the figure
7 "40,000" and inserting in lieu thereof the figure
8 "36,250".
9 3. Page 1, line 22, by striking the figure
10 "30,000" and inserting in lieu thereof the figure
11 "28,000".
12 4. Page 1, line 24, by striking the figure
13 "55,000" and inserting in lieu thereof the figure
14 "50,000".
15 5. Page 1, line 28, by striking the figure
16 "30,000" and inserting in lieu thereof the figure
17 "28,000".
18 6. Page 1, line 32, by striking the figure
19 "30,000" and inserting in lieu thereof the figure
20 "28,000".

HOWELL of Floyd

H-4209

1 Amend House File 410 as follows:
2 1. Page 1, by adding after the period in line 22
3 the following:
4 "An offense is committed at the time of arrest and
5 may be relied upon as a prior offense in a prosecution
6 for second and subsequent offenses if a conviction re-
7 sults from such prior offense or offenses before the
8 entry of a verdict or plea of guilty for any subsequent
9 offense. A second offense occurs when an arrest for a
10 first offense occurs prior to an arrest for a second
11 offense and a conviction for a first offense occurs
12 prior to a conviction for a second offense. Third
13 and subsequent offenses occur when arrests for two
14 or more offenses occur prior to an arrest for a
15 third offense and convictions for two or more offenses
16 occur prior to a conviction for a third offense. "

WELDEN of Hardin

H-4212

1 Amend the Sifting Committee amendment, H-4178,
2 to House File 485 as follows:

3 1. Page 1, by inserting the words "DIVISION I"
4 before line 4.

5 2. Page 6, by inserting after line 14 the follow-
6 ing:

7 "DIVISION II

8 Sec. 11. **NEW SECTION. SHORT TITLE.** This divi-
9 sion shall be known and may be cited as the Citizen-
10 Taxpayer Action Group Act.

11 Sec. 12. **NEW SECTION. LEGISLATIVE INTENT.** The
12 purpose of this division is to ensure effective and
13 democratic representation of the interests of citizens
14 and taxpayers in the reduction of the direct costs
15 of government through taxation, and of its indirect
16 costs through unduly burdensome regulation, by creation
17 of an efficient funding mechanism, involving no
18 compulsory burden whatsoever on the taxpayers of this
19 state, whereby these taxpayers and others may
20 voluntarily contribute money to a nonprofit
21 organization whose sole purpose is the representation
22 of the interests of these taxpayers before regulatory
23 agencies, legislatures, and other public bodies.

24 Sec. 13. **NEW SECTION. DEFINITIONS.** As used in
25 this division, the following definitions shall apply:

26 1. "Taxpayer" means any person paying taxes to
27 the state, or to any of its subdivisions, as well
28 as any person who is forced to bear the costs of state
29 or local regulation.

30 2. "Department" means the Iowa department of
31 revenue.

32 3. "Corporation" means any citizen-taxpayer action
33 group which meets the requirements for certification
34 by the department as set forth in section sixteen
35 (16) of this Act.

36 4. "Member" means any resident of this state who
37 contributes a minimum of four dollars per year to
38 a corporation and who is at least sixteen years of
39 age.

40 5. "Director" means any person serving on the
41 board of directors of a corporation.

42 6. "Annual tax packet" means the annual edition
43 of individual income tax return forms and instructions
44 by the department.

45 7. The "immediate family" of a person means the
46 person and his or her spouse, and his or her dependent
47 children.

48 8. "Certificate" means a certificate of funding

49 issued pursuant to sections fifteen (15) and sixteen
50 (16) of this Act.

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1 **Sec. 14. NEW SECTION. FUNDING OF A CORPORATION.**

2 1. A corporation which has obtained a certificate
3 of funding from the department as set forth in sections
4 fifteen (15) and sixteen (16) of this Act shall have
5 the authority to prepare and furnish the department,
6 not less than thirty calendar days and not more than
7 one year in advance of the printing date of the annual
8 tax packet, the following materials:

9 a. One page of printed copy, not to exceed eight
10 and one-half inches by eleven inches in size, contain-
11 ing a statement concerning the organization and acti-
12 vities of the corporation and other matters which
13 the corporation determines may affect the interests
14 of taxpayers.

15 b. A business return envelope, not to exceed the
16 folded size of three and three-quarter inches by eight
17 and one-half inches:

18 (1) Indicating that the taxpayer and others in
19 his or her household may contribute money directly
20 to the corporation; and

21 (2) Containing space where the names and addresses
22 and phone numbers of contributing persons may be writ-
23 ten in by the taxpayer.

24 2. The department, when furnished with such copy
25 or envelopes in accordance with the provisions of
26 subsection one (1) of this section shall print such
27 copy, and enclose such envelopes, in the annual tax
28 packet. However, the department shall not be required
29 to enclose any envelopes which have a total weight
30 in excess of one-quarter of one ounce avoirdupois.

31 3. A corporation shall promptly reimburse the
32 department for all reasonable costs incurred by the
33 department, above the normal cost of producing and
34 distributing the annual tax packet, in complying with
35 this section; provided that:

36 a. All postage costs of mailings pursuant to this
37 section shall be borne by the department; and

38 b. A corporation may postpone reimbursement of
39 the department for costs incurred for six months after
40 the corporation has furnished the department with
41 the first set of materials described in subsection
42 one (1) of this section.

43 4. Any disputes arising from the operation of
44 this section shall be resolved under the provisions

45 of the Iowa administrative procedure Act. Neither
46 the department nor the corporation shall fail to
47 comply with the provisions of this division by reason
48 of the existence of such a dispute.

49 5. A person who violates subsection four (4) of
50 this section shall be subject to a civil penalty of

Page 3

1 not more than five thousand dollars. Each such
2 violation shall constitute a separate and continuing
3 violation of this division.

4 6. A person shall not use any list of contributors
5 to a corporation, nor any part of such list, for pur-
6 poses other than the conduct of the activities and
7 business of a corporation as prescribed in sections
8 fifteen (15) and sixteen (16) of this Act. A person
9 shall not disclose any such list or part thereof to
10 any other whom the person has substantial reason to
11 believe intends to use if for other than the lawful
12 purposes described in this subsection. A person who
13 violates this subsection shall be subject to a civil
14 penalty of not more than five thousand dollars.

15 Sec. 15. NEW SECTION. CERTIFICATE OF FUNDING
16 REQUIRED. Commencing January 1, 1978, any nonprofit
17 permanent organization incorporated according to the
18 laws of this state whose sole purpose is the
19 representation of the interests of taxpayers before
20 regulatory agencies, legislative bodies, and other
21 public authorities may use the funding mechanism
22 described in section fourteen (14) of this Act only
23 after a certificate of funding has been issued to
24 the corporation of the department. An application
25 for a certificate shall be submitted to the depart-
26 ment on such forms as the department may prescribe.

27 Sec. 16. NEW SECTION. DECISION— CRITERIA. The
28 department shall render a decision on the application
29 within thirty days. A certificate shall be issued
30 if the department finds that:

31 1. It is the sole purpose of the corporation to
32 effectively represent and protect the general interests
33 of the taxpayers of this state;

34 2. The corporation has the rights and powers
35 generally accorded to, and shall be subject to all
36 duties imposed generally upon, not-for-profit
37 membership corporations under the laws of this state;

38 3. The corporation intends to conduct, support,
39 and assist research, surveys, investigations, planning
40 activities, conferences, demonstration projects, and

- 41 public information activities concerning the interests
42 of taxpayers;
- 43 4. The corporation may accept grants, contracts
44 and contributions to carry out its responsibilities;
- 45 5. The corporation intends to represent the
46 interest of taxpayers before regulatory agencies,
47 legislative bodies, and other public authorities;
- 48 6. The corporation will not sponsor, endorse,
49 or otherwise support, nor will it oppose, any political
50 party or the candidacy of any person for public office;

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- 1 7. The corporation will support or oppose
2 initiatives or referenda concerning matters which
3 it determines may affect the interests of its members;
- 4 8. The corporation has such other incidental
5 rights and powers as are reasonably necessary for
6 effective representation and protection of the
7 interests of its members;
- 8 9. The corporation has a membership which consists
9 of those residents of this state who individually
10 contribute a minimum of four dollars per year and
11 who are at least sixteen years of age.
- 12 10. Democratic accountability of the board of
13 directors of the corporation to the will of taxpayer
14 constituency has been provided through:
- 15 a. Open elections of directors with thorough
16 financial disclosure requirements and campaign spending
17 limitations;
- 18 b. Encouragement of active taxpayer participation
19 in the regulatory process through involvement in the
20 activities of the organization;
- 21 c. The recall of directors; and
- 22 d. An annual membership meeting.
- 23 11. The corporation's board of directors consists
24 of not less than seven nor more than eleven residents
25 of this state who are members of the corporation,
26 except that no person, or member of the immediate
27 family of such a person, deriving more than twenty-
28 five percent of his or her income from a governmental
29 unit, or from a private business directly or indirectly
30 dependent on governmental contracts for more than
31 fifty percent of its income, shall be eligible to
32 become a director.
- 33 Sec. 17. COMPETING CORPORATIONS. If two or more
34 organizations apply for a certificate, the department
35 may determine which one will best serve the interests
36 of the taxpayers. In no event shall be department
37 be required to print or distribute material described

38 in section fourteen (14) of this Act from more than
39 one corporation in any calendar year. If the
40 department finds that two or more organizations can
41 equally serve the taxpayers, it may issue a certificate
42 to each organization that limits the funding mechanism
43 to alternate years, or it may allow agreements by
44 which two or more organizations share joint annual
45 use of the funding mechanism. Such restrictions,
46 however, shall only serve to facilitate cooperation
47 between organizations rather than to arbitrarily limit
48 their funding base.

49 **Sec. 18. NEW SECTION. CORRUPT PRACTICES AND**
50 **CONFLICTS OF INTEREST.**

Page 5

1 1. Neither a corporation nor any of its directors,
2 employees, or agents, shall offer anything of monetary
3 value to, or accept anything of monetary value from,
4 any public official or any person ineligible to be—
5 come a director under the provisions of subsection
6 eleven (11) of section sixteen (16) of this Act,
7 except as specifically permitted in this division.

8 2. No director shall personally or through any
9 partner or agent render any professional service or
10 make or perform any business contract with or for
11 any unit or subdivision of the state.

12 3. No public official, nor any person ineligible
13 to become a director under the provisions of subsection
14 eleven (11) of section sixteen (16) of this Act, shall
15 offer anything of monetary value to, or accept anything
16 of monetary value from, a corporation or any of its
17 directors, employees, or agents, except as specifically
18 permitted in this division.

19 4. Any person who violates subsection one (1),
20 two (2), or three (3) of this section is guilty of
21 an aggravated misdemeanor.

22 5. A director found in violation of subsection
23 one (1) or two (2) of this section shall be immediately
24 removed from office by the board.

25 **Sec. 19. NEW SECTION. BOND REQUIRED.** The depart—
26 ment shall not be required to provide a corporation
27 with any assistance as required by this division until
28 the corporation submits evidence that it has obtained
29 a bond of ten thousand dollars to guarantee payment
30 by the corporation of costs incurred by public
31 utilities in providing such assistance.

32 **Sec. 20. NEW SECTION. CONSTRUCTION OF THIS**
33 **DIVISION.**

- 34 1. The provisions of this division shall be
 35 construed in such a manner as best to enable a
 36 corporation effectively to represent and protect the
 37 interest of the taxpayers of this state.
 38 2. Nothing in this division shall be construed
 39 to limit the right of any person to initiate, intervene
 40 in, or otherwise participate in any regulatory agency
 41 proceeding or court action, nor to require any petition
 42 or notification to a corporation as a condition
 43 precedent to the exercise of such right, nor to relieve
 44 any regulatory agency or court of any obligation,
 45 or to affect its discretion, to permit intervention
 46 or participation by any person in any proceeding or
 47 action."
 48 3. By amending page 1, line 4, page 1, line 8,
 49 page 1, line 21, page 3, line 8, page 3, line 22,
 50 page 5, line 26, page 5, line 36, page 6, line 1,

Page 6

- 1 and page 6, line 5, by striking the word "Act" wherever
 2 it appears in those lines and inserting in lieu thereof
 3 the word "division".
 4 4. By renumbering sections of the bill as
 5 necessary.
 6 5. Page 6, line 20, by inserting after the word
 7 "groups" the words "and citizen-taxpayer action
 8 groups".

PERKINS of Greene
 CONLON of Muscatine
 BAKER of Buena Vista
 HARVEY of Scott
 BRANSTAD of Winnebago

H-4218

- 1 Amend the Monroe, et al amendment H-4163 to House
 2 File 593 as follows:
 3 1. Page 3, line 19, by inserting after the period
 4 the words "A school district shall hold a run-off
 5 election when so required by law."
 6 2. Page 4, by inserting after line 5 the follow-
 7 ing:
 8 "Sec. 31. Chapter two hundred seventy-seven (277),
 9 Code 1977, is amended by adding the following new
 10 section:
 11 NEW SECTION. RUN-OFF ELECTION.
 12 1. A run-off election shall be held in each school

13 district for any office of the district for which
 14 no candidate received a majority of the votes cast
 15 for that office. In the case of at-large elections
 16 for a board of directors, a majority is one vote more
 17 than half the quotient found by dividing the total
 18 number of votes cast for all candidates for the board
 19 by the number of positions to be filled. Candidates
 20 who do not receive a majority of the vote cast for
 21 a position but who receive the highest number of votes
 22 cast for that position, to the extent of twice the
 23 number of unfilled positions, are the candidates in
 24 the run-off election. Candidates in the run-off elec-
 25 tion who receive the highest number of votes cast
 26 for each position on the ballot are elected, to the
 27 extent necessary to fill the positions open.

28 2. Run-off elections, when necessary under sub-
 29 section one (1) of this section, shall be held three
 30 weeks after the regular school election. The run-
 31 off elections shall be conducted in the same manner
 32 as regular school elections."

33 3. By renumbering succeeding sections of amend-
 34 ment H-4163, and by changing cross-references on page
 35 6, lines 21 through 27 of the amendment so as to
 36 insert a reference to the new section added by item
 37 2 of this amendment and to correct references to
 38 succeeding sections of amendment H-4163.

TAUKE of Dubuque
 MONROE of Des Moines

H-4219

1 Amend Senate File 337, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 4 by striking lines 18 through 32 and
 4 inserting in lieu thereof the following:

5	"1	4.8%	1.0	.8	.6	.4	.2	.1	.1	.1	.1
6	2	9.5%	1.1	.9	.7	.5	.3	.1	.1	.1	.1
7	3	14.3%	1.2	1.0	.8	.6	.4	.2	.1	.1	.1
8	4	19.0%	1.4	1.1	.9	.7	.5	.3	.1	.1	.1
9	5	23.8%	1.6	1.2	1.0	.8	.6	.4	.2	.1	.1
10	6	28.6%	1.8	1.4	1.1	.9	.7	.5	.2	.1	.1
11	7	33.3%	2.0	1.6	1.2	1.0	.8	.6	.3	.2	.1
12	8	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2	.1
13	9	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3	.2
14	10	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
15	11	52.4%	3.2	2.6	2.1	1.4	1.2	1.0	.7	.5	.2
16	12	57.1%	3.5	2.9	2.4	1.6	1.3	1.1	.8	.6	.3
17	13	61.9%	3.8	3.2	2.7	1.9	1.4	1.2	.9	.7	.3
18	14	66.6%	4.1	3.6	3.0	2.3	1.5	1.3	1.0	.8	.4

19 15 71.4% 4.5 4.0 3.4 2.8 1.8 1.6 1.3 .9 .5"

HARVEY of Scott

H-4223

- 1 Amend Senate File 337 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by inserting before line 1 the follow-
 4 ing:
 5 "Section 1. Section ninety-six point three (96.3),
 6 subsection four (4), unnumbered paragraph one (1),
 7 Code 1977, is amended to read as follows:
 8 With respect to benefit years beginning on or after
 9 July 1, 1975, an eligible individual's weekly benefit
 10 amount for a week of total unemployment shall be an
 11 amount equal to one-twentieth of his or her total
 12 wages in insured work paid during that quarter of
 13 his or her base period in which such total wages were
 14 highest, subject to the following limitation: The
 15 director shall determine annually a maximum weekly
 16 benefit amount by computing ~~sixty-six and two-thirds~~
 17 ~~sixty~~ percent of the statewide average weekly wage
 18 paid to employees in insured work which shall be
 19 effective the first day of the first full week in
 20 July. Such maximum weekly benefit amount, if not
 21 a multiple of one dollar shall be rounded to the
 22 higher multiple of one dollar."
 23 2. Amend the title, line 2, by inserting after
 24 the word "benefits" the words "which includes changes
 25 to the maximum weekly benefit amount".
 26 3. Renumber the sections and correct internal
 27 references in conformance with this amendment.

THOMPSON of Polk
 HARVEY of Scott

H-4238

- 1 Amend Senate File 213, as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 5, by striking lines 17 through 28 and
 4 inserting in lieu thereof the following:
 5 "Sec. 4. Section three (3) of this Act is".

SPEAR of Lee

H-4243

1 Amend Senate File 337, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 7, by inserting after the word
4 "rank" the words "of the positive percentage of
5 excess employees".

6 2. Page 3, line 33, by striking the word
7 "table" and inserting in lieu thereof the word
8 "tables".

9 3. Page 3, by striking line 35.

10 4. Page 4, by striking lines 1 through 8 and
11 inserting in lieu thereof the following:
12 "be computed as follows:

13 (a) Employers with positive or zero percentages
14 of excess shall be listed in order of decreasing
15 percentages of excess, from the highest positive
16 percentage of excess to the lowest percentage of
17 excess or zero percentage of excess, grouping the
18 employers so listed into seventeen separate ranks
19 containing as nearly as possible five point eighty—
20 eight percentage of the total taxable wages,
21 excluding reimbursable employment wages, paid in
22 covered employment during the first four completed
23 calendar quarters immediately preceding the rate
24 computation date.

25 (b) Employers with negative percentages of
26 excess shall be listed in order of increasing per—
27 centages of excess, from the lowest negative
28 percentage of excess to the highest negative
29 percentage of excess, grouping the employers so
30 listed into six separate ranks containing as nearly
31 as possible sixteen point sixty—seven percent of
32 the total taxable wages, excluding reimbursable
33 employment wages, paid in covered employment during
34 the first four completed calendar quarters imme—
35 diately preceding the rate computation date. If
36 an employer's taxable wages qualify".

37 5. Page 4, by striking lines 14 through 35 and
38 inserting in lieu thereof the following:

39 40 41 42 43 44 45 46 47	Percentage of Excess Rank	Approx. Cumula— tive Taxable Payroll Limit Attributable to Employers with a Posi— tive Percent— age of Excess	Contribution Rate Tables for Positive Percentage of Excess Employers									
			1	2	3	4	5	6	7	8	9	
	1	5.88%	.8	.5	.2	.0	.0	.0	.0	.0	.0	.0

48	2	11.76%	1.1	.7	.4	.2	.0	.0	.0	.0	.0
49	3	17.65%	1.4	1.0	.6	.3	.1	.0	.0	.0	.0
50	4	23.53%	1.7	1.3	.9	.6	.3	.1	.0	.0	.0

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1	5	29.41%	1.9	1.5	1.1	.8	.5	.3	.1	.0	.0
2	6	35.29%	2.2	1.7	1.3	1.0	.8	.5	.3	.1	.0
3	7	41.18%	2.4	1.9	1.5	1.2	1.0	.7	.5	.2	.0
4	8	47.06%	2.6	2.1	1.7	1.4	1.2	.9	.6	.3	.1
5	9	52.94%	2.8	2.3	1.9	1.6	1.4	1.1	.7	.4	.2
6	10	58.82%	3.0	2.5	2.1	1.8	1.6	1.3	.9	.5	.2
7	11	64.71%	3.2	2.8	2.4	2.1	1.8	1.5	1.1	.7	.3
8	12	70.59%	3.4	3.0	2.7	2.4	2.1	1.7	1.3	.9	.5
9	13	76.47%	3.6	3.3	3.1	2.8	2.4	1.9	1.5	1.2	.8
10	14	82.35%	3.8	3.6	3.4	3.1	2.7	2.2	1.8	1.5	1.2
11	15	88.24%	4.1	3.9	3.7	3.4	3.0	2.6	2.2	1.9	1.7
12	16	94.12%	4.5	4.3	4.1	3.8	3.4	3.0	2.7	2.4	2.2
13	17	100.00%	5.0	4.7	4.5	4.2	3.9	3.5	3.2	2.9	2.7

14 6. Page 5, by striking lines 1 through 3 and
 15 inserting in lieu thereof the following:

16	"	Approximate									
17		Cumulative									
18		Taxable Pay—									
19		roll Limit									
20		Attributable									
21		to Employers									
22	Percentage	with a Posi-									
23	of Excess	tive Percent-									
24	Rank	age of Excess									
25	1	16.67%	5.4	5.1	4.9	4.6	4.3	3.9	3.6	3.3	3.1
26	2	33.33%	5.7	5.4	5.2	4.9	4.6	4.2	3.9	3.6	3.4
27	3	50.00%	5.9	5.7	5.4	5.2	4.9	4.5	4.2	3.9	3.7
28	4	66.67%	6.1	5.9	5.6	5.4	5.1	4.7	4.4	4.2	4.0
29	5	83.33%	6.3	6.1	5.8	5.6	5.3	4.9	4.6	4.4	4.2
30	6	100.00%	6.6	6.3	6.1	5.8	5.5	5.1	4.8	4.5	4.3

31 7. Page 5, line 10, by striking the words
 32 "twenty-first percentage of excess rank" and insert-
 33 ing in lieu thereof the words "seventeenth rank on
 34 the table of positive percentage of excess".

H-4245

- 1 Amend Senate amendment H-4210 to House
- 2 amendment S-3462 to Senate File 312 by striking
- 3 lines 19 through 34.

KRAUSE of Kossuth
SCHEELHAASE of Woodbury

H-4247

- 1 Amend Senate amendment, H-4176, to House File 332,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 6, by inserting after line 6 the following
- 5 sections:
- 6 "Sec. NEW SECTION. AUTHORIZATION—ELECTION—
- 7 —IMPOSITION.
- 8 1. A county may impose a local sales and service
- 9 tax authorized by and subject to the provisions of
- 10 this Act.
- 11 2. A local sales and service tax may be imposed
- 12 originally or after a period of discontinuance, only
- 13 after an election at which a majority of those voting
- 14 on the question favors imposition, and shall then
- 15 be imposed for a period not to exceed seven years.
- 16 3. A county board of supervisors may direct the
- 17 county commissioner of elections to submit at an elec-
- 18 tion, to be held on the first Tuesday after the first
- 19 Monday in November, the question of imposition of
- 20 a local sales and service tax to the eligible electors
- 21 of the county on its own motion, and shall do so
- 22 within thirty days from the date of receipt of either
- 23 a petition signed by eligible electors of the county
- 24 equal in number to two percent or more of the persons
- 25 who voted in the county for president or governor
- 26 as the case may be at the last preceding general
- 27 election, as defined in section thirty-nine point
- 28 three (39.3) of the Code, or a petition signed by
- 29 city councils of cities within the county representing
- 30 thirty percent of the population of the county, as
- 31 determined by the most recent certified federal census,
- 32 which requests county wide imposition of a local sales
- 33 and service tax. However, a county board which submits
- 34 the question on its own motion shall do so not later
- 35 than sixty days before the date of an election, and
- 36 a petition must be filed with the board not later
- 37 than ninety days before the date of an election.
- 38 Before the question of the imposition of a local sales

39 and service tax may be placed on the ballot the county
40 board of supervisors and each city council of each
41 incorporated city within the county shall publish,
42 as provided in subsection four (4) of this section,
43 a plan for its respective jurisdiction of how the
44 revenue generated by the local sales and service tax
45 will be used.

46 4. The plan required by subsection three (3) of
47 this section, if the plan is by the county board,
48 shall be published in at least one newspaper of general
49 circulation in the county. If the plan is by a city
50 council, it shall be published in a local newspaper,

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1 or if there is no local newspaper, then in a newspaper
2 which is circulated within that city or by posting
3 in three public places in the city which have been
4 permanently designated by ordinance. The plan shall
5 be published at least twice before the election.
6 The first publication shall be made not earlier than
7 thirty days before the election.

8 5. The local sales and service tax shall be
9 discontinued by resolution of the board of supervisors
10 at the end of the period for which the tax had been
11 imposed unless the question of continuing the imposi-
12 tion of a local sales and service tax is submitted
13 to the eligible electors of the county and favored
14 by a majority of those voting at an election preceding
15 the end of the period for which the tax had been
16 imposed. Before the question of continuing the
17 imposition of the tax may be submitted to the eligible
18 electors, the procedures set out in subsections three
19 (3) and four (4) of this section must be followed.

20 6. If a city is located in more than one county,
21 it shall be deemed to be in the county in which the
22 largest portion of its population resides, for purposes
23 of the imposition of a local sales and service tax.

24 7. For purposes of this Act, the term "city" shall
25 include a special charter city.

26 Sec. . **NEW SECTION. LOCAL SALES AND SERVICE**
27 **TAX.** A local sales and service tax at a rate of one
28 percent may be imposed by a county on the gross
29 receipts, except the gross receipts from the sale
30 of any motor vehicle, machine or equipment exclusively
31 designed for and used for agricultural purposes, taxed
32 by the state under chapter four hundred twenty-two
33 (422), division four (IV), of the Code. A local sales
34 and service tax shall be imposed on the same basis

35 as the state sales and service tax and shall not be
36 imposed on the sale of any property of service not
37 taxed by the state. A local sales and service tax
38 is applicable only to transactions within the county
39 imposing it and shall be collected by all persons
40 required to collect state sales and service taxes.

41 The amount of the sale or service, for purposes
42 of determining the amount of the local sales and
43 service tax, does not include the amount of any state
44 gross receipts tax.

45 No tax permit other than the state tax permit
46 required under section four hundred twenty-two point
47 fifty-three (422.53) of the Code may be required by
48 local authorities.

49 Sec. . NEW SECTION. ADMINISTRATION. A local
50 sales and service tax shall be imposed on July first

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1 following a favorable election by resolution of the
2 board of supervisors.

3 The director of revenue shall administer the
4 provisions of a local sales and service tax as nearly
5 as possible in conjunction with the administration
6 of state sales and service tax laws. The director
7 shall provide appropriate forms, or provide on the
8 regular state tax forms, for reporting local sales
9 and service tax liability.

10 A resolution of a county board of supervisors
11 imposing a local sales and service tax shall adopt
12 by reference the applicable provisions of the
13 appropriate sections of chapter four hundred twenty--
14 two (422), division four (IV), of the Code for a local
15 sales and service tax, and all powers of the director
16 and requirements of the director in administering
17 the state sales and service tax law are applicable
18 to the administration of a local sales and service
19 tax law including but not limited to powers to impose
20 interest and penalties, and requirements for hearing
21 and appeal. Local officials shall confer with the
22 director of revenue and obtain assistance in drafting
23 the resolution imposing a local sales and service
24 tax. A certified copy of the resolution imposing
25 a local sales and service tax shall be filed with
26 the director as soon as possible after passage.

27 The director, in consultation with local officials,
28 shall collect and account for a local sales and service
29 tax. The director shall not retain for the use of
30 the department of revenue any sales and service tax

31 receipts to cover administrative expense. All local
 32 sales and service tax receipts shall be credited to
 33 a "local tax fund" hereby established in the office
 34 of the treasurer of state.
 35 Sec. . NEW SECTION. COUNTYWIDE SHARES. The
 36 treasurer of state shall credit the local sales and
 37 service tax receipts to a joint account in the local
 38 tax fund and shall remit quarterly to each city in
 39 the county a pro rata share of the joint account,
 40 based upon the percentage of its population residing
 41 in the county to the total population of the county,
 42 and to the board of supervisors a pro rata share of
 43 the joint account based upon the percentage of
 44 population in the county outside of cities, all
 45 according to the population determined by the most
 46 recent certified federal census.
 47 During the last quarter of the year at the end
 48 of which the local sales and service tax will be
 49 discontinued, the treasurer of state shall withhold
 50 a percentage, as determined by the director, of the

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1 local sales and service tax receipts credited to each
 2 special account. Such percentage shall be used to
 3 refund to eligible retailers any local sales and
 4 service tax paid which such retailers would be entitled
 5 to have refunded under the state sales and service
 6 tax. The treasurer of state shall withhold the
 7 percentage for one year after the discontinuance
 8 of the local sales and service tax. However, if the
 9 local sales and service tax is continued as provided
 10 in this Act, the treasurer of state shall remit the
 11 percentage withheld to the respective jurisdiction
 12 at the next quarterly remittance after the favorable
 13 election for the continuance of the local sales and
 14 service tax.

15 Sec. . NEW SECTION. PAYMENT TO LOCAL
 16 GOVERNMENTS. The treasurer of state shall remit
 17 quarterly to the counties, and the cities within those
 18 counties, which have imposed a local sales and service
 19 tax and which have qualified under this Act, their
 20 share of the balance in the local tax fund. The local
 21 tax fund is appropriated for this purpose.

22 Sec. . NEW SECTION. CITY PROPERTY TAX RELIEF.
 23 All local sales and service tax moneys received by
 24 a city shall be deposited in the general fund of the
 25 city and may be expended for any lawful city purpose.
 26 However, the city treasurer, or another city official

27 designated by the council, shall credit at least fifty
28 percent of all local sales and service tax moneys
29 received to a special account for property tax relief.
30 The moneys deposited in the special account for
31 property tax relief shall be used to provide property
32 tax relief by one of the following means:

33 1. A special homestead tax credit for each
34 homestead which qualified for the homestead tax credit
35 granted pursuant to section four hundred twenty-five
36 point one (425.1) of the Code may be granted. The
37 county auditor shall, upon the request of the city
38 treasurer, certify to the city treasurer the number
39 of homesteads within the limits of the city which
40 have qualified for the homestead tax credit and a
41 description of each qualified homestead. The city
42 treasurer shall divide the total amount of dollars
43 in the special account for property tax relief by
44 the number of qualified homesteads within the corporate
45 limits of the city to determine the pro rata amount
46 of the special homestead tax credit to be granted
47 to each qualified homestead, except that a taxpayer
48 shall not receive credits in excess of his or her
49 property tax liability. Any such excess credit shall
50 be credited proportionately to the other qualified

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1 homesteads. The city treasurer shall certify to the
2 county auditor the description of each qualified
3 homestead and the amount of additional homestead tax
4 credit each qualified homestead shall receive.

5 In any special charter city which levies and
6 collects its own taxes, the county auditor shall,
7 upon the request of the city clerk, certify to the
8 city clerk the number of homesteads within the limits
9 of the special charter city which have qualified for
10 the homestead tax credit and a description of each
11 qualified homestead. The city clerk shall divide
12 the total amount of dollars in the special account
13 for property tax relief by the number of qualified
14 homesteads within the corporate limits of the special
15 charter city to determine the pro rata amount of the
16 special homestead tax credit to be granted to each
17 qualified homestead, except that a taxpayer shall
18 not receive credits in excess of his or her property
19 tax liability. Any such excess credit shall be
20 credited proportionately to the other qualified
21 homesteads. The city clerk shall certify to the city

22 treasurer the amount of additional homestead tax
 23 credit each qualified homestead shall receive.
 24 2. Before the levies authorized under section
 25 three hundred eighty-four point one (384.1) of the
 26 Code are certified to the county auditor, the
 27 certifying official shall subtract from the total
 28 amount computed in dollars, as provided in section
 29 four hundred forty-four point two (444.2) of the Code,
 30 an amount equal to the amount credited to the special
 31 account for property tax relief during the last
 32 preceding twelve-month period, and shall certify only
 33 the net amount to the county auditor and board of
 34 supervisors. Before the levies authorized under
 35 section three hundred eighty-four point one (384.1)
 36 of the Code are certified by the city clerk in any
 37 special charter city which levies and collects its
 38 own taxes, the certifying official shall subtract
 39 from the total amount computed in dollars, as provided
 40 in section four hundred forty-four point two (444.2)
 41 of the Code, an amount equal to the amount credited
 42 to the special account for property tax relief during
 43 the last preceding twelve-month period, and shall
 44 certify only the net amount to the city treasurer
 45 and city council. The limit on a city's tax levy
 46 for the general fund, as stated in section three
 47 hundred eighty-four point one (384.1) of the Code,
 48 shall be reduced each year by the levy which would
 49 be necessary to replace the amount credited to the
 50 special account for property tax relief during the

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1 last preceding twelve-month period. The county auditor
 2 shall base the levies authorized under section four
 3 hundred forty-four point three (444.3) of the Code
 4 upon the net amount so computed.

5 In order for a city to be qualified to receive
 6 remittances from the treasurer of state under this
 7 Act, the city clerk, before July fifteenth of each
 8 year, shall certify to the treasurer of state that
 9 property tax relief has been provided as required
 10 under this section.

11 Sec. . **NEW SECTION. COUNTY PROPERTY TAX RELIEF.**
 12 All local sales and service tax moneys received by
 13 a county may be expended for any lawful county
 14 government purpose. However, the county treasurer
 15 shall credit at least fifty percent of all local sales
 16 and service tax moneys received to a special account
 17 for property tax relief. The moneys deposited in

18 the special account for property tax relief shall
 19 be used to provide property tax relief by one of the
 20 following means:

21 1. A special homestead tax credit for each
 22 homestead in the entire county which qualified for
 23 the homestead tax credit granted pursuant to section
 24 four hundred twenty-five point one (425.1) of the
 25 Code shall be granted. The county auditor shall
 26 divide the total amount of dollars in the special
 27 account for property tax relief by the number of
 28 qualified homesteads within the entire county to
 29 determine the pro rata amount of the special homestead
 30 tax credit to be granted to each qualified homestead,
 31 except that a taxpayer shall not receive credits in
 32 excess of his or her property tax liability. Any
 33 such excess credit shall be credited proportionately
 34 to the other qualified homesteads.

35 2. Before the levies authorized under section
 36 four hundred forty-four point nine (444.9) of the
 37 Code are made, the board of supervisors shall subtract
 38 from the total amount computed in dollars, as provided
 39 in section four hundred forty-four point two (444.2)
 40 of the Code, an amount equal to the amount credited
 41 to the special account for property tax relief during
 42 the last preceding twelve-month period, and shall
 43 base the levies authorized under section four hundred
 44 forty-four point nine (444.9) of the Code upon the
 45 net amount so computed.

46 In order for a county to be qualified to receive
 47 remittances from the treasurer of state under this
 48 Act, the board of supervisors, before July fifteenth
 49 of each year, shall certify to the treasurer of state
 50 that property tax relief has been provided as required

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1 under this section.”

2 2. Page 7, line 16, by inserting after the word
 3 “property,” the words “providing for local option
 4 tax with revenues to provide property tax relief.”.

BINA of Scott
 GILLOON of Dubuque
 KREWSON of Polk
 WALTER of Pottawattamie
 RINAS of Linn
 GENTLEMAN of Polk

H-4252

1 Amend the Senate amendment, H-4176, to House File
2 332, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by inserting after line 5 the following
5 sections:

6 "Sec. 4. Sections five (5) through twenty-eight
7 (28) of this Act shall be codified as a new division
8 under chapter four hundred twenty-two (422) of the
9 Code.

10 Sec. 5. NEW SECTION. DEFINITIONS. As used in
11 this Act, unless the context otherwise requires:

12 1. "Income" means the sum of Iowa net income as
13 defined in section four hundred twenty-two point seven
14 (422.7) of the Code, plus all of the following to
15 the extent not already included in Iowa net income:
16 Capital gains, alimony, child support money, the gross
17 amount of any pension or annuity including but not
18 limited to railroad retirement benefits, all payments
19 received under the federal social security Act, and
20 all military retirement and veterans' disability
21 pensions, interest received from the state or federal
22 government or any of its instrumentalities, workmen's
23 compensation, cash public assistance and relief
24 including food stamps, financial assistance programs
25 as approved by the higher education facilities
26 commission, unemployment compensation, and the gross
27 amount of disability income or "loss of time"
28 insurance. "Income" does not include gifts from
29 nongovernmental sources, or surplus foods or other
30 relief in kind supplied by a governmental agency.

31 2. "Household" means a claimant, spouse, and any
32 person living with the claimant at least one hundred
33 eighty-three consecutive days during the base year.

34 3. "Household income" means all income of all
35 persons residing in the household during the base
36 year prorated according to the length of the period
37 of occupancy.

38 4. "Homestead" means the dwelling actually rented
39 and used as a home by the claimant during all or part
40 of the base year, and so much of the land surrounding
41 it, not exceeding one acre, as is reasonably necessary
42 for use of the dwelling as a home, and may consist
43 of a part of a multidwelling or multipurpose building
44 and a part of the land upon which it is built. It
45 does not include personal property except that a
46 mobile home may be a homestead. Any dwelling or a
47 part of a multidwelling or multipurpose building which

- 48 is exempt from taxation shall not qualify as a
49 homestead under the provisions of this division.
50 A homestead must be located in this state.

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- 1 5. "Claimant" means a person claiming a credit
2 under this division who is eighteen years of age or
3 older on or before December thirty-first of the base
4 year and has not been claimed as a dependent on a
5 state income tax return filed in the preceding calendar
6 year, has not received more than six hundred dollars
7 in financial assistance exclusive of a financial aid
8 program approved by the higher education facilities
9 commission, and was domiciled in this state during
10 the entire base year and is domiciled in this state
11 at the time the claim is filed. "Claimant" does not
12 include any person who has previously received or
13 has filed during the base year a claim for
14 reimbursement for property taxes paid or rent
15 constituting property taxes paid under sections four
16 hundred twenty-five point sixteen (425.16) through
17 four hundred twenty-five point thirty-nine (425.39)
18 of the Code. In the case of a claim for a credit
19 for rent constituting property taxes paid, the claimant
20 shall have rented the property during any part of
21 the base year. When two persons of a household are
22 able to meet the qualifications for a claimant, they
23 may determine between them who will be the claimant.
24 If they are unable to agree, the matter shall be
25 referred to the director of revenue not later than
26 April thirtieth of each year and his decision shall
27 be final. If a homestead is occupied by two or more
28 persons, and more than one person is able to qualify
29 as a claimant, and some or all of the qualified persons
30 are not related, the persons may determine among them
31 who will be the claimant. If they are unable to
32 agree, the matter shall be referred to the director
33 of revenue not later than April thirtieth of each
34 year and his decision shall be final.
- 35 6. "Rent constituting property taxes paid" means
36 twenty-five percent of the gross rent actually paid
37 in cash or its equivalent during the base year by
38 the claimant or his household solely for the right
39 of occupancy of their homestead in the base year,
40 and which rent constitutes the basis, in the succeeding
41 year, of a claim for reimbursement under this division
42 by the claimant.
- 43 7. "Gross rent" means rental paid at arm's length

44 solely for the right of occupancy of a homestead or
45 mobile home, including rent for space occupied by
46 a mobile home not to exceed one acre, exclusive of
47 charges for any utilities, services, furniture,
48 furnishings, or personal property appliances furnished
49 by the landlord as a part of the rental agreement
50 whether or not expressly set out in the rental

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1 agreement. If the director of revenue determines
2 that the landlord and tenant have not dealt with each
3 other at arm's length, and the director of revenue
4 is satisfied that the gross rent charged was excessive,
5 he shall adjust the gross rent to a reasonable amount
6 as determined by the director. If the landlord does
7 not supply the charges for any utilities, services,
8 furniture, furnishings, or personal property appliances
9 furnished by him, or if the charges appear to be
10 incorrect, the director of revenue may apply a
11 percentage determined from samples of similar gross
12 rents paid solely for the right of occupancy.

13 8. "Base year" means for a claimant filing a claim
14 for rent constituting property taxes paid, the calendar
15 year last ending before the claim is filed.

16 9. "Investment income" means that income derived
17 from rental property, income received from the
18 investment of such income which is received in the
19 form of interest or dividends and any other income
20 received from the investment of capital whether or
21 not such income is subject to taxation.

22 Sec. 6. **NEW SECTION. CLAIM IS PERSONAL.** The
23 right to file a claim under this Act shall be personal
24 to the claimant and shall not survive his death, but
25 the right may be exercised on behalf of a claimant
26 by his legal guardian or attorney. If a claimant
27 dies after having filed a claim, the amount of the
28 reimbursement may be paid to another member of the
29 household as determined by the director. If the
30 claimant was the only member of his household, the
31 reimbursement may be paid to his executor or
32 administrator, but if neither is appointed and
33 qualified within one year from the date of the filing
34 of the claim, the reimbursement shall escheat to the
35 state.

36 Sec. 7. **NEW SECTION. CLAIM AND REIMBURSEMENT.**
37 Subject to the limitations provided in this Act, a
38 claimant may annually claim a reimbursement for rent
39 constituting property taxes paid in the base year.

40 The amount of the reimbursement for rent constituting
 41 property taxes paid shall be claimed by the claimant
 42 as a credit against the state individual income tax
 43 owed by the claimant on taxable income of the preceding
 44 year on which taxes are payable during the current
 45 year. If the claimant has no tax liability for the
 46 taxable year, the amount of the reimbursement for
 47 rent constituting property taxes paid shall be paid
 48 to the claimant as a rebate.

49 Sec. 8. NEW SECTION. FILING DATE. A claim for
 50 reimbursement for rent constituting property taxes

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1 paid shall not be paid or allowed, unless the claim
 2 is actually filed with the claimant's state income
 3 tax return and in the possession of the department
 4 of revenue on or before April thirtieth of the year
 5 following the base year, beginning April 30, 1980.

6 Sec. 9. NEW SECTION. SATISFACTION OF OUTSTANDING
 7 TAX LIABILITIES. The amount of any claim for
 8 reimbursement payable under this Act may be applied
 9 by the department of revenue against any tax liability
 10 outstanding on the books of the department against
 11 the claimant, or against a spouse who was a member
 12 of the claimant's household in the base year.

13 Sec. 10. NEW SECTION. ONE CLAIMANT PER HOUSEHOLD.
 14 Only one claimant per household per year shall be
 15 entitled to reimbursement under this Act.

16 Sec. 11. NEW SECTION. SCHEDULE FOR CLAIMS FOR
 17 REIMBURSEMENT. The amount of any claim for
 18 reimbursement filed under this Act shall be determined
 19 as provided in this section.

20 1. The tentative reimbursement shall be determined
 21 according to the following schedule:

	Percent of rent constituting property taxes paid allowed as a reimbursement:
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	

\$	0— 999.99	100 %
----	-----------	-------	-------

26	1,000—1,999.99	95
----	----------------	-------	----

27	2,000—2,999.99	85
----	----------------	-------	----

28	3,000—3,999.99	70
----	----------------	-------	----

29	4,000—4,999.99	55
----	----------------	-------	----

30	5,000—5,999.99	45
----	----------------	-------	----

31	6,000—6,999.99	35
----	----------------	-------	----

32	7,000—7,999.99	30
----	----------------	-------	----

33	8,000—8,999.99	25
----	----------------	-------	----

34 Sec. 12. NEW SECTION. MAXIMUM PROPERTY TAX.

35 In any case in which rent constituting property taxes

36 paid in any base year for any household exceeds six
37 hundred dollars, the amount of rent constituting
38 property taxes paid shall be deemed to have been six
39 hundred dollars for purposes of this Act.

40 Sec. 13. NEW SECTION. CREDIT NOT ALLOWED. The
41 provisions of this Act shall not apply to any person
42 occupying property which is used exclusively for
43 essential public purposes and the property occupied
44 as a household is exempt from all taxes and special
45 assessments of the state or a political subdivision
46 of the state.

47 Sec. 14. NEW SECTION. ADMINISTRATION. The
48 director of revenue shall make available suitable
49 forms with instructions for claimants and shall be
50 included in the booklet distributed by the director

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1 which contains the state income tax returns and the
2 instructions for filing the returns. The claim shall
3 be in such form as the director may prescribe and
4 shall be filed with the claimant's state individual
5 income tax return. The director may also devise a
6 tax reimbursement table, with amounts rounded to the
7 nearest whole dollar. Reimbursements in the amount
8 of less than one dollar shall not be paid.

9 Sec. 15. NEW SECTION. PROOF OF CLAIM. Every
10 claimant shall give the department of revenue, in
11 support of his claim reasonable proof of:

12 1. Rent constituting property taxes paid, including
13 the portion of gross rent paid for providing utilities,
14 services, furniture, furnishings, and personal property
15 appliances, and the name and address of the owner
16 or manager of the property rented and a statement
17 whether the claimant is related by blood, marriage
18 or adoption to the owner or manager of the property
19 rented;

20 2. Changes of homestead;

21 3. Household membership;

22 4. Household income;

23 5. Size and nature of property claimed as the
24 homestead; and

25 The director may require any additional proof
26 necessary to support a claim.

27 Sec. 16. NEW SECTION. AUDIT OF CLAIM. If on
28 the audit of any claim for reimbursement under this
29 Act, the director determines the amount of the claim
30 to have been incorrectly calculated or that the claim
31 is not allowable, he shall recalculate the claim and

32 notify the claimant of the recalculation or denial
33 and his reasons for it. The director shall not adjust
34 any claim after three years from April thirtieth of
35 the year in which the claim is filed. If the claim
36 for reimbursement has been paid, the amount may be
37 recovered by assessment in the same manner that in-
38 come taxes are assessed under sections four hundred
39 twenty-two point twenty-six (422.26) and four hundred
40 twenty-two point thirty (422.30) of the Code. The
41 recalculation of the claim shall be final unless
42 appealed as provided in section four hundred twenty-
43 five point thirty-one (425.31) of the Code. The
44 provisions of section four hundred twenty-two point
45 seventy (422.70) of the Code shall be applicable with
46 respect to this Act.

47 **Sec. 17. NEW SECTION. FALSE CLAIM-PENALTY.**
48 Any person making a false affidavit for the purpose
49 of obtaining reimbursement provided for in this
50 division or who knowingly receives the reimbursement

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1 credit without being legally entitled to it shall
2 be guilty of a misdemeanor, and upon conviction shall
3 be fined not more than one hundred dollars or
4 imprisoned in the county jail for not more than thirty
5 days or be subject to both such fine and imprisonment.
6 An action under this section shall be brought in Polk
7 county. The claim for reimbursement shall be
8 disallowed in full and if the claim has been paid
9 the amount may be recovered by assessment in the
10 manner that income taxes are assessed pursuant to
11 sections four hundred twenty-two point twenty-six
12 (422.26) and four hundred twenty-two point thirty
13 (422.30) of the Code. The director of revenue shall
14 send a notice of disallowance of the claim.

15 **Sec. 18. NEW SECTION. NOTICES.** Section four
16 hundred twenty-two point fifty-seven (422.57),
17 subsection one (1) of the Code, shall apply to all
18 notices under this Act.

19 **Sec. 19. NEW SECTION. APPEALS.** Any person
20 aggrieved by an act or decision of the director of
21 revenue or the department or revenue under this Act
22 shall have the same rights of appeal and review as
23 provided in sections four hundred twenty-one point
24 one (421.1) and four hundred twenty-two point fifty-
25 five (422.55) of the Code and the rules of the
26 department of revenue.

27 **Sec. 20. NEW SECTION. DISALLOWANCE OF CERTAIN**

28 CLAIMS. A claim for reimbursement shall be disallowed
 29 if the department finds that the claimant or a person
 30 of his household received title to his homestead
 31 primarily for the purpose of receiving benefits under
 32 this Act.

33 Sec. 21. **NEW SECTION. RULES.** The director of
 34 revenue shall adopt rules in accordance with chapter
 35 seventeen A (17A) of the Code for the interpretation
 36 and proper administration of this Act, including rules
 37 to prevent and disallow duplication of benefits and
 38 to prevent any unreasonable hardship or advantage
 39 to any person."

40 2. Page 2, by inserting after line 7 the fol-
 41 lowing section:

42 "Sec. 32. Section four hundred twenty-six point
 43 six (426.6), unnumbered paragraph one (1), Code 1977,
 44 is amended to read as follows:

45 The agricultural land tax credit allowed each year
 46 shall be computed as follows: On or before the first
 47 of June ~~September~~ the county auditor shall list by
 48 school districts all tracts of agricultural lands
 49 for which a claim for the credit has been filed and
 50 which they are entitled to a credit hereunder, together

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1 with the taxable value for the previous year, together
 2 with the budget from each school district for the
 3 previous year, and the tax rate determined for the
 4 general fund of the district in the manner prescribed
 5 in section 444.3 for the previous year, and if such
 6 tax rate is in excess of five dollars and forty cents
 7 per thousand dollars of assessed value he shall mul-
 8 tiply the tax levy which is in excess of five dollars
 9 and forty cents per thousand dollars of assessed value
 10 by the total taxable value of the agricultural lands
 11 entitled to credit hereunder in the district, and
 12 on or before the first of June ~~September~~ certify the
 13 amount thereof to the state comptroller."

14 3. Page 2, by inserting after line 30 the follow-
 15 ing sections:

16 "Sec. 34. Chapter four hundred twenty-six (426),
 17 Code 1977, is amended by adding sections forty-one
 18 (41) through forty-six (46) of this Act.

19 Sec. 35. **NEW SECTION. CLAIM FOR CREDIT.** Effec-
 20 tive January 1, 1978, the credit allowed on
 21 agricultural land under this chapter shall only be
 22 granted upon agricultural land for which an application
 23 for the credit has been filed. To apply for the

24 credit, a person shall each year on or before July
25 first deliver to the assessor, on forms furnished
26 by the assessor, a verified statement and designation
27 of agricultural land for which the credit is claimed.
28 A person shall only be allowed to claim the credit
29 on the first two hundred thousand dollars of assessed
30 value of agricultural land. The assessor shall return
31 the statement and designation on July second of each
32 year to the county auditor with a recommendation for
33 allowance or disallowance. If the owner of the
34 agricultural land is in active service in the armed
35 forces of this state or of the United States the
36 statement and designation may be signed and delivered
37 by any member of the owner's family.

38 If a person filing a claim owns agricultural land
39 in two or more counties, the person shall file a claim
40 for the credit in each county in which he owns
41 agricultural land. The claim filed in each county
42 shall also include a description of property for which
43 a claim is or will be filed in another county, the
44 valuation of the property upon which a claim is filed
45 in another county, and the name of the county in which
46 the claim has been filed.

47 Sec. 36. NEW SECTION. VERIFICATION BY BOARD.
48 The county board of supervisors in each county shall
49 examine all claims, delivered to the assessors, and
50 shall either allow or disallow said claims, and in

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1 the event of disallowance notice thereof shall be
2 sent by certified mail to claimant at the claimant's
3 last known address.

4 Sec. 37. NEW SECTION. APPEALS PERMITTED.

5 1. Any person whose claim is denied under the
6 provisions of this chapter may appeal from the action
7 of the board of supervisors to the district court
8 of the county in which the claimed agricultural land
9 is situated by giving written notice of such appeal
10 to the county auditor of said county within twenty
11 days from the date of mailing of notice of such action
12 by the board of supervisors.

13 2. Should the director of revenue determine, upon
14 investigation, that any claim for agricultural land
15 tax credit has been allowed by any board of supervisors
16 which is not justifiable under the law and not
17 substantiated by proper facts, the director may, at
18 any time within twenty-four months from July first
19 of the year in which the claim is filed, set aside

20 such allowance. Notice of such disallowance shall
 21 be given to the county auditor of the county in which
 22 such claim has been improperly granted and a written
 23 notice of such disallowance shall also be addressed
 24 to the claimant at the claimant's last known address.
 25 Such claimant, or the board of supervisors, may seek
 26 judicial review of the action of the director of
 27 revenue in accordance with the terms of the Iowa ad-
 28 ministrative procedure Act. In any case where a claim
 29 is so disallowed by the director of revenue and no
 30 petition for judicial review is filed with respect
 31 to such disallowance, any amounts of credits allowed
 32 and paid from the agricultural land credit fund shall
 33 become a lien upon the property on which said credit
 34 was originally granted, if still in the hands of the
 35 claimant, and not in the hands of a bona fide
 36 purchaser, and any amount so erroneously paid shall
 37 be collected by the county treasurer in the same
 38 manner as other taxes and such collections shall be
 39 returned to the department of revenue and credited
 40 to the agricultural land credit fund. The director
 41 of revenue shall also have the authority to institute
 42 legal proceedings against a agricultural land credit
 43 claimant for the collection of all payments made on
 44 such disallowed credits.

45 **Sec. 38. NEW SECTION. CERTIFICATION TO STATE**
 46 **COMPTROLLER.** All claims which have been received
 47 by the assessor shall be certified on or before
 48 September first of each year, by the county auditor
 49 to the state comptroller.

50 **Sec. 39. NEW SECTION. FORM FOR FILING.** The forms

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1 prescribed by the director of revenue shall include
 2 the following information:
 3 1. The name and address of the claimant.
 4 2. A description of the agricultural land for
 5 which the credit is claimed.
 6 3. The name of the county and school district
 7 in which the agricultural land is located.
 8 4. The valuation of the agricultural land as
 9 determined and certified by the assessor as of January
 10 first of the preceding calendar year.

11 The director of revenue may require such additional
 12 information which he deems necessary.

13 **Sec. 40. NEW SECTION. RULES.** The director of
 14 revenue shall adopt rules in accordance with chapter
 15 seventeen A (17A) of the Code for the interpretation

16 and proper administration of this Act.

17 Sec. 41. Chapter four hundred twenty-seven (427),
18 Code 1977, is amended by adding the following new
19 section:

20 **NEW SECTION.** There is granted against the assessed
21 value of each homestead for which a homestead tax
22 credit is applied for and approved on or after January
23 1, 1978 under chapter four hundred twenty-five (425)
24 of the Code, an amount equal to one thousand five
25 hundred dollars."

26 4. Page 3, line 17, by striking the numeral "1978"
27 and inserting in lieu thereof the numeral "1979".

28 5. Page 3, by inserting after line 36 the fol-
29 lowing section:

30 "Sec. . Section four hundred twenty-seven A
31 point thirteen (427A.13), Code 1977, is amended to
32 read as follows:

33 427A.13 APPROPRIATION. There is hereby
34 appropriated from the general fund of the state of
35 Iowa to the personal property tax replacement fund
36 the following sums, or so much thereof as may be
37 necessary, to carry out the provisions of this chapter
38 as amended by this division. For the fiscal year
39 beginning July 1, 1973, and ending June 30, 1974,
40 there is appropriated the sum of thirty-one million
41 nine hundred thousand dollars. For the fiscal year
42 beginning July 1, 1974, and ending June 30, 1975,
43 and each succeeding fiscal year, there is appropriated
44 the sum of thirty-five million seven hundred thousand
45 dollars. For each year of the fiscal period beginning
46 July 1, 1977 and ending June 30, 1979 the total
47 appropriation shall be thirty-eight million six hundred
48 thousand dollars and for each fiscal year for which
49 an increase in the additional personal property tax
50 credit becomes effective as provided in this division,

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1 the appropriation under this section shall be increased
2 by three million eight hundred thousand dollars, and
3 such increased appropriation shall continue for each
4 succeeding fiscal year. For the fiscal year for which
5 the ninth increase in the additional personal property
6 tax credit becomes effective as provided in this
7 division, and for each succeeding fiscal year, the
8 total appropriation shall be sixty-eight million
9 dollars per year."

10 6. Page 3, by inserting after line 49 the following
11 sections:

12 "Sec. . Section four hundred forty—one point
 13 twenty—one (441.21), subsection one (1), unnumbered
 14 paragraph five (5), Code 1977, is amended to read
 15 as follows:

16 In assessing and determining the actual value of
 17 agricultural property ~~fifty-percent consideration~~
 18 ~~shall be given to each of the following factors.~~

19 ~~a.--The the value shall be determined on the basis~~
 20 ~~of the productivity and net earning capacity determined~~
 21 ~~on the basis of the use of the property for~~
 22 ~~agricultural purposes capitalized at a rate~~
 23 ~~representing a fair return on the investment, such~~
 24 ~~rate to be established by the state board of tax~~
 25 ~~review and applied uniformly among counties and among~~
 26 ~~classes of property.~~

27 ~~b.--The fair and reasonable market value of such~~
 28 ~~property as defined herein but such market value shall~~
 29 ~~be based only on its current use and not on its~~
 30 ~~potential value for other uses.~~

31 Sec. . Section four hundred forty—one point
 32 twenty—one (441.21), subsection one (1), unnumbered
 33 paragraph seven (7), Code 1977, is amended to read
 34 as follows:

35 Notwithstanding any other provision of this section,
 36 the actual value of any property shall not exceed
 37 its fair and reasonable market value. For agricultural
 38 property, the assessed value as determined under this
 39 section shall not exceed the actual value of such
 40 property and the assessed value of residential property
 41 as determined under this section shall not exceed
 42 the fair and reasonable market value of such property.

43 Sec. . Section four hundred forty—one point
 44 twenty—one (441.21), subsection one (1), Code 1977,
 45 is amended by inserting after unnumbered paragraph
 46 five (5) the following new unnumbered paragraph:
 47 NEW UNNUMBERED PARAGRAPH. Beginning with valuations
 48 established as of January 1, 1980, the actual value
 49 of agricultural land shall be computed on the basis
 50 of the productivity and net earning capacity of the

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1 land determined on the basis of its use for
 2 agricultural purposes capitalized at a rate
 3 representing a fair return on the investment, such
 4 rate to be established by the state board of tax
 5 review and applied uniformly among counties and among
 6 classes of property. Structures located on
 7 agricultural land shall be valued at their market

- 8 value as defined in this subsection.”
- 9 7. Page 4, line 23, by striking the words “each
- 10 assessing jurisdiction in”.
- 11 8. Page 4, line 33, by striking the words “seven
- 12 and one-half” and inserting in lieu thereof the word
- 13 “twelve”.
- 14 9. Page 4, line 34, by inserting after the word
- 15 “property” the words “excluding that amount of
- 16 valuation which will be exempted from taxes due to
- 17 the exemption of one thousand five hundred dollars
- 18 granted on each homestead for which a homestead tax
- 19 credit is claimed on or after January 1, 1978 and
- 20 approved”.
- 21 10. Page 4, line 38, by striking the words
- 22 “assessing jurisdiction” and inserting in lieu thereof
- 23 the word “state”.
- 24 11. Page 4, line 39, by striking the words
- 25 “assessor on the abstract” and inserting in lieu
- 26 thereof the words “assessors on the abstracts”.
- 27 12. Page 4, line 43, by inserting after the numeral
- 28 “1979,” the words “ and each succeeding year”.
- 29 13. Page 4, line 48, by striking the words and
- 30 numerals “January 1, 1978” and inserting in lieu
- 31 thereof the words “January first of the preceding
- 32 year”.
- 33 14. Page 5, line 3, by striking the words “assessor
- 34 on the abstract” and inserting in lieu thereof the
- 35 words “assessors on the abstracts”.
- 36 15. Page 5, line 4, by striking the words and
- 37 numeral “1978, plus seven and one-half” and inserting
- 38 in lieu thereof the words “the preceding year, plus
- 39 five”.
- 40 16. Page 5, line 6, by striking the word
- 41 “assessing”.
- 42 17. Page 5, line 7, by striking the word
- 43 “jurisdiction” and inserting in lieu thereof the word
- 44 “state”.
- 45 18. Page 5, line 8, by striking the words “assessor
- 46 on the abstract” and inserting in lieu thereof the
- 47 words “assessors on the abstracts”.
- 48 19. Page 5, line 9, by striking the numeral “1978”
- 49 and inserting in lieu thereof the words “the preceding
- 50 year”.

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- 1 20. Page 5, line 11, by striking the numeral
- 2 “1979” and inserting in lieu thereof the words “the
- 3 current year”.

4 21. Page 5, line 22, by striking the word and
 5 numerals "November 1, 1979" and inserting in lieu
 6 thereof the words "November first of each succeeding
 7 year".

8 22. Page 5, by striking line 34 through 42 and
 9 inserting in lieu thereof the following:

10 "Sec. . Section four hundred forty—one point
 11 twenty—three (441.23), Code 1977, is amended to read
 12 as follows:

13 441.23 NOTICE OF VALUATION. If there has been
 14 an increase or decrease in the valuation of the
 15 property, or upon the written request of the person
 16 assessed, the assessor shall, at the time of making
 17 the assessment, inform the person assessed, in writing,
 18 of the valuation put upon his property, and notify
 19 him, if he feels aggrieved, to appear before the board
 20 of review and show why the assessment should be
 21 changed. ~~In odd-numbered years, the~~ The owners of
 22 real property shall be notified ~~not later than April~~
 23 ~~15 of any adjustment of the real property assessment.~~
 24 ~~In even-numbered years, the notice of an increase~~
 25 ~~or decrease in the valuation of the property shall~~
 26 ~~be provided to the owners of real property not later~~
 27 ~~than June 30 thirtieth as provided in section 441.49.~~

28 Sec. . Section four hundred forty—one point
 29 twenty—six (441.26), Code 1977, is amended to read
 30 as follows:

31 441.26 ASSESSMENT ROLLS AND BOOKS. The director
 32 of revenue shall each year prescribe the form of
 33 assessment roll to be used by all assessors in
 34 assessing real and personal property, including moneys
 35 and credits, in this state, also the form of pages
 36 of the assessor's assessment book. Such assessment
 37 rolls shall be in such form as will permit entering
 38 thereon, separately, the names of all persons,
 39 partnerships, corporations, or associations assessed;
 40 shall contain a form of oath or affirmation to be
 41 administered to each person assessed, and shall also
 42 contain a notice in substantially the following form:

43 "If you are not satisfied that the foregoing
 44 assessment is correct, you may file a protest against
 45 such assessment with the board of review on or after
 46 ~~April 16~~ July first, to and including ~~May 5~~ July
 47 twentieth, of the year of the assessment, such protest
 48 to be confined to the grounds specified in section
 49 441.37. Dated day of, 19.....,
 50 County/City Assessor."

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1 The dates specified in the notice sent to the owner
2 of property in even-numbered years shall contain the
3 dates for filing of protests as provided in section
4 441.49.

5 Such assessment rolls shall be used in listing
6 the property and showing the values affixed to such
7 property of all persons, partnerships, corporations,
8 or associations assessed, which rolls shall be made
9 in duplicate. Said duplicate roll shall be signed
10 by the assessor, detached from the original and
11 delivered to the person assessed if there has been
12 an increase or decrease in the valuation of the
13 property, or upon the written request of the person
14 assessed. It shall be lawful to combine the affidavit
15 or form of oath or affirmation with reference to real
16 and personal property, and the affidavit or form of
17 oath or affirmation as to moneys and credits, into
18 one affidavit or form of oath or affirmation, and
19 only the one such affidavit or form of oath or
20 affirmation shall be sufficient on the assessment
21 roll. The pages of the assessor's assessment book
22 shall contain columns ruled and headed for the
23 information required by this chapter and that which
24 the director of revenue may deem essential in the
25 equalization work of the director. The assessor shall
26 return all assessment rolls and any schedules therewith
27 to the county auditor, along with the completed
28 assessment book, as provided in this chapter, and
29 the county auditor shall carefully keep and preserve
30 all such rolls, schedules and book for a period of
31 five years from the time of filing of the same in
32 his office. Beginning with valuations for January
33 1, 1977 and each succeeding year, for each parcel
34 of property entered in the assessment book, the
35 assessor shall list the classification of the property.

36 Sec. . Section four hundred forty-one point
37 twenty-eight (441.28), Code 1977, is amended to read
38 as follows:

39 441.28 ASSESSMENT ROLLS--CHANGE--NOTICE TO
40 TAXPAYER. The assessment shall be compelled not later
41 than ~~April 15 in odd-numbered years and not later~~
42 ~~than May 15 in even-numbered years~~ fifteenth. If
43 the assessor makes any change in an assessment after
44 it has been entered on the assessor's rolls, he shall
45 note on said roll, together with the original
46 assessment, the new assessment and the reason for
47 the change, together with his signature and the date

48 of the change. Provided, however, in the event the
 49 assessor increases any assessment he shall give notice
 50 in writing thereof to the taxpayer by mail prior to

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1 the meeting of the board of review. No changes shall
 2 be made on the assessment rolls after ~~April 15~~ in
 3 ~~odd-numbered years and after May 15 in even-numbered~~
 4 ~~years~~ fifteenth except by order of the board of review
 5 or by decree of court.

6 Sec. . Section four hundred forty—one point
 7 thirty (441.30), unnumbered paragraph one (1), Code
 8 1977, is amended to read as follows:

9 The assessment shall be completed by the first
 10 ~~day of May in odd-numbered years or June 1 in even~~
 11 ~~numbered years~~ May fifteenth, and the assessor shall
 12 attach to the assessment rolls his oath in the
 13 following form:

14 Sec. . Section four hundred forty—one point
 15 thirty—three (441.33), Code 1977, is amended to read
 16 as follows:

17 441.33 SESSIONS OF BOARD OF REVIEW. The board
 18 of review shall be in session from ~~May 1~~ July fifteenth
 19 ~~to May 31~~ August fifteenth in each ~~odd-numbered-year~~
 20 and for such additional period as may be required
 21 under section 441.37 and shall hold as many meetings
 22 as are necessary to discharge its duties. On ~~June~~
 23 ~~1~~ August fifteenth in any odd-numbered year in which
 24 a session has not been extended as required under
 25 section 441.37, said board shall return all books,
 26 records and papers to the assessor except undisposed
 27 of protests and records pertaining thereto. If it
 28 has not completed its work prior to June 1 on or
 29 before August fifteenth, in those years in which the
 30 session has not been extended under section 441.37
 31 the director of revenue may authorize the board of
 32 review to continue in session for such period as is
 33 necessary to complete its work, but in no event shall
 34 the director of revenue approve a continuance extending
 35 ~~beyond July 15~~ October first. On ~~June 1~~ August
 36 fifteenth or on the final day of any extended session
 37 required under section 441.37 or authorized by the
 38 director or revenue as herein provided the board of
 39 review shall be adjourned until ~~May 1~~ July fifteenth
 40 of the following year. It shall adopt its own rules
 41 of procedure, elect its own chairman from its
 42 membership, and keep minutes of its meetings. The
 43 board shall appoint a clerk who may be a member of

44 such board or any other qualified person, except the
45 assessor or any member of his staff. It may be
46 reconvened by the director of revenue. All undisposed
47 protests in its hands on July-15 the final day of
48 the session shall be automatically overruled and
49 returned to the assessor together with its other
50 records.

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1 ~~In even-numbered years, the board of review shall~~
2 ~~be in session at the times designated in section~~
3 ~~441.40.~~

4 Within fifteen days following the adjournment of
5 any regular or special session, the board of review
6 shall submit to the director of revenue, on forms
7 prescribed by the director, a report of any actions
8 taken during that session.

9 Sec. . Section four hundred forty-one point
10 thirty-seven (441.37), unnumbered paragraph one (1),
11 Code 1977, is amended to read as follows:

12 Any property owner or aggrieved taxpayer who is
13 dissatisfied with his assessment may file a protest
14 against such assessment with the board of review on
15 or after ~~April-16~~ July first, to and including May
16 5 July twentieth, of the year of the assessment.

17 ~~In any county which has been declared to be a disaster~~
18 ~~area by proper federal authorities after March 1 and~~
19 ~~prior to May 20 of said year of assessment, the time~~
20 ~~for filing a protest shall be extended to and include~~
21 ~~the period from May 25 to June 5 of such year. Said~~
22 ~~protest shall be in writing and signed by the one~~
23 ~~protesting or by his duly authorized agent. The dates~~
24 ~~specified in this section shall apply only in odd~~
25 ~~numbered years. The time for filing of protests in~~
26 ~~even numbered years shall be as provided in section~~
27 ~~441.40. Taxpayer may have an oral hearing thereon~~
28 ~~if request therefor in writing is made at the time~~
29 ~~of filing the protest. Said protest must be confined~~
30 ~~to one or more of the following grounds:~~

31 Sec. . Section four hundred forty-one point
32 forty-five (441.45), Code 1977, is amended to read
33 as follows:

34 **441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE.**

35 The county assessor of each county and each city
36 assessor shall, on or before ~~July 1~~ in odd numbered
37 years and on before September 15 ~~in even numbered~~
38 years fifteenth, make out and transmit to the
39 department of revenue an abstract of the real and
40 personal property in his county or city, as the case

- 41 may be, and file a copy thereof with the county
 42 auditor, in which he shall set forth:
- 43 1. The number of acres of land and the aggregate
 44 taxable values of the same, exclusive of city lots,
 45 returned by the assessors, as corrected by the board
 46 of review.
- 47 2. The aggregate taxable values of real estate
 48 by class in each school district, township and city
 49 in the county, returned as corrected by the board
 50 of review.

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- 1 3. The aggregate taxable values of personal
 2 property.
- 3 4. Other facts as may be required by the director
 4 of revenue.
- 5 In any case where a board of review continues in
 6 session beyond ~~June 1, in any odd-numbered year, or~~
 7 ~~beyond August 15 in even-numbered years~~ fifteenth,
 8 under provisions of sections 441.33 and 441.37 the
 9 abstract of the real and personal property shall be
 10 made out and transmitted to the department of revenue
 11 within fifteen days after the date of final adjournment
 12 by said board.
- 13 Sec. . Section four hundred forty-one point
 14 forty-seven (441.47), Code 1977, is amended to read
 15 as follows:
- 16 441.47 ADJUSTED VALUATIONS. The director of
 17 revenue on or about August 15, 1977 and ~~every two~~
 18 ~~years each year~~ thereafter shall order the equalization
 19 of the levels of assessment of each class of property
 20 in the several assessing jurisdictions by adding to
 21 or deducting from the valuation of each class of
 22 property such percentage in each case as may be
 23 necessary to bring the same to its taxable value as
 24 fixed in this chapter and chapters 427 to 443,
 25 inclusive. The director shall adjust to actual value
 26 the valuation of any class of property as set out
 27 in the abstract of assessment when the valuation is
 28 at least five percent above or below actual value
 29 as determined by the director. For purposes of such
 30 value adjustments and before such equalization the
 31 director shall adopt, in the manner prescribed by
 32 chapter 17A, such rules as may be necessary to
 33 determine the level of assessment for each class of
 34 property in each county. The rules shall cover:
 35 (1) The proposed use of the assessment—sales ratio
 36 study set out in section 421.17, subsection 6; (2)

37 the proposed use of any state-wide income
 38 capitalization studies; (3) the proposed use of other
 39 methods that would assist the director in arriving
 40 at the accurate level of assessment of each class of
 41 property in each assessing jurisdiction.
 42 Sec. Section four hundred forty-one point
 43 forty-nine (441.49), Code 1977, is amended to read
 44 as follows:
 45 441.49 ADJUSTMENT BY ASSESSOR. The director shall
 46 keep a record of the review and adjustment proceedings
 47 and finish such proceedings on or before October 1
 48 first unless for good cause the proceedings cannot
 49 be completed by that date. The director shall notify
 50 each assessor by mail of the final action taken at

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1 the proceedings and specify any adjustments in the
 2 valuations of any class of property to be made
 3 effective for the assessing jurisdiction.
 4 The assessor shall prior to May 15 ~~fifteenth~~
 5 of the year following, ~~in completing the reassessment~~
 6 ~~of real estate as provided in section 428.4~~ take into
 7 consideration the final equalization order of the
 8 director to the end that the aggregate actual valuation
 9 for each class of property affected by the order will
 10 be the amount determined by the director. In making
 11 the adjustments the assessor shall see to it that
 12 in no case shall the assessed value of an individual
 13 property exceed one hundred percent of its actual
 14 value determined in accordance with section 441.21.
 15 Not later than May ~~20~~ ~~twentieth~~, the assessor shall
 16 submit to the director of revenue, on forms prescribed
 17 by the director, a report of all actions he has taken
 18 to comply with the equalization order issued to him
 19 in October of the preceding year.
 20 If the director of revenue determines that the
 21 assessor has complied with the equalization order,
 22 he shall on or about June 1 ~~first~~ notify the assessor
 23 to proceed with the issuance of assessment rolls as
 24 provided in section 441.26, except that the rolls
 25 shall contain the statement that protest against
 26 the assessment may be filed with the board of review
 27 between July 1 ~~first~~ and July ~~20~~ ~~twentieth~~. All
 28 assessment rolls shall be delivered not later than
 29 June ~~30~~ ~~thirtieth~~.
 30 In each even numbered year the board of review
 31 shall be in regular session from July 15 to August
 32 15 for purposes of performing its functions as defined

33 ~~in sections 441.33 to 441.37. The director of revenue~~
 34 ~~may authorize the board of review to continue in~~
 35 ~~session for such period as may be necessary to complete~~
 36 ~~its work, but the director shall not approve a~~
 37 ~~continuance extending beyond October 15.~~

38 If the director of revenue determines that the
 39 assessor has not complied with the equalization order
 40 by making the necessary adjustments in valuation,
 41 he shall on or about June 1 ~~first~~ reconvene the local
 42 board of review in special session. During this
 43 special session, the board of review shall, by
 44 resolution, make the adjustments necessary to comply
 45 with the equalization order. The board shall not
 46 later than June 30 ~~thirtieth~~ notify, by mail in the
 47 form and manner prescribed by the director, all
 48 taxpayers in the classes of property affected by the
 49 board's action with respect to the implementation
 50 of the equalization order. The notice shall contain

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1 a statement of the assessed valuation of their
 2 property, that they may protest the valuations to
 3 the board of review between the dates of July 1 ~~first~~
 4 and July 20 ~~twentieth~~, and that the board will act
 5 on such protests during its July session. Not later
 6 than June 30 ~~thirtieth~~, the board of review shall
 7 submit to the director of revenue, on forms prescribed
 8 by the director, of its actions taken to comply with
 9 the director's equalization order. The director shall
 10 have the authority under chapter 421 to make any
 11 or to a board of review or otherwise take whatever
 12 actions deemed necessary to ensure the implementation
 13 of the final equalization order.

14 ~~In each even-numbered year, the abstract of~~
 15 ~~assessment provided for in section 441.45 shall be~~
 16 ~~submitted to the director by not later than September~~
 17 ~~15. If the session of a board of review is extended~~
 18 ~~beyond August 15 of a reassessment year, the abstract~~
 19 ~~of assessment for the assessing jurisdiction shall~~
 20 ~~be submitted to the director within fifteen days after~~
 21 ~~the final adjournment of the board.~~

22 Not later than twenty days after the date the final
 23 equalization order is issued, the assessor of the
 24 affected assessor jurisdiction may appeal the final
 25 equalization order to the state board of tax review.

26 ~~The dates contained in this section pertaining~~
 27 ~~to the completion of the assessment, notification~~
 28 ~~of taxpayers, the filing of protests with local boards~~

29 of review, the sessions of board of review, and the
 30 abstracts of assessment, shall pertain only to even-
 31 numbered years. In odd-numbered years, the dates
 32 pertaining to the completion of the assessment,
 33 notification of taxpayers, filing of protest with
 34 local boards of review the sessions of local boards
 35 of review, and the abstracts of assessment, shall
 36 be those dates contained in sections ~~441.23, 441.26,~~
 37 ~~441.28, 441.30, 441.33, 441.37, and 441.45."~~

38 23. Page 6, by striking lines 7 through 50.

39 24. Page 7, by striking lines 1 through 7.

40 25. Page 7, by inserting after line 7 the
 41 following:

42 " . Page 6, by inserting after line 4 the
 43 following new sections:

44 "Sec. . The provisions of sections four (4)
 45 through twenty-one (21) of this Act are effective
 46 January 1, 1979 and for which claims may be filed
 47 in 1980.

48 Sec. . The provisions of sections thirty-two
 49 (32) and thirty-four (34) through forty (40) of this
 50 Act are effective January 1, 1978." "

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1 26. Renumber sections and correct internal
 2 references as necessary in accordance with this
 3 amendment.

4 27. Page 7, lines 16 and 17, by striking the words
 5 "creating a task force on taxation" and inserting
 6 in lieu thereof the words "providing for a credit
 7 for renters".

NORLAND of Worth

H-4253

1 Amend the Senate amendment H-4176 to House
 2 File 332 as amended, passed and reprinted by the
 3 House as follows:

4 1. Page 7, by inserting after line 7 the
 5 following:

6 " . Page 6, by inserting after line 4 the
 7 following:

8 Sec. . Sections three hundred twenty-seven
 9 H point one (327H.1), three hundred twenty-seven H
 10 point two (327H.2), three hundred twenty-seven H
 11 point three (327H.3), three hundred twenty-seven H
 12 point four (327H.4), three hundred twenty-seven H

- 13 point five (327H.5), three hundred twenty—seven H
 14 point six (327H.6), three hundred twenty—seven H
 15 point seven (327H.7), three hundred twenty—seven H
 16 point eight (327H.8), three hundred twenty—seven H
 17 point nine (327H.9), three hundred twenty—seven H
 18 point ten (327H.10), three hundred twenty—seven H
 19 point eleven (327H.11), three hundred twenty—seven H
 20 point twelve (327H.12), three hundred twenty—seven H
 21 point thirteen (327H.13), three hundred twenty—seven H
 22 point fourteen (327H.14), three hundred twenty—seven H
 23 point fifteen (327H.15), three hundred twenty—seven H
 24 point sixteen (327H.16), and three hundred twenty—
 25 seven H point seventeen (327H.17), are repealed.”
 26 2. Page 7, by inserting after the word
 27 “appropriations,” in line 17, the words “repealing
 28 the property tax authorized to aid a railroad, and
 29 related sections,”.

KRAUSE of Kossuth

H-4254

- 1 Amend House File 624 as follows:
 2 1. Page 1, by striking all of line 19.

BINA of Scott

H-4255

- 1 Amend Senate File 376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 8, by inserting after the word
 4 “business” the words “or substantial assets”.

STROMER of Hancock

H-4257

- 1 Amend Senate File 213, as passed by the Senate
 2 and reprinted, as follows:
 3 1. Page 5, line 29, by inserting after the
 4 period the following: “However, if the unencumbered
 5 state general fund balance on June 30, 1978 is less
 6 than twenty—five million (25,000,000) dollars, as
 7 computed by the state comptroller, no provision of
 8 this Act shall take effect.”

HOWELL of Floyd

H-4258

- 1 Amend Senate File 213, as amended, passed and
2 reprinted by the Senate as follows:
- 3 1. Page 3, line 14, by striking the word "twelve"
4 and inserting in lieu thereof the word "ten".
- 5 2. Page 3, line 17, by striking the words
6 "fourteen thousand five-hundred" and inserting in
7 lieu thereof the words "twelve thousand five hundred"
- 8 3. Page 4, line 8, by striking the word "eighteen"
9 and inserting in lieu thereof the word "fifteen".
- 10 4. Page 4, line 21, by striking the word "eighteen"
11 and inserting in lieu thereof the word "fifteen".

STROMER of Hancock

H-4259

- 1 Amend House File 410 as follows:
- 2 1. Page 1, by inserting after line 34 the
3 following:
- 4 "Sec. . Section three hundred twenty-one B
5 point two (321B.2), subsection five (5), Code 1977,
6 is amended to read as follows:
- 7 5. Any other law enforcement officer who has
8 satisfactorily completed an approved course relating
9 to motor vehicle operators under the influence of
10 alcoholic beverages at the Iowa law enforcement academy
11 or a law enforcement training program approved by
12 the department of public safety. A certificate issued
13 by the department to an officer who has completed
14 such a course or program shall be accepted in a
15 criminal proceeding as evidence that the officer
16 presenting the certificate is qualified as a peace
17 officer under the provisions of this paragraph."
- 18 2. Page 2, by striking lines 34 and 35 and
19 inserting in lieu thereof the following: "~~or a medical~~
20 ~~technologist, or registered nurse designated by a~~
21 ~~licensed physician as his representative, acting~~".
- 22 3. By renumbering the sections to conform with
23 this amendment.

DAGGETT of Adams

H-4260

- 1 Amend Senate File 376 as amended, passed and
2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 21 through 30

- 4 2. By renumbering sections and correcting internal
5 references as necessary.

JUNKER of Woodbury
LIPSKY of Linn

H-4261

- 1 Amend House Concurrent Resolution 44 as fol-
2 lows:
3 1. Page 1, by striking lines 11 through 13
4 and inserting in lieu thereof the following: "pro-
5 vided by law, composed of members of the Senate
6 and the House of Representatives and representing".

SCHROEDER of Pottawattamie

H-4262

- 1 Amend House Concurrent Resolution 44 as
2 follows:
3 1. Page 1, line 5, by inserting after the
4 word "system" the words "and inequities in the
5 unemployment compensation laws".

TAUKE of Dubuque

H-4266

- 1 Amend Senate File 376 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, line 13, by inserting after the word
4 "security" the words "; or (iv) any offer to pur-
5 chase equity securities of a corporation which has
6 less than one hundred voting shareholders".

LIPSKY of Linn
HIGGINS of Scott

H-4267

- 1 Amend the Higgins amendment H-4160 to Senate
2 File 376 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, line 13, by striking the words "organ-
5 ized under this chapter" and inserting in lieu thereof
6 the words "which is organized under this chapter and

7 which has one hundred or more voting shareholders”.

LIPSKY of Linn
HIGGINS of Scott

H-4270

1 Amend House Concurrent Resolution 44 as follows:
2 1. Page 1, line 4, by inserting after the word
3 “abuses” the following: “and inequities which are
4 resulting in unnecessary or inappropriate claims
5 against the unemployment fund”.

BRANSTAD of Winnebago

H-4271

1 Amend the Senate amendment, H-4176, to House File 332,
2 as amended, passed, and reprinted by the House as follows:
3 1. Page 5, by inserting after line 33 the following new
4 unnumbered paragraph:
5 “NEW UNNUMBERED PARAGRAPH, When agricultural land or
6 residential property which is being or has been valued and
7 assessed under the provisions of this section is no longer
8 used for the purpose for which it was valued and assessed
9 under the provisions of this section such land shall be subject
10 to additional taxes equal to the difference between the taxes
11 levied on the assessed value as determined under the provisions
12 of this section and the taxes which would have been levied
13 had the assessed value been equal to its fair and reasonable
14 market value. Such additional taxes shall be entered against
15 such agricultural or residential property on the tax list
16 for the current year. However, interest or penalties shall
17 not be levied on such additional taxes if timely paid and
18 such additional taxes shall only be levied with respect to
19 the last five years that such property has been valued or
20 assessed under the provisions of this section. The additional
21 taxes shall be collected in the same manner as all other
22 property taxes except that such taxes shall be the personal
23 liability of the owner and shall be remitted upon collection
24 to the director of revenue to be deposited in the state general
25 fund.”
26 2. Page 5, line 41, by inserting after the word “property”
27 the words “, the fair market value, the actual value and the
28 assessed value”.

SMALL of Johnson
KRAUSE of Kossuth

CHIDO of Polk
 DYRLAND of Clayton
 BROCKETT of Marshall
 SMALLEY of Polk
 WOODS of Polk
 SVOBODA of Iowa

H-4272

- .1 Amend House Concurrent Resolution 44 as
 2 follows:
 3 1. Page 1, by striking lines 4 through 7
 4 and inserting in lieu thereof the following:
 5 "Whereas, certain members of the House of
 6 Representatives who have personal knowledge of,
 7 or who have been apprised by citizens of the
 8 state of Iowa of practices in the unemployment
 9 compensation system which appear detrimental to,
 10 or may lead to, or cause abuses in the unemploy-
 11 ment compensation system, and have expressed
 12 their concern about these practices; *Now Therefore,*,"

JUNKER of Woodbury
 HALVORSON of Clayton

H-4275

- 1 Amend the Senate amendment, H-4176, to House File
 2 332, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 8, by striking the words "any
 5 succeeding year" and inserting in lieu thereof the
 6 word and figures "January 1, 1979".
 7 2. Page 3, line 17, by striking the figure "1978"
 8 and inserting in lieu thereof the figure "1979".
 9 3. Page 3, by inserting after line 36 the following
 10 new section:
 11 "Sec. . Section four hundred twenty-seven A
 12 point thirteen (427A.13), Code 1977, is amended to
 13 read as follows:
 14 427A.13 APPROPRIATION. There is hereby
 15 appropriated from the general fund of the state of
 16 Iowa to the personal property tax replacement fund
 17 the following sums, or so much thereof as may be
 18 necessary, to carry out the provisions of this chapter
 19 as amended by this division. For the fiscal year
 20 beginning July 1, 1973, and ending June 30, 1974,
 21 there is appropriated the sum of thirty-one million
 22 nine hundred thousand dollars. For the fiscal year

23 beginning July 1, 1974, and ending June 30, 1975,
24 and each succeeding fiscal year, there is appropriated
25 the sum of thirty-five million seven hundred thousand
26 dollars. For each year of the fiscal period beginning
27 July 1, 1977 and ending June 30, 1979 the total
28 appropriation shall be thirty-eight million six hundred
29 thousand dollars and for each fiscal year for which
30 an increase in the additional personal property tax
31 credit becomes effective as provided in this division,
32 the appropriation under this section shall be increased
33 by three million eight hundred thousand dollars, and
34 such increased appropriation shall continue for each
35 succeeding fiscal year. For the fiscal year for which
36 the ninth increase in the additional personal property
37 tax credit becomes effective as provided in this
38 division, and for each succeeding fiscal year, the
39 total appropriation shall be sixty-eight million
40 dollars per year."

41 4. Page 4, line 5, by striking the word
42 "assessing" and inserting in lieu thereof the
43 "assessing".

44 5. Page 4, by inserting after line 13 the following
45 new section:

46 "Sec. . Section four hundred forty-one point
47 twenty-one (441.21), subsection one (1), unnumbered
48 paragraph seven (7), Code 1977, is amended to read
49 as follows:

50 Notwithstanding any other provision of this section,

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1 the actual value of any property shall not exceed
2 its fair and reasonable market value. For agricultural
3 property, the assessed value as determined under this
4 section shall not exceed the actual value of such
5 property and the assessed value of residential property
6 as determined under this section shall not exceed
7 the fair and reasonable market value of such property."

8 6. Page 4, line 21, by striking the word "such"
9 and inserting in lieu thereof the words "each class
10 of".

11 7. Page 4, line 22, by inserting after the word
12 "determined" the words "for each class of property".

13 8. Page 4, line 23, by striking the words "each
14 assessing jurisdiction in".

15 9. Page 4, line 29, by striking the words
16 "assessing jurisdiction" and inserting in lieu thereof
17 the word "state".

18 10. Page 4, line 32, by striking the word

- 19 "assessor" and inserting in lieu thereof the word
 20 "assessors".
- 21 11. Page 4, line 33, by striking the words "seven
 22 and one-half" and inserting in lieu thereof the word
 23 "six".
- 24 12. Page 4, line 38, by striking the words
 25 "assessing jurisdiction" and inserting in lieu thereof
 26 the word "state".
- 27 13. Page 4, line 39, by striking the words
 28 "assessor on the abstract" and inserting in lieu
 29 thereof the words "assessors on the abstracts".
- 30 14. Page 4, line 47, by inserting after the words
 31 "The dividend" the words "for each class of property".
- 32 15. Page 4, line 47, by inserting after the word
 33 "determined" the words "for each class of property".
- 34 16. Page 5, line 3, by striking the words "assessor
 35 on the abstract" and inserting in lieu thereof the
 36 words "assessors on the abstracts".
- 37 17. Page 5, line 4, by striking the words "seven
 38 and one-half" and inserting in lieu thereof the word
 39 "six".
- 40 18. Page 5, line 5, by inserting after the word
 41 "divisor" the words "for each class of property".
- 42 19. Page 5, lines 6 and 7, by striking the words
 43 "assessing jurisdiction" and inserting in lieu thereof
 44 the word "state".
- 45 20. Page 5, line 8, by striking the words "assessor
 46 on the abstract" and inserting in lieu thereof the
 47 words "assessors on the abstracts".
- 48 21. Page 5, by striking lines 15 through 20.
- 49 22. Page 5, line 26, by striking the word "assessed"
 50 and inserting in lieu thereof the word "assessed".

Page 3

- 1 23. Page 6, by striking lines 7 through 50.
 2 24. Page 7, by striking lines 1 through 7.
 3 25. Page 7, lines 16 and 17, by striking the words
 4 "creating a task force on taxation,".

NORLAND of Worth
 NIELSEN of Polk

H-4276

- 1 Amend the Norland amendment, H-4252, to the Senate
 2 amendment, H-4176, to House File 332, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 3, by striking lines 16 through 21.

- 5 2. Page 7, lines 17 and 18, by striking the words
6 and figures "forty—one (41) through forty—six (46)"
7 and inserting in lieu thereof the words and figures
8 "thirty—five (35) through forty (40)".
9 3. Page 9, line 24, by striking the word "amount"
10 and inserting in lieu thereof the word "exemption".
11 4. Page 11, line 15, by striking the word
12 "excluding" and inserting in lieu thereof the word
13 "plus".
14 5. Page 14, line 2, by striking the word "after"
15 and inserting in lieu thereof the word "after".

NORLAND of Worth

H-4277

- 1 Amend the Senate amendment, H-4176, to House File
2 332, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 6, by striking the word "section"
5 and inserting in lieu thereof the word "sections".
6 2. Page 1, by inserting after line 39 the
7 following:
8 "Sec. . Notwithstanding the provisions of
9 sections twenty—four point thirty—six (24.36), twenty—
10 four point thirty—seven (24.37), and twenty—four point
11 thirty—eight (24.38) of the Code relating to the
12 maximum amount in dollars which may be levied for
13 the property tax budget of the political subdivision,
14 the allowable growth in the property tax budget for
15 the fiscal year beginning July 1, 1978 shall not
16 exceed one hundred seven percent of the base year's
17 property tax budget plus an amount as determined in
18 the manner provided in this section. The levy shall
19 be computed on the property tax base of the political
20 subdivision for the base year. Upon computing the
21 property tax levy, the county auditor shall spread
22 the levy against the assessed value of all taxable
23 property in the political subdivision for the current
24 tax year. The amount of property taxes levied against
25 property which was not included in the property tax
26 base of the political subdivision for the base year
27 plus one hundred seven percent of the property tax
28 budget for the year shall be the maximum allowable
29 growth for the political subdivision's property tax
30 budget."
31 3. Page 7, line 16, by inserting after the word

32 "property," the words "relating to political sub-
33 division property tax budgets,".

HARVEY of Scott

H-4283

1 Amend the Senate amendment, H-4176, to House File
2 332 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 7, by inserting after line 7 the follow-
5 ing:

6 " . Page 6, by inserting after line 4 the follow-
7 ing:

8 "DIVISION II

9 Section 1. NEW SECTION. SHORT TITLE. This divi-
10 sion shall be known and may be cited as the cities
11 tax coalition action group Act.

12 Sec. 2. NEW SECTION. LEGISLATIVE INTENT. The
13 purpose of this division is to ensure effective and
14 democratic representation of urban residential
15 homeowners and taxpayers in matters of taxation before
16 regulatory agencies, legislative bodies, and other
17 public bodies by the creation of an efficient funding
18 mechanism whereby those persons may voluntarily
19 contribute money to not-for-profit corporations whose
20 sole purpose is the representation of their interests.

21 Sec. 3. NEW SECTION. CERTIFICATE OF FUNDING.

22 1. Commencing January 1, 1978, any not-for-profit
23 corporation organized under chapter five hundred four
24 (504) of the Code whose sole purpose is the represent-
25 tion of the interests of urban homeowners and tax-
26 payers in matters relating to taxation may use the
27 funding mechanism described in section six (6) of
28 this item of this amendment after a certificate of
29 funding has been issued by the director of revenue.

30 2. An application for a certificate of funding
31 shall be in the form prescribed by the director of
32 revenue and shall be accompanied by such information
33 as may be required by the director of revenue to
34 determine compliance with this division. In addition
35 (3) The recall of directors; and

36 (4) An annual membership meeting.
37 accompanied by a signed and verified audit by a
38 certified public accountant or by a public accountant
39 qualified and licensed to practice accountancy in
40 this state.

41 3. As a condition of any application for a certifi-

42 cate of funding, the corporation shall agree that
43 the director of revenue or a designated representative
44 shall be permitted to have access at any time, with
45 or without notice, to the financial books and records
46 of the corporation for the purpose of performing an
47 audit of the affairs of the corporation, and for the
48 purpose of assuring compliance with this division.
49 4. The director of revenue shall render a decision
50 on the application within thirty days of receipt.

Page 2

1 A certificate valid for one year from date of issue,
2 unless sooner revoked, shall be issued by the director
3 of revenue if the director finds that:
4 a. It is the exclusive purpose and intent of the
5 corporation to represent the interests of urban
6 residential homeowners and taxpayers in matters
7 relating to taxation before regulatory agencies,
8 legislative bodies and other public agencies, and
9 initiatives or referenda concerning those matters;
10 b. The corporation has a membership which consists
11 solely of individual residents of this state
12 and who are homeowners or taxpayers;
13 c. The corporation intends to conduct, support,
14 and assist research, surveys, investigations, planning
15 activities, conferences, demonstration projects, and
16 public information activities concerning the interests
17 referred to in paragraph a of this subsection.
18 d. The corporation may accept grants, contracts
19 and contributions, except when prohibited by this
20 division, to carry out its purposes;
21 e. The articles of incorporation provide that
22 the corporation shall not sponsor, endorse, or
23 otherwise support any political party or candidate,
24 and that the corporation shall not oppose any political
25 party or candidate;
26 f. Democratic accountability of the board of
27 directors of the corporation to the will of its
28 membership has been provided through:
29 (1) Open elections of directors with thorough
30 financial disclosure requirements and campaign spend-
31 ing limitations;
32 (2) Encouragement of active member participation
33 in the processes of taxation through involvement in
34 the activities of the corporation;
35 (3) The recall of directors; and
36 (4) An annual membership meeting.
37 g. The board of directors of the corporation con—

38 sists of not less than seven residents of this state
 39 who are members of the corporation; and
 40 h. The corporation has complied with the provisions
 41 of this division during the previous year of operation,
 42 if any, and neither the corporation nor any of its
 43 officers or directors has been found guilty of a
 44 violation of this division.

45 **Sec. 4. NEW SECTION. REVOCATION OF CERTIFICATE.**

46 The director of revenue, upon notice and hearing,
 47 may revoke the certificate of funding of any
 48 corporation which the director determines has used
 49 funds received under the provision of section six
 50 (6) of item one (1) of this amendment for purposes

Page 3

1 other than those permitted by this division. Upon
 2 notice and hearing the director also may revoke the
 3 certificate of funding of any corporation if the
 4 director determines that an officer or director of
 5 that corporation has been convicted of a violation
 6 of this division or has received a deferred judgment
 7 upon a charge of a violation of this division, and
 8 the officer or director has not been removed from
 9 office as director or officer. A corporation whose
 10 certificate of funding has been revoked by the director
 11 shall not thereafter be entitled to receive a
 12 certificate of funding.

13 **Sec. 5. NEW SECTION. MULTIPLE CORPORATIONS.**

14 There shall be no limit on the number of corporations
 15 which may be issued certificates of funding under
 16 the provisions of this division. In the event more
 17 than one corporation applies for a certificate, the
 18 director of revenue, as provided in rules issued by
 19 the director under the provision of chapter seventeen
 20 A (17A) of the Code, may limit the distribution to
 21 each corporation under section six (6) of item one
 22 (1) of this amendment to the amount of funds which
 23 are derived from contributions of taxpayers residing
 24 within the geographic area to which the corporation
 25 is assigned by those rules.

26 **Sec. 6. NEW SECTION INCOME TAX CHECKOFF—FUND—**
 27 **—DISTRIBUTION— RESTRICTIONS ON USE.**

28 1. Any individual who is a resident of this state
 29 and whose state income tax liability for any taxable
 30 year is one dollar or more may designate one dollar
 31 of such liability to be paid over to the cities tax
 32 coalition action group fund when submitting his state
 33 income tax return to the department of revenue. In

34 the case of a joint return of husband and wife having
35 a state income tax liability of two dollars or more,
36 each spouse may designate that one dollar be paid
37 to the fund. The director of revenue shall revise
38 the income tax form to allow the designation of
39 contributions to the fund on the face of the tax
40 return and immediately above the signature lines.

41 2. The director of revenue shall provide space
42 for this income tax checkoff on the most frequently
43 used Iowa individual income tax form. An explanation
44 shall be included which clearly states that this
45 checkoff does not constitute an additional tax
46 liability.

47 3. The cities tax coalition action group fund
48 is created within the office of the treasurer of
49 state. The fund shall consist of funds paid by persons
50 pursuant to subsection one (1) of this section, and

Page 4

1 the director of revenue shall remit funds collected
2 to the treasurer of state who shall deposit such funds
3 in the cities tax coalition action group fund. Any
4 interest income received by the treasurer of state
5 from investment of moneys deposited in the fund shall
6 be deposited in the fund. Such funds shall be sub-
7 ject to payment to corporations holding valid cer-
8 tificates of funding issued under section four (4)
9 of item one (1) of this amendment.

10 4. The state director of revenue, in cooperation
11 with the state comptroller and campaign finance dis-
12 closure commission, shall administer the provisions
13 of this section and they shall promulgate all neces-
14 sary rules in accordance with chapter seventeen A
15 (17A) of the Code.

16 5. There is appropriated from the cities tax
17 coalition action group fund within the office of the
18 treasurer of state such funds as are legally payable
19 from that fund in accordance with this division.

20 6. The money accumulated in the cities tax coali-
21 tion action group fund as of June thirtieth of each
22 year shall be remitted to corporations holding valid
23 certificates of funding issued under section three
24 (3) of item one (1) of this amendment as of that date,
25 by warrant of the state comptroller drawn upon the
26 fund in favor of each such corporation. Except as
27 otherwise provided in section five (5) of item one
28 (1) of this amendment, the money shall be distributed

29 equally among all corporations holding such
30 certificates.

31 7. In the event there is no corporation which
32 holds a valid certificate of funding as of June
33 thirtieth of any year, the money accumulated in the
34 cities tax coalition action group as of that date shall
35 revert to the general fund of the state.

36 Sec. 7. NEW SECTION. PROHIBITED ACTS--PENALTIES.

37 1. A corporation, and an officer, director or
38 agent of a corporation shall not offer anything of
39 monetary value to, or accept anything of monetary
40 value from any public official, except as specific-
41 ally permitted by this division.

42 2. A corporation, and an officer, director or
43 agent of a corporation shall not use any funds received
44 under the provisions of section six (6) of item one
45 (1) of this amendment for any purpose other than one
46 specified in paragraph a of subsection four (4) of
47 section three (3) of item one (1) of this amendment.

48 3. A public official shall not offer anything
49 of monetary value to or accept anything of monetary
50 value from a corporation which has been issued a

Page 5

1 certificate of funding under this division or officer
2 or director thereof.

3 4. Any person who violates subsections one (1),
4 two (2), or three (3) of this section is guilty of
5 an aggravated misdemeanor."

6 . By renumbering sections of the bill and
7 correcting internal references as necessary."

8 2. Page 7, line 18, by inserting after the word
9 "retroactive" the words ", and providing for the
10 certification of not-for-profit corporations organized
11 to represent the interests of urban homeowners and
12 taxpayers, for the funding of such corporations through
13 an income tax checkoff whereby a portion of taxes
14 paid by individuals may be distributed to such
15 corporations, and providing penalties".

16 3. By renumbering items of the amendment and
17 correcting internal references as necessary.

BYERLY of Polk
NIELSEN of Polk
CHIODO of Polk
WOODS of Polk
WALTER of Pottawattamie

TAUKE of Dubuque
 HORN of Linn
 SMALLEY of Polk
 HARVEY, of Scott
 RINAS of Linn

H-4287

- 1 Amend Senate File 393, as passed by the Senate,
- 2 as follows:
- 3 1. By striking page 1, line 25 through page 2,
- 4 line 4.
- 5 2. Amend the title, lines 2 and 3, by striking
- 6 the words ", voting requirement for such elections,".
- 7 3. By renumbering sections to conform to this
- 8 amendment.

DAGGETT of Adams

H-4288

- 1 Amend Senate File 407, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, lines 2 and 3, by striking the
- 4 words "state board of public instruction and to the
- 5 department of general services" and inserting in
- 6 lieu thereof the words "capitol planning commission".
- 7 2. Page 1, line 6, by inserting after the
- 8 word "plan" the words ", in conjunction with the
- 9 state board of public instruction,".

BROCKETT of Marshall

H-4289

- 1 Amend Senate File 407, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 5, by striking the following:
- 4 "one hundred fifty thousand (150,000)"
- 5 and inserting in lieu thereof the following:
- 6 "fifty thousand (50,000)".

BROCKETT of Marshall

H-4291

- 1 Amend the Senate amendment, H-4176, to House File
- 2 332, as amended, passed, and reprinted by the House,
- 3 as follows:

4 1. Page 2, by inserting after line 30 the follow—
5 ing new section:

6 "Sec. . Section four hundred twenty—seven point
7 one (427.1), Code 1977, is amended by adding the
8 following new subsection:

9 **NEW SUBSECTION.** Solar and wind energy devices
10 and methane gas production systems.

11 a. Improvements to real property which constitute
12 a solar or wind energy device or which are used to
13 produce methane gas from organic wastes not to exceed
14 the actual value of the improvements, shall be exempt
15 from taxation for the periods and to the extent
16 provided in this subsection.

17 b. This exemption shall apply to new installations
18 of the property for a period of five years beginning
19 on January first after the construction or installation
20 of the property is completed. The exemption under
21 this subsection shall apply for a period of five years
22 beginning on January 1, 1978 to property existing
23 on the effective date of this Act if its construction
24 or installation was completed after January 1, 1975.
25 The exemption for existing property shall begin with
26 respect to the assessment as of January 1, 1978, and
27 the taxes payable on the basis of this assessment
28 during the fiscal year beginning July 1, 1979.

29 c. The assessing authority shall assess and list
30 any property exempt from taxation under this subsection
31 in the same manner as other tax—exempt property is
32 assessed and listed under section four hundred twenty—
33 seven point one (427.1), subsection thirty—one (31)
34 of the Code. Not later than the first of March of
35 the year in which the property is first assessed and
36 listed as tax—exempt property under this subsection,
37 the assessing authority shall notify the owner in
38 writing of the tax—exempt status for the property,
39 the duration of the exemption, and the assessed value
40 of the property. If the construction or the
41 installation of property which is eligible for tax
42 exemption under this subsection is unknown to the
43 assessing authority on the first of January of the
44 year following its completion or any subsequent year,
45 the assessing authority, upon the discovery and
46 assessment of such property, shall reduce the number
47 of years that the property is eligible for the tax
48 exemption by the number of assessment years that the
49 property should have been assessed and listed as
50 provided in this subsection. The determination of

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1 eligibility for tax exemption shall be made by the
 2 assessing authority. Judicial review of a
 3 determination of the director of revenue under this
 4 subsection may be sought in accordance with chapter
 5 seventeen A (17A) of the Code. Review of a
 6 determination by an assessing authority may be sought
 7 from the board of review as provided in chapter four
 8 hundred forty-one (441) of the Code.

9 d. The department of revenue shall adopt any rules
 10 necessary to implement this subsection, including
 11 rules on identification and valuation of the property,
 12 but the rules shall not require a property owner to
 13 apply for the tax exemption as a prerequisite to
 14 eligibility. All rules adopted shall be subject to
 15 the provisions of chapter seventeen A (17A) of the
 16 Code.

17 e. As used in this subsection "solar or wind
 18 energy device" means a man-made system for converting
 19 or upgrading the natural energy of the sun or wind
 20 into mechanical, electrical or heat energy which is
 21 more useful to humans than the natural solar or wind
 22 energy, and includes equipment used to store such
 23 natural energy so converted or upgraded."

24 2. Renumber sections and correct internal
 25 references as are necessary in accordance with this
 26 amendment.

27 3. Page 7, line 16, by inserting after the word
 28 "property," the words "providing an exemption from
 29 property taxation for solar and wind energy devices
 30 and methane gas production systems,".

O'HALLORAN of Black Hawk
 ANDERSON of Jasper
 DOYLE of Woodbury
 PELLETT of Cass
 GRIFFEE of Chickasaw
 BINNEBOESE of Plymouth
 HOWELL of Floyd
 VARLEY of Adair
 BINA of Scott
 CRAWFORD of Story
 JOCHUM of Dubuque

H-4292

1 Amend the Senate amendment H-4176 to House
 2 File 332 as amended, passed and reprinted by the

- 3 House as follows:
 4 1. Page 7, by inserting after line 7 the
 5 following:
 6 " . Page 6, by inserting after line 4 the
 7 following:
 8 Sec. . Chapter three hundred fifty (350),
 9 Code of 1977, is repealed."
 10 2. Page 7, by inserting after the word "appro-
 11 priations, " in line 17, the words "repealing the
 12 property tax authorized to pay bounties on wild
 13 animals and related sections."

KRAUSE of Kossuth
 CUSACK of Scott

H-4299

- 1 Amend Senate amendment, H-4176, to House File 332,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by inserting after line 5 the following:
 5 "Sec. . Section four hundred twenty-two point
 6 nine (422.9), subsection two (2), lettered paragraph
 7 b, Code 1977, is amended to read as follows:
 8 b. Add the amount of federal income taxes paid
 9 or accrued as the case may be, during the tax year,
 10 adjusted by any federal income tax refunds. However,
 11 the amount added shall not exceed sixteen thousand
 12 dollars, eight thousand dollars if married and filing
 13 separately. Provided, however, that where married
 14 persons, who have filed a joint federal income tax
 15 return, file separately, such total shall be divided
 16 between them according to the portion thereof paid
 17 or accrued, as the case may be, by each."
 18 . Page 4, by inserting after line 1, the follow-
 19 ing sections:
 20 "Sec. . Section four hundred twenty-five point
 21 seventeen (425.17), subsections five (5) and nine
 22 (9), Code 1977, are amended to read as follows:
 23 5. "Claimant" means a person filing a claim for
 24 reimbursement under this division who has attained
 25 the age of ~~sixty-five~~ eighteen years on or before
 26 December ~~31~~ thirty-first of the base year ~~or who is~~
 27 ~~a surviving spouse having attained the age of fifty-~~
 28 ~~five years on or before December 31 of the base year,~~
 29 ~~or who is totally disabled and was totally disabled~~
 30 ~~on or before December 31 of the base and has not been~~
 31 claimed as a dependent by another person on a state
 32 income tax return filed in the preceding calendar

33 year; and was domiciled in this state during the
34 entire base year and is domiciled in this state at
35 the time the claim is filed. "Claimant" includes
36 a vendee in possession under a contract for deed and
37 may include one or more joint tenants or tenants in
38 common. In the case of a claim for rent constituting
39 property taxes paid, the claimant shall have rented
40 the property during any part of the base year. When
41 two persons of a household are able to meet the
42 qualifications for a claimant, they may determine
43 between them who will be the claimant. If they are
44 unable to agree, the matter shall be referred to the
45 director of revenue not later than July 31 ~~thirty-~~
46 ~~first~~ of each year and his decision shall be final.
47 If a homestead is occupied by two or more persons,
48 and more than one person is able to qualify as a
49 claimant, and some or all of the qualified persons
50 are not related, the persons may determine among them

Page 2

1 who will be the claimant. If they are unable to
2 agree, the matter shall be referred to the director
3 of revenue not later than July 31 ~~thirty-~~first of
4 each year and his decision shall be final.
5 9. "Property taxes paid" means property taxes
6 including one-half of any special assessments, but
7 exclusive of delinquent interest and charges for
8 services, paid on a claimant's homestead in this
9 state, but includes only property taxes for which
10 the claimant was liable and which were actually paid
11 by the claimant. If the property taxes have actually
12 been paid, they shall be deemed to have been paid
13 when due, regardless of the date of actual payment.
14 "Property taxes paid" shall be computed with no
15 deduction for any credit under this division or for
16 any homestead credit allowed under section 425.1.
17 Claims for property tax reimbursement filed in 1974
18 shall be based upon the property taxes paid in 1973.
19 Claims for property tax reimbursement filed in 1975
20 shall be limited to two-thirds of the property taxes
21 paid in 1974 and the first one-half of 1975. Each
22 year thereafter, each claim shall be based upon the
23 taxes paid during the base year. If a homestead is
24 owned by two or more persons as joint tenants or
25 tenants in common, and one or more persons are not
26 a member of claimant's household, "property taxes
27 paid" is that part of property taxes paid on the
28 homestead which equals the ownership percentage of

29 the claimant and his household. The county treasurer
 30 shall include with the tax receipt a statement that
 31 if the owner of the property is ~~sixty-five~~ eighteen
 32 years of age or over ~~or is totally disabled, or is~~
 33 ~~a surviving spouse of such person who is over the~~
 34 ~~age of fifty-five years of age and has not been claimed~~
 35 as a dependent by another person on a state income
 36 tax return filed in the preceding calendar year, the
 37 person may be eligible for the credit allowed under
 38 this division. If a claimant changes his homestead,
 39 this shall not prevent him from filing a claim based
 40 on property taxes for which the claimant was liable
 41 and which were actually paid by the claimant, but
 42 duplication of claims shall not be allowed. If a
 43 homestead is an integral part of a farm, the claimant
 44 may use the total property taxes paid for the larger
 45 unit, but not exceeding forty acres of land. If a
 46 homestead is an integral part of a multidwelling or
 47 multipurpose building the property taxes paid for
 48 the purpose of this subsection shall be prorated to
 49 reflect the portion which the value of the property
 50 that the household occupies as its homestead is to

Page 3

1 the value of the entire structure. For purposes of
 2 this subsection, "unit" refers to that parcel of
 3 property covered by a single tax statement of which
 4 the homestead is a part.

5 Sec. . Section four hundred twenty-five point
 6 seventeen (425.17), Code 1977, is amended by adding
 7 the following new subsection:

8 NEW SUBSECTION. "Investment income" means that
 9 income derived from rental property, income which
 10 is received in the form of interest or dividends and
 11 any other income received from the investment of
 12 capital whether or not such income is subject to
 13 taxation.

14 Sec. . Section four hundred twenty-five point
 15 seventeen (425.17), Code 1977, is amended by striking
 16 subsection six (6).

17 Sec. . Section four hundred twenty-five point
 18 twenty-three (425.23), subsection one (1), Code 1977,
 19 is amended by striking the subsection and inserting
 20 in lieu thereof the following:

21 1. The tentative reimbursement shall be determined
 22 according to the following schedule:

23	Percent of property taxes paid or rent constri-
24	tuting property taxes paid allowed as a reim-

income is		bursement for various household sizes:					6 or more
		1 per-	2 per-	3 per-	4 per-	5 per-	persons
		son	son	son	son	son	
25	\$ 0— 999.99..	100%	100%	100%	100%	100%	100%
26	1,000— 1,999.99..	100	100	100	100	100	100
27	2,000— 2,999.99..	90	90	90	90	90	90
28	3,000— 3,999.99..	75	80	80	80	80	85
29	4,000— 4,999.99..	60	65	65	70	75	80
30	5,000— 5,999.99..	45	55	55	60	65	70
31	6,000— 6,999.99..	30	40	45	50	55	60
32	7,000— 7,999.99..	—	30	40	45	50	55
33	8,000— 8,999.99..	—	25	35	40	45	50
34	9,000— 9,999.99..	—	—	30	35	40	45
35	10,000—10,999.99..	—	—	25	30	35	40
36	11,000—11,999.99..	—	—	—	25	30	35
37	12,000—12,999.99..	—	—	—	—	25	30
38	13,000—13,999.99..	—	—	—	—	—	25

42 Sec. . Section four hundred twenty—five point
 43 twenty—six (425.26), subsection one (1), Code 1977,
 44 is amended to read as follows:

45 1. Age and total disability, if any;

46 Sec. . Section four hundred twenty—five point
 47 twenty—six (425.26), Code 1977, is amended by striking
 48 subsection nine (9)."

49 . Page 4, line 3, by striking the word "section"
 50 and inserting in lieu thereof the word "sections".

Page 4

1 . Page 4, by inserting after line 3, the follow—
 2 ing:
 3 "**NEW SECTION. INVESTMENT INCOME.** If a claimant
 4 receives investment income in excess of two thousand
 5 five hundred dollars during the base year, an amount
 6 equal to ten percent of such excess investment income
 7 shall be credited against the amount of property taxes
 8 paid or rent constituting property taxes paid during
 9 the base year or the maximum property tax provided
 10 in section four hundred twenty—five point twenty—four
 11 (425.24) of the Code, whichever is less, and the
 12 amount of reimbursement for property taxes paid or
 13 rent constituting property taxes paid shall be computed
 14 on the difference." "

HIGGINS of Scott

H-4302

1 Amend Senate File 275 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 14, by striking the words "SEARCH
4 WARRANT" and inserting in lieu thereof the words
5 "JUDICIAL REVIEW".

6 2. Page 1, by striking lines 19 through 23 and
7 inserting in lieu thereof the following: "governmental
8 agency, except pursuant to either (a) an administrative
9 subpoena or court subpoena endorsed by a judge or
10 magistrate or (b) a written order issued by a judge
11 or magistrate, which subpoena or order specifies the
12 information which is to be obtained, the name of the
13 person to whom the information relates, and the
14 statutory authority under which the governmental
15 agency seeks to obtain the information. The judicial
16 officer shall not endorse a subpoena or issue an order
17 unless the governmental agency establishes that it
18 has express statutory authority to acquire the
19 information which is sought without consent of the
20 person to whom the information relates."

21 3. Page 2, line 4, by inserting after the word
22 "garnishment" the words ", search warrant,".

23 4. Page 3, by inserting after the period in line
24 3 the following: "A financial institution shall not
25 be found to have violated section two (2) of this
26 Act if the financial institution delivers financial
27 information pursuant to a subpoena or court order
28 signed by a judge or magistrate, irrespective of
29 whether or not the subpoena or order was properly
30 issued."

31 5. By renumbering subsections of section three
32 (3) of the bill as necessary.

NEWHARD of Jones

H-4304

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 21 the follow-
4 ing sections:

5 "Sec. 7. Chapter ninety-seven B (97B), Code 1977,
6 is amended by adding the following new section:

7 NEW SECTION. Persons who are members of the Sixty-
8 eighth General Assembly and any persons who were
9 members of the general assembly during any period
10 commencing July 4, 1953 and ending January 9, 1977

11 who submit proof to the department of membership in
12 the general assembly may make employee contributions
13 to the system equal to the accumulated contributions
14 as defined in section ninety-seven B point forty-one
15 (97B.41), subsection thirteen (13), of the Code which
16 would have been made if the member of the general
17 assembly had been a member of the system during the
18 member's service at the rate which was specified in
19 the Code as the Code was in effect for that period.
20 The proof of membership in the general assembly and
21 payment of accumulated contributions shall be trans-
22 mitted to the department not later than January 8,
23 1979. Persons eligible to receive retirement
24 allowances under this section shall be eligible to
25 commence receiving retirement allowances on January
26 8, 1979.

27 There is appropriated from the general fund of
28 the state to the Iowa department of job service an
29 amount sufficient to pay the contributions which would
30 have been made by the employer at the rate which was
31 specified in the Code as the Code was in effect for
32 the period corresponding to the period for which
33 the accumulated contributions are made by the members
34 of the general assembly and former members of the
35 general assembly for previous service in the general
36 assembly accumulated at the interest rate and the
37 interest dividend rate prescribed in section ninety-
38 seven B point forty-one (97B.41), subsection thirteen
39 (13) of the Code.

40 Sec. 8. Chapter ninety-seven B (97B), Code 1977,
41 is amended by adding the following new section:

42 **NEW SECTION.** Persons who were members of the
43 general assembly during the period commencing January
44 10, 1977 and ending January 7, 1979 who submit proof
45 to the department of membership in the general assembly
46 may make employee contributions to the system equal
47 to the accumulated contributions as defined in section
48 ninety-seven B point forty-one (97B.41), subsection
49 thirteen (13), of the Code which would have been made
50 if the member of the general assembly had been a

Page 2

1 member of the system during the member's service at
2 the rate which was specified in the Code as the Code
3 was in effect for that period. The proof of membership
4 in the general assembly and payment of accumulated
5 contributions shall be transmitted to the department
6 not later than January 8, 1979. Persons eligible

7 to receive retirement allowances under this section
8 shall be eligible to commence receiving retirement
9 allowances on January 8, 1979.

10 There is appropriated from the general fund of
11 the state to the Iowa department of job service an
12 amount sufficient to pay the contributions which would
13 have been made by the employer at the rate which was
14 specified in the Code as the Code was in effect for
15 the period corresponding to the period for which the
16 accumulated contributions are made by the members
17 of the general assembly and former members of the
18 general assembly for previous service in the general
19 assembly accumulated at the interest rate and the
20 interest dividend rate prescribed in section ninety—
21 seven B point forty—one (97B.41), subsection thirteen
22 (13), of the Code.

23 This section is effective January 8, 1979.”

24 2. Page 7, by inserting after line 21 the follow—
25 ing section:

26 “Sec. 9. Section ninety—seven C point two (97C.2),
27 subsection three (3), Code 1977, is amended to read
28 as follows:

29 3. The term “employee” includes elective and
30 appointive officials of the state or any political
31 subdivision thereof, ~~except members of the general~~
32 ~~assembly~~; elective officials in positions, the
33 compensation for which is on a fee basis, elective
34 officials of school districts, elective officials
35 of townships, and elective officials of other political
36 subdivisions who are in part—time positions; provided
37 that no member of a county board of supervisors shall
38 be deemed to be an elective official in a part—time
39 position, but every member of a county board of
40 supervisors shall be deemed to be an employee within
41 the purview of this chapter and shall be eligible
42 to receive all of the benefits provided by this chapter
43 to which ~~he~~ ~~the member~~ may be entitled as an employee.”

44 3. Page 7, by inserting after line 21 the follow—
45 ing section:

46 “Sec. 11. Sections seven (7), eight (8) and nine
47 (9) of this Act are effective January 8, 1979.”

48 4. Amend the title, line 1, by inserting after
49 the word “Act” the words “relating to salaries and
50 benefits of certain officials,”.

Page 3

- 1 5. Amend the title, line 2, by striking the words
- 2 "officials and" and inserting in lieu thereof the
- 3 word "officials,".
- 4 6. Amend the title, line 4, by inserting after
- 5 the word "board" the words "and establishing benefits
- 6 for certain elected officials".

MONROE of Des Moines

H-4305

- 1 Amend Senate File 376 as passed by the Senate as
- 2 follows:
- 3 1. Page 3, by inserting after line 20 the following
- 4 new division:
- 5 "DIVISION _____
- 6 Sec. Chapter four hundred ninety-six A (496A),
- 7 Code 1977, is amended by adding the following new
- 8 section:
- 9 **NEW SECTION. OFFER TO PURCHASE STOCK—CONDITIONS—**
- 10 **PENALTY.**
- 11 1. A person shall not offer to purchase or acquire,
- 12 directly or indirectly, equity securities as defined
- 13 in section eight (8) of this Act of any corporation
- 14 organized under Iowa law for consideration which
- 15 exceeds by ten percent the aggregate market values
- 16 of those securities with the intent to acquire control
- 17 of the corporation unless the person extends the same
- 18 offer to all owners of such securities not owned or
- 19 controlled by the person making the offer. The person
- 20 making the offer shall do so in a writing which
- 21 complies with subsection three (3) of this section.
- 22 2. A person who is required by subsection one
- 23 (1) of this section to give notice of an offer to
- 24 purchase equity securities shall purchase at the price
- 25 stated in the offer the shares of any shareholder
- 26 who accepts the offer in writing within sixty days
- 27 after receipt by the shareholder of the offer;
- 28 provided, however that the person making the offer
- 29 shall not be required to purchase a greater number
- 30 of shares than the number which the written offer
- 31 states will be purchased. In the event the number
- 32 of shares tendered for sale in acceptance of the offer
- 33 exceeds the number which the person offered to
- 34 purchase, the person making the offer shall purchase
- 35 from each shareholder who makes timely acceptance
- 36 a number of shares which bears the same ratio to the

37 total number of shares tendered for purchase by the
 38 shareholder as the number of shares the person offered
 39 to purchase or acquire bears to the total number of
 40 shares tendered in acceptance by all shareholders
 41 to whom the written offer was made. For purposes
 42 of this subsection "tendered in acceptance" means
 43 stated in writing by the shareholder as the number
 44 of shares which the shareholder agrees to sell in
 45 response to the offer, and does not require the actual
 46 delivery of the shares.

47 3. The written offer required by subsection one
 48 (1) of this section must state the price which will
 49 be paid for each share and the maximum number of
 50 shares which the person making the offer will purchase

Page 2

1 in the aggregate, and must state that (a) the offer
 2 must be accepted in a writing which states the number
 3 of shares the shareholder agrees to sell and (b) the
 4 acceptance must be received by the person making the
 5 offer no later than sixty days after delivery to the
 6 shareholder of the written offer.

7 4. For purposes of this section, a written offer
 8 to a shareholder shall be deemed delivered on the
 9 date when the written offer is mailed by first class
 10 mail, postage paid, to the shareholder at the address
 11 as shown in the records of the corporation whose
 12 shares are the subject of the offer.

13 5. A person who fails to comply with subsections
 14 one (1) or two (2) of this section commits an
 15 aggravated misdemeanor."

16 2. By correcting division and section numbers
 17 of the bill, and by correcting internal references
 18 as necessary.

HIGGINS of Scott

H-4307

1 Amend the Senate amendment, H-4176, to House File
 2 332, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 2, by inserting after line 5 the following:

5 " . Page 1, line 13, by striking the word "four"
 6 and inserting in lieu thereof the word "five".

7 . Page 1, line 33, by striking the word "four"
 8 and inserting in lieu thereof the word "five".

9 . Page 2, line 35, by striking the words and

10 figure "~~forty-five hundred (4,500)~~" and inserting
 11 in lieu thereof the words "five thousand five hundred".
 12 . Page 3, lines 3 and 4, by striking the words
 13 and figure "forty-five hundred (4,500)" and inserting
 14 in lieu thereof the words "five thousand five hundred".
 15 . Page 4, line 1, by inserting after the period
 16 the following: A homestead as defined in this section
 17 shall not include any dwelling house located outside
 18 the corporate limits of any city in the state."

LIPSKY of Linn
 HARVEY of Scott

H-4309

1 Amend Senate amendment H-4176 to House File 332,
 2 as passed by the House and reprinted, as follows:
 3 1. Page 6, by inserting after line 6 the following:
 4 Section 1. Chapter three hundred eighty-four
 5 (384), Code 1977, is amended by adding sections two
 6 (2) through eight (8) of this Act as a new division
 7 of this chapter.
 8 Sec. 2. NEW SECTION. DEFINITIONS. As used in
 9 this Act, unless the context otherwise requires:
 10 1. "Fuel" means "motor fuel" as defined in section
 11 three hundred twenty-four point two (324.2 of the
 12 Code, and "special fuel" as defined in section three
 13 hundred twenty-four point thirty-three (324.33) of
 14 the Code.
 15 2. "Distributor", "dealer", and "user" have the
 16 same meanings and include any person defined as a
 17 "distributor", "dealer, agent, and consignee", "special
 18 fuel dealer" or "special fuel user", in sections three
 19 hundred twenty-four point two (324.2) and three hundred
 20 twenty-four point thirty-three (324.33) of the Code.
 21 3. "Director" means the director of revenue.
 22 4. "Eligible elector" means "eligible elector"
 23 as defined in section thirty-nine point three (39.3)
 24 of the Code.
 25 Sec. 3. NEW SECTION. LOCAL FUEL TAX. A local
 26 fuel tax at a rate of one cent per gallon may be
 27 imposed by a city, after approval by the voters of
 28 that city, on fuel the use of which is taxed by the
 29 state under sections three hundred twenty-four point
 30 three (324.3) or three hundred twenty-four point
 31 thirty-four (324.34) of the Code, and which is received
 32 by a distributor, dealer or user for sale or use at
 33 a place of business within the city.
 34 Sec. 4. NEW SECTION. ELECTION. Upon its own

35 motion, or upon receipt of a petition signed by the
36 eligible electors within a city equal in number to
37 at least ten percent of the number of persons who
38 voted at the last preceding regular municipal election,
39 requesting that an election be held, the city council
40 shall direct the county commissioner of elections
41 to submit to the voters of the city, at the next
42 regular city election or at a special election called
43 for that purpose, the question of imposing a local
44 fuel tax. Prior to the election, the county
45 commissioner of elections shall publish notice of
46 the election on this question at least twice in the
47 manner provided in section three hundred sixty-two
48 point three (362.3) of the Code.

49 An election shall not be held unless one of the
50 required notices is published at least sixty days

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1 prior to said election.

2 If a majority of those voting favor the imposition
3 of a local fuel tax, the council shall impose the
4 tax by ordinance, as provided in this Act. A local
5 fuel tax imposed under this section may be discontinued
6 by the council by ordinance, or by petition and
7 election in the same manner as provided for imposition
8 of the tax.

9 The question of imposing or discontinuing a local
10 fuel tax shall not be submitted to the voters within
11 one year after an election on either question.

12 Sec. 5. NEW SECTION. PAYMENT OF TAX —
13 ADMINISTRATION. A local fuel tax shall be paid to
14 the director at the same time the state fuel tax is
15 paid, by each distributor, dealer or user subject
16 to the tax.

17 The director shall administer the provisions of
18 a local fuel tax as nearly as possible in conjunction
19 with the administration of state fuel tax laws. The
20 director shall provide appropriate forms, or provide
21 on the regular state fuel tax forms, for reporting
22 local fuel tax liability.

23 An ordinance of a city council imposing a local
24 fuel tax shall adopt by reference the applicable
25 provisions of the appropriate sections of chapter
26 three hundred twenty-four (324) of the Code, and all
27 powers of the director to administer the state fuel
28 tax law are applicable to the administration of a
29 local fuel tax ordinance. Local officials shall
30 confer with the director and obtain the director's

31 assistance in drafting the ordinance imposing a local
32 fuel tax. A certified copy of the ordinance imposing
33 a local fuel tax shall be filed with the director
34 as soon as possible after passage.

35 The director, in consultation with local officials,
36 shall collect and account for a local fuel tax. The
37 director shall credit local fuel tax receipts to a
38 local fuel tax fund hereby established in the office
39 of the treasurer of state.

40 The treasurer of state shall remit quarterly to
41 the cities which have imposed a local fuel tax their
42 share of the balance in the local fuel tax fund.

43 The local fuel tax fund is appropriated for this
44 purpose.

45 Sec. 6. NEW SECTION. USE OF REVENUES. Local
46 fuel tax revenues shall be deposited by the city in
47 a special fund, to be used only for repair, resurfacing
48 or reconstruction in kind of streets which are the
49 city's responsibility. After a period of one year
50 from the effective date of a local fuel tax ordinance

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1 and so long as the ordinance remains in effect, no
2 special assessments may be levied by the city under
3 Division four (IV) of this chapter for repair,
4 resurfacing or reconstruction in kind of streets.

5 Sec. 7. NEW SECTION. PENALTIES—LIEN. Penalties
6 for failure to report and pay a local fuel tax when
7 due are the same as those provided for state fuel
8 taxes under section three hundred twenty-four point
9 sixty-five (324.65) of the Code, and local fuel taxes
10 shall be added to the amount of the lien provided
11 in section three hundred twenty-four point sixty-six
12 (324.66) of the Code. The portion of the lien at-
13 tributable to local fuel taxes shall be enforced by
14 the state and have priority immediately after state
15 taxes.

16 Sec. 8. NEW SECTION. ENFORCEMENT BY DIRECTOR.

17 1. The director shall consider and include the
18 liability of a distributor, dealer, or user for local
19 fuel taxes, including interest and penalties, in
20 making all determinations and in administering all
21 enforcement provisions relating to state fuel taxes,
22 as provided in chapter three hundred twenty-four (324)
23 of the Code, subject to the same limitations as
24 provided in that chapter.

25 2. If a refund is granted by the department of
26 revenue under any provisions of chapter three hundred

27 twenty-four (324) of the Code on fuel on which a local
 28 fuel tax was paid, the department shall also refund
 29 the local fuel tax paid on the same fuel, in the same
 30 manner and at the same time as the state fuel tax
 31 is refunded.

32 3. The department of revenue shall provide by
 33 rules promulgated under section three hundred twenty-
 34 four point fifty-nine (324.59) of the Code for the
 35 cooperative action of cities and the department of
 36 revenue in enforcing the payment of local fuel taxes
 37 in conjunction with state fuel taxes.

JUNKER of Woodbury
 RINAS of Linn

H-4313

1 Amend Senate File 275 as amended, passed and
 2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 29 the
 4 following:

5 " . The delivery and receipt of financial
 6 information when subpoenaed by the director of revenue
 7 for examination or audit of a taxpayer."

8 2. Page 3, by inserting after line 18 the
 9 following:

10 "Sec. . Section four hundred twenty-two point
 11 seventy (422.70), Code 1977, is amended by adding
 12 the following new subsection as subsection four (4)
 13 and renumbering the remaining subsections of that
 14 section:

15 **NEW SUBSECTION.** With respect to subpoena procedures
 16 as applied to third parties, the provisions of section
 17 seven thousand six hundred nine (7609) of the Internal
 18 Revenue Code of 1954 shall govern and shall be
 19 implemented thereto in accordance with rules
 20 promulgated by the director."

21 3. By renumbering sections and subsections of
 22 the bill as necessary.

NEWHARD of Jones

H-4336

1 Amend House File 417, by striking everything after
 2 the enacting clause and inserting in lieu thereof
 3 the following:

4 "Section 1. Section three hundred seven point
 5 eighteen (307.18), Code 1977, is amended by adding

6 the following new subsection:

7 **NEW SUBSECTION.** Maintain records of the decisions
8 of the board to be made available to the public upon
9 request."

10 Sec. 2. Section three hundred seven point twenty—
11 six (307.26), Code 1977, is amended by adding the
12 following new subsection:

13 **NEW SUBSECTION.** Identify those segments of railroad
14 trackage which, if improved, may provide increased
15 transportation services for the citizens of this
16 state. The department shall develop and implement
17 programs to encourage the improvement of rail freight
18 services on such railroad trackage.

19 Sec. 3. Section three hundred twenty—one point
20 three hundred forty—two (321.342), Code 1977, is
21 amended to read as follows:

22 321.342 STOP AT CERTAIN RAILROAD CROSSINGS. ~~The~~
23 ~~department with reference to primary highways and~~
24 ~~local authorities with reference to other highways~~
25 ~~under their jurisdiction are each hereby authorized~~
26 ~~to designate particularly dangerous highway grade~~
27 ~~crossings of railroads, and to install rumble strips,~~
28 ~~or to erect stop signs thereat. When such stop signs~~
29 ~~are erected at a railroad-highway grade crossing,~~
30 the driver of any vehicle shall stop within fifty
31 feet but not less than ten feet from the nearest track
32 of such grade crossing and shall proceed only upon
33 exercising due care.

34 Sec. 4. Section three hundred twenty—seven C point
35 four (327C.4), Code 1977, is amended to read as
36 follows:

37 327C.4 INSPECTION—NOTICE TO REPAIR. The
38 department shall inspect the condition of each
39 railroad, its rail facilities, equipment, rolling
40 stock, operations and pertinent records at reasonable
41 times and in a reasonable manner to insure proper
42 operations. Employees of the department shall have
43 proper identification which shall be displayed upon
44 request. If found unsafe, the department shall
45 immediately notify the railroad corporation whose
46 duty it is to put the same in repair, which shall
47 be done by it within such time as the department
48 shall fix. If any corporation fails to perform this
49 duty the department may forbid and prevent it from
50 running trains over the defective portion while unsafe

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1 or may regulate the speed and operation of trains

2 moving over the defective portion of the railroad.
 3 If the railroad corporation violates any requirement
 4 provided by the department, the railroad corporation
 5 shall be subject to a ~~fine of not more than one hundred~~
 6 ~~dollars~~ schedule one penalty for each day the repairs
 7 have not been made from the date the department set
 8 for repairs to be completed. The court may consider
 9 the willingness and ability of the railroad corporation
 10 to cooperate in removing the safety hazard. Moneys
 11 received from the assessment of any fine shall be
 12 credited to the rail assistance fund.

13 Sec. 5. Chapter three hundred twenty-seven C
 14 (327C), Code 1977, is amended by adding the following
 15 new section as section three hundred twenty-seven
 16 C point five (327C.5):

17 NEW SECTION. SCHEDULE VIOLATIONS—PENALTIES.

18 Violations of the provisions of chapters three hundred
 19 twenty-seven C (327C) through three hundred twenty-
 20 seven G (327G) of the Code, shall be punished as a
 21 schedule one penalty unless otherwise indicated.

22 Violations of a continuing nature shall constitute
 23 a separate offense for each violation unless otherwise
 24 provided. The schedule of violations shall be:

25 1. "Schedule one" means a penalty of one hundred
 26 dollars per violation.

27 2. "Schedule two" means a penalty of not less
 28 than one hundred dollars nor more than five hundred
 29 dollars per violation.

30 3. "Schedule three" means a penalty of not less
 31 than five hundred dollars nor more than one thousand
 32 dollars per violation.

33 4. "Schedule four" means a penalty of not less
 34 than five hundred dollars nor more than five thousand
 35 dollars per violation.

36 5. "Schedule five" means a penalty of not less
 37 than five hundred dollars nor more than five thousand
 38 dollars for the first violation and not less than
 39 five thousand dollars nor more than ten thousand
 40 dollars for each subsequent violation.

41 Penalties collected pursuant to this schedule shall
 42 be credited to the railroad assistance fund unless
 43 otherwise provided.

44 Sec. 6. Section three hundred twenty-seven C point
 45 six (327C.6), Code 1977, is amended to read as follows:

46 327C.6 CHANGES IN OPERATION AND IMPROVEMENTS.

47 ~~When, in the judgment of the department, any railroad~~
 48 ~~corporation fails in any respect to comply with the~~
 49 ~~terms of its charter or articles of incorporation~~
 50 ~~or the laws of the state; or if~~ If any railroad

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1 corporation fails to operate its railroad and business
2 in a reasonable and expedient manner which is safe
3 and convenient to the public, the department may order
4 such changes as it finds to be proper and shall serve
5 an order upon such corporation. Nothing in this
6 section or section 327C.4 shall be construed as to
7 nullify responsibility or liability for damage to
8 person or property by any railroad corporation.

9 Sec. 7. Section three hundred twenty-seven C point
10 seven (327C.7), Code 1977, is amended by striking
11 the section and inserting in lieu thereof the
12 following:

13 327C.7 ABANDONING AGENCY SERVICE. It shall be
14 unlawful for any railroad corporation owning or
15 operating any railroad in whole or in part within
16 this state, to withdraw agency service, unless it
17 shall first have filed notice of its intention with
18 the department and otherwise complied with the
19 provisions of this section and section three hundred
20 twenty-seven C point eight (327C.8) of the Code.
21 Upon receipt of such notice the department shall
22 specify a notice be published and the railroad
23 corporation shall at its own expense, cause such
24 notice to be published at least fifteen days in advance
25 of action to discontinue agency service, and shall
26 file proof of publication with the department. The
27 notice shall be in such form as described by the
28 department and shall be published in the county in
29 which the station is located. An alternative notice
30 procedure giving comparable public notice by registered
31 mail to shippers, city councils and the county board
32 of supervisors affected by the withdrawal may be
33 prescribed by the department according to rules
34 promulgated under chapter seventeen A (17A) of the
35 Code.

36 Sec. 8. Section three hundred twenty-seven C point
37 eight (327C.8), Code 1977, is amended by striking
38 the section and inserting in lieu thereof the
39 following:

40 327C.8 OBJECTIONS—HEARING—ORDER. Any person
41 directly affected by the proposed discontinuance of
42 an agency service may file written objections with
43 the department, stating the grounds for such
44 objections, within fifteen days from the time of the
45 publication of the notice as provided in section three
46 hundred twenty-seven C point seven (327C.7) of the
47 Code. Upon the filing of an objection, the board

48 shall fix the time and place for a hearing, which
 49 shall be held within sixty days from the filing of
 50 such objections. Written notice of the time and place

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1 of such hearing shall be mailed by the board to the
 2 railroad corporation and the person filing objections
 3 at least ten days prior to the date fixed for such
 4 hearing.

5 Upon hearing, the board may prohibit the
 6 discontinuance of agency service, or make such order
 7 as is warranted by the evidence produced at the
 8 hearing. If no objections have been filed, the board
 9 may make an order permitting the railroad corporation
 10 to proceed with the discontinuance of agency ser-
 11 vice.

12 Sec. 9. Section three hundred twenty-seven C point
 13 thirteen (327C.13), Code 1977, is amended to read
 14 as follows:

15 327C.13 HINDERING OR OBSTRUCTING DEPARTMENT.

16 Any person who shall willfully obstruct the department
 17 or board in the performance of their duties, or who
 18 shall refuse to give any information within that
 19 person's possession that may be required by the board
 20 or department within the line of their duty, shall
 21 be ~~fined not exceeding one thousand dollars~~ subject
 22 to a schedule three penalty, in the discretion of
 23 the court.

24 Sec. 10. Section three hundred twenty-seven C
 25 point seventeen (327C.17), Code 1977, is amended to
 26 read as follows:

27 327C.17 WHEN ORDER EFFECTIVE—VIOLATION. ~~AA~~

28 ~~rules and orders affecting public rights, made by~~
 29 ~~the department or board, as now or may hereafter be~~
 30 ~~authorized for the direction and observance of~~
 31 ~~railroads in this state, shall be in full force and~~
 32 ~~effect from and after the date fixed by the department~~
 33 ~~or board. If any railroad fails, neglects, or refuses~~
 34 ~~to comply with any rule or order made by the department~~
 35 ~~or board within the time specified, it shall, for~~
 36 ~~each day of such failure, pay a penalty of one hundred~~
 37 ~~dollars be subject to a schedule one penalty.~~ Such
 38 moneys shall be credited to the railroad assistance
 39 fund.

40 Sec. 11. Section three hundred twenty-seven C
 41 point forty-three (327C.43), Code 1977, is amended
 42 to read as follows:

43 327C.43 VIOLATIONS. Any corporation, company,
 44 or individual owning or operating a railway within

45 the state, neglecting or refusing to make the required
46 reports by the date fixed, or fixed by the department,
47 shall be subject to a schedule one penalty of ~~one~~
48 ~~hundred-dollars~~ for each and every day of delay in
49 making the same after the date thus fixed.
50 Sec. 12. Section three hundred twenty—seven D

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1 point seventeen (327D.17), Code 1977, is amended to
2 read as follows:
3 327D.17 CRIMINAL LIABILITY. Except as otherwise
4 specially provided for in this chapter, and unless
5 relieved from the consequences of a violation of the
6 law as provided herein, any common carrier subject
7 to the provisions hereof, or, when such common carrier
8 is a corporation, any director or officer thereof,
9 or any receiver, trustee, lessee, agent, or person
10 acting for or employed by such corporation, who, alone
11 or with any other corporation, company, person, or
12 party shall willfully do or cause to be done, or shall
13 willfully suffer or permit to be done any act, matter,
14 or thing in this chapter prohibited or declared to
15 be unlawful, or who shall aid or abet therein, or
16 shall willfully omit or fail to do any act, matter,
17 or thing in this chapter required to be done, or shall
18 cause or willingly suffer or permit any act, matter,
19 or thing, so directed or required by the provisions
20 of this chapter to be done, not to be so done; or
21 shall aid or abet any such omission or failure, or
22 shall be guilty of any infraction of the provisions
23 of this chapter, or shall aid or abet therein, shall
24 be guilty of a misdemeanor, and shall, upon conviction
25 thereof, be ~~fined not more than five thousand nor~~
26 ~~less than five hundred dollars for each offense~~ subject
27 to a schedule four penalty.

28 Sec. 13. Section three hundred twenty—seven D
29 point twenty—seven (327D.27), Code 1977, is amended
30 to read as follows:

31 327D.27 PENALTY FOR DISCRIMINATION. Any
32 corporation making any unjust discrimination as to
33 freight rates, or the rates for the use and
34 transportation of railway cars, or in receiving,
35 handling, or delivering freight, shall, upon conviction
36 thereof, be ~~fined in any sum not less than one thousand~~
37 ~~nor more than five thousand dollars for the first~~
38 ~~offense; and for each subsequent offense not less~~
39 ~~than five thousand nor more than ten thousand dollars~~
40 —subject to a schedule five penalty such fine to be
41 imposed in a criminal prosecution by indictment; or

42 shall be subject to the liability prescribed in section
43 327D.28, to be recovered as therein provided.

44 Sec. 14. Section three hundred twenty-seven D
45 point twenty-eight (327D.28), Code 1977, is amended
46 to read as follows:

47 327D.28 CIVIL FORFEITURE. Any railway corporation
48 making any unjust discrimination as to passenger or
49 freight rates, or the rates for the use and
50 transportation of railway cars, or in receiving,

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1 handling, or delivering freight, shall forfeit and
2 pay to the state ~~not less than one thousand nor more~~
3 ~~than five thousand dollars for the first offense,~~
4 ~~and not less than five thousand nor more than ten~~
5 ~~thousand dollars for each subsequent offense an amount~~
6 within the limits of a schedule five penalty, to be
7 recovered in a civil action in the name of the state;
8 and the release from liability or penalty provided
9 for in this chapter shall not apply to a criminal
10 prosecution under section 327D.27 or to a civil action
11 under this section.

12 Sec. 15. Section three hundred twenty-seven D
13 point twenty-nine (327D.29), Code 1977, is amended
14 to read as follows:

15 327D.29 FREE OR REDUCED FREIGHT RATES PERMITTED.

16 Nothing in this chapter shall apply to free or reduced
17 rates for the transportation, storage or handling
18 of:

19 1. Property for the United States, this state,
20 or ~~municipal governments~~ political subdivisions of
21 this state.

22 2. Materials to be used by public authorities
23 in constructing or maintaining public ~~highways outside~~
24 ~~of the corporate limits of cities~~ facilities.

25 3. Property for charitable purposes.

26 4. Property for exhibition at fairs or expo-
27 sitions.

28 5. Private property or goods for the family use
29 of such employees as are entitled to free passenger
30 transportation.

31 6. Private property in less than carload lots.

32 7. Coal.

33 8. Products transported to be recycled.

34 Sec. 16. Section three hundred twenty-seven D
35 point forty-five (327D.45), Code 1977, is amended
36 to read as follows:

37 327D.45 SCHEDULES OF JOINT RATES. The department

38 ~~shall make and publish~~ board may order a schedule
 39 of joint through railway rates for such traffic and
 40 on such routes as in its judgment the fair and
 41 reasonable conduct of business requires ~~shall be done~~
 42 ~~by carriage over two or more lines of railway, and~~
 43 ~~will promote the interests of the people of the state.~~

44 Sec. 17. Section three hundred twenty-seven D
 45 point one hundred thirty-two (327D.132), Code 1977,
 46 is amended to read as follows:

47 327D.132 VIOLATION—PENALTY. Any common carrier
 48 operating in this state violating any of the provisions
 49 of sections 327D.127 to 327D.131 by neglecting or
 50 refusing to weigh cars or to furnish certificates

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1 of weights as therein provided shall be guilty of
 2 a misdemeanor and shall be, upon conviction thereof,
 3 ~~fined in the sum of not more than one hundred twenty-~~
 4 ~~five dollars~~ subject to a schedule one penalty for
 5 each and every violation.

6 Sec. 18. Section three hundred twenty-seven F
 7 point fourteen (327F.14), Code 1977, is amended by
 8 striking the section and inserting in lieu thereof
 9 the following:

10 327F.14 LIGHTS ON TRACK POWER CARS. Any person,
 11 firm, or corporation owning or operating a track power
 12 car in this state shall insure that such track power
 13 car is equipped with an electric headlight that will
 14 enable the operator to see an unlighted obstruction
 15 on the track at a distance of three hundred feet in
 16 clear weather. A track power car shall also be
 17 equipped with two rear electric red lights of such
 18 construction to be plainly visible during hours of
 19 darkness on a clear night at a distance of three
 20 hundred feet.

21 Such lights shall be in operation when the track
 22 power car is in operation between sunset and sunrise
 23 and at such other times when conditions such as fog,
 24 snow, sleet or rain would tend to obscure visibility.

25 These lighting requirements shall not be construed
 26 to penalize any person, firm or corporation if it
 27 can be shown that such lighting equipment was present
 28 in good and sufficient working order at the beginning
 29 of a trip and became disabled during the trip.

30 A violation of this section shall be subject to
 31 a schedule one penalty.

32 Sec. 19. Section three hundred twenty-seven F
 33 point twenty (327F.20), Code 1977, is amended to read

34 as follows:

35 327F.20 VIOLATIONS. Any common carrier as provided
36 in section 327F.18 violating any of the provisions
37 of section 327F.19 shall be deemed guilty of a
38 misdemeanor, and upon conviction thereof shall be
39 ~~fined not less than one hundred dollars nor more than~~
40 ~~five hundred dollars~~ subject to a schedule two penalty
41 for each offense.

42 Sec. 20. Section three hundred twenty—seven F
43 point twenty—eight (327F.28), Code 1977, is amended
44 to read as follows:

45 327F.28 VIOLATIONS. Any failure to comply with
46 the provisions of section 327F.27 shall be deemed
47 a misdemeanor and shall be ~~punished accordingly~~ subject
48 to a schedule one penalty.

49 Sec. 21. Section three hundred twenty—seven F
50 point thirty—five (327F.35), Code 1977, is amended

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1 to read as follows:

2 327F.35 PENALTY. Any railroad found guilty of
3 violating the provisions of section 327F.34 shall
4 ~~be fined not less than twenty—five dollars nor more~~
5 ~~than one hundred dollars~~ subject to a schedule one
6 penalty for each violation.

7 Sec. 22. Section three hundred twenty—seven F
8 point thirty—six (327F.36), Code 1977, is amended
9 to read as follows:

10 327F.36 SCREEN EXHAUST FIRE CONTROLS. No
11 locomotive or other rolling stock shall be operated
12 unless it is equipped with proper deflector and screen
13 exhaust fire controls and uses adequate devices to
14 prevent the escape of blowing or burning materials
15 or substances and is maintained in good working or—
16 der to protect against the start and spread of fires
17 along the right of way. A violation of this section
18 shall be a misdemeanor ~~punishable by a fine of not~~
19 ~~more than one hundred dollars~~ subject to a schedule
20 one penalty or thirty days in jail. The railroad,
21 and any officers, agent, lessee or independent
22 contractor found guilty of a violation of this section
23 shall be ~~punishable by a fine of not more than one~~
24 ~~hundred dollars~~ subject to a schedule one penalty
25 or thirty days in jail.

26 Sec. 23. Chapter three hundred twenty—seven G
27 (327G), Code 1977, is amended by adding the following
28 new sections:

29 NEW SECTION. The applicability of the provisions

30 of sections three hundred twenty—seven G point seventy—
31 six (327G.76) and three hundred twenty—seven G point
32 seventy—seven (327G.77) of the Code, shall be in
33 effect only to the extent that the interstate commerce
34 commission has not issued an order pursuant to section
35 eight hundred nine (809), Railroad Revitalization
36 and Regulatory Reform Act of 1976 and only to the
37 extent that reversionary clauses in the titles to
38 affected land are still in effect.

39 NEW SECTION. The department may, upon complaint,
40 order the removal of any abandoned railroad depot
41 or abandoned building on railroad property if, after
42 a hearing, the department determines that the building
43 is a fire or health hazard or constitutes a public
44 nuisance.

45 Sec. 24. Section three hundred twenty—seven G
46 point nine (327G.9), Code 1977, is amended to read
47 as follows:

48 327G.9 FAILURE TO FENCE—GENERAL PENALTY. If
49 the corporation, officer thereof or lessee owning
50 or engaged in the operation of any railroad in the

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1 state refuses or neglects to comply with any provision
2 of this chapter relating to the fencing of the tracts,
3 such corporation, officer, or lessee shall be guilty
4 of a misdemeanor, and upon conviction ~~be fined in a sum~~
5 ~~not exceeding five hundred dollars for each offense~~
6 be subject to a schedule two penalty, and every thirty
7 days' continuance of such refusal or neglect shall
8 constitute a separate and distinct offense.

9 Sec. 25. Section three hundred twenty—seven G
10 point fourteen (327G.14), Code 1977, is amended to
11 read as follows:

12 327G.14 VIOLATIONS. Any officer or employee of
13 any railway company violating any of the provisions
14 of section 327G.13 shall be ~~punished by a fine not~~
15 ~~exceeding one hundred dollars~~ subject to a schedule
16 one penalty for each offense.

17 Sec. 26. Section three hundred twenty—seven G
18 point fifteen (327G.15), Code 1977, is amended to
19 read as follows:

20 327G.15 RAILWAY AND HIGHWAY CROSSING AT GRADE.

21 Wherever a railway track crosses or shall hereafter
22 cross a highway, street or alley, the railway
23 corporation owning such track and the department,
24 in the case of primary highways, the board of
25 supervisors of the county in which such crossing is

26 located, in the case of secondary roads, or the council
27 of the city, in the case of streets and alleys located
28 within a city, may agree upon the location, manner,
29 vacation, physical structure, characteristics and
30 maintenance of flasher lights or gate arm signals
31 at the crossing and allocation of costs thereof.

32 The department shall become a party to the agreement
33 if grade crossing safety funds are to be used. Up
34 to seventy-five percent of the maintenance cost of
35 flasher lights or gate arm signals at the crossing
36 and an unlimited portion of the cost of installing
37 flasher lights or gate arm signals at the crossing
38 may be paid from the grade crossing safety fund.

39 Notwithstanding other provisions of this section,
40 maintenance of flasher lights or gate signals installed
41 or ordered to be installed before July 1, 1973, shall
42 be assumed wholly by the railroad corporation.

43 Payments from the grade crossing safety fund shall
44 be made ~~to~~ by the treasurer of state upon certification
45 by the department that the terms of the agreement
46 have been followed.

47 The department shall promulgate rules according
48 to chapter 17A for processing claims to the grade
49 crossing safety funds.

50 The provisions of this section shall not apply

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1 to the repair of the grade crossing surface.
2 Sec. 27. Sections three hundred twenty-seven C
3 point nine (327C.9), three hundred twenty-seven C
4 point eleven (327C.11), three hundred twenty-seven
5 C point thirty-five (327C.35), three hundred twenty-
6 seven C point thirty-nine (327C.39), three hundred
7 twenty-seven D point three (327D.3), three hundred
8 twenty-seven D point four (327D.4), three hundred
9 twenty-seven D point five (327D.5), three hundred
10 twenty-seven D point one hundred eighty-nine
11 (327D.189), three hundred twenty-seven F point six
12 (327F.6), three hundred twenty-seven F point seven
13 (327F.7), three hundred twenty-seven F point nine
14 (327F.9), three hundred twenty-seven F point ten
15 (327F.10), three hundred twenty-seven F point eleven
16 (327F.11), three hundred twenty-seven F point twelve
17 (327F.12), three hundred twenty-seven F point thirteen
18 (327F.13), three hundred twenty-seven F point fifteen
19 (327F.15), three hundred twenty-seven F point sixteen
20 (327F.16), three hundred twenty-seven F point seventeen
21 (327F.17), three hundred twenty-seven G point twenty-

22 four (327G.24), three hundred twenty—seven G point
 23 twenty—five (327G.25), three hundred twenty—seven
 24 G point twenty—six (327G.26), three hundred twenty—
 25 seven G point twenty—seven (327G.27), three hundred
 26 twenty—seven H point one (327H.1), three hundred
 27 twenty—seven H point two (327H.2), three hundred
 28 twenty—seven H point three (327H.3), three hundred
 29 twenty—seven H point four (327H.4), three hundred
 30 twenty—seven H point five (327H.5), three hundred
 31 twenty—seven H point six (327H.6), three hundred
 32 twenty—seven H point seven (327H.7), three hundred
 33 twenty—seven H point eight (327H.8), three hundred
 34 twenty—seven H point nine (327H.9), three hundred
 35 twenty—seven H point ten (327H.10), three hundred
 36 twenty—seven H point eleven (327H.11), three hundred
 37 twenty—seven H point twelve (327H.12), three hundred
 38 twenty—seven H point thirteen (327H.13), three hundred
 39 twenty—seven H point fourteen (327H.14), three hundred
 40 twenty—seven H point fifteen (327H.15), three hundred
 41 twenty—seven H point sixteen (327H.16), three hundred
 42 twenty—seven H point seventeen (327H.17), and three
 43 hundred twenty—seven H point nineteen (327H.19), Code
 44 1977, are repealed.

45 Sec. 28. Chapter one thousand two hundred forty—
 46 five (1245), Acts of the Sixty—sixth General Assembly,
 47 1976 Session, chapter four (4), sections three hundred
 48 seventy—seven (377), three hundred eighty—one (381),
 49 three hundred eighty—two (382), three hundred eighty—
 50 three (383), three hundred eighty—four (384), three

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1 hundred eighty—five (385), three hundred eighty—six
 2 (386), three hundred eighty—seven (387), three hundred
 3 eighty—eight (388), three hundred eighty—nine (389)
 4 and three hundred ninety (390) are repealed.”

KRAUSE of Kossuth

H—4340

1 Amend Senate File 394, as passed by the Senate
 2 and reprinted, as follows:

3 1. Page 2, by inserting after line 6 the
 4 following section:

5 “Sec. . Section four hundred twenty—two
 6 point forty—five (422.45), Code 1977, is amended
 7 by adding the following new subsection:

8 NEW SUBSECTION. The gross receipts from the

- 9 sale of horses, commonly known as draft horses,
 10 which weigh one thousand two hundred pounds or
 11 more."
 12 2. Amend the title page, line 2, by inserting
 13 after the word "Code" the words "and the exemption
 14 of the sale of draft horses from sales tax".

LAGESCHULTE of Bremer
 SCHNEKLOTH of Scott

H-4343

- 1 Amend amendment H-4340, to Senate File 394
 2 as passed by the Senate and reprinted, as follows:
 3 1. Page 1, by striking lines 9 through 11
 4 and inserting in lieu thereof the following:
 5 "sale of horses."

SCHEELHAASE of Woodbury

H-4352

- 1 Amend House File 622 as follows:
 2 1. Page 1, by striking lines 6 through 8.
 3 2. Page 1, by striking lines 24 through 32.
 4 3. By renumbering subsections as required.

BAKER of Buena Vista
 PONCY of Wapello
 DAVITT of Warren

H-4360

- 1 Amend Senate File 213, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 27 the following
 4 section:
 5 "Sec. . Section two hundred seventy-three point
 6 three (273.3), subsection twelve (12), Code 1977,
 7 is amended to read as follows:
 8 12. Employ such personnel as may be required,
 9 if any, to carry out the functions of the area
 10 education agency which may include the employment
 11 of an administrator who shall possess a
 12 superintendent's certificate issued under the
 13 provisions of section 260.9. The administrator shall
 14 be employed pursuant to the provisions of section
 15 279.20 and the provisions of sections 279.23, 279.24

16 and 279.25. The salary range for an area education-
 17 agency administrator shall be from seventeen thousand
 18 dollars to twenty-seven thousand five hundred dollars
 19 per annum, including additional benefits, over and
 20 above the additional benefits given all full-time
 21 employees. The provisions of section 279.13 shall
 22 apply to the area education agency board and to all
 23 teachers employed by the area education agency. The
 24 provisions of sections 279.23, 279.24 and 279.25 shall
 25 apply to the area education board and to all
 26 administrators employed by the area education agency.”
 27 2. Amend the title, line 1, by striking the word
 28 “increasing” and inserting in lieu thereof the words
 29 “relating to”.
 30 3. Amend the title, line 3, by striking the words
 31 “and treasurer of state” and inserting in lieu thereof
 32 the words “, treasurer of state, and area education
 33 agency administrators”.

THOMPSON of Polk

H-4361

1 Amend amendment H-4357 to Senate File 214
 2 as follows:
 3 1. Page 1, by inserting after line 46, the
 4 following:
 5 “ . Page 7, by inserting after line 26,
 6 the following:
 7 “Sec. . Funds generated by a school district
 8 for special education instructional programs under
 9 the special education weighting plan established in
 10 section two hundred eighty-one point nine (281.9)
 11 of the Code for the school year beginning July 1,
 12 1975 which were not encumbered during the school year
 13 beginning July 1, 1975 shall not be expended for any
 14 purpose by that school district during the school
 15 years beginning July 1, 1976 and July 1, 1977.
 16 Funds generated by a school district for special
 17 education instructional programs under the special
 18 education weighting plan established in section two
 19 hundred eighty-one point nine (281.9) of the Code
 20 for the school year beginning July 1, 1976 which were
 22 not encumbered during the school year beginning July
 23 1, 1976 shall not be expended for any purpose by that
 24 school district during the school year beginning July
 25 1, 1977.
 26 The amounts unencumbered for each school district
 27 for each school year shall be recorded by the

28 department of public instruction and a report of the
29 amount unencumbered for each school district for each
30 school year shall be made to the appropriate committees
31 of the house and senate."

32 2. By renumbering and correcting internal
33 references as necessary.

PATCHETT of Johnson

SUPPLEMENT TO THE HOUSE JOURNAL

RESOLUTIONS AND BILLS APPROVED, VETOED OR ITEM
VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills and resolutions passed by the 1977 Regular Session of the Sixty-seventh General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 57— To revise the statutes governing Iowa state industries, to establish a state prison industries advisory board, and to authorize the director of the division of adult corrections to lease facilities on the grounds of any state adult correctional institution to a private corporation for the purpose of operating a venture employing inmates of that institution, and requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids. Approved July 8, 1977.
- H.F. 60— To amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV. Approved June 30, 1977.
- H.F. 64— Providing for flexible full-time employment for state employees. Disapproved July 13, 1977. See Governor's veto message.
- H.F. 70— Repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years. Approved June 30, 1977.
- H.F. 74— To provide program activities for residents of county care facilities. Approved June 30, 1977.
- H.F. 75— Providing for the promulgation of energy efficiency standards for buildings and factory-built structures in the state building code. Approved June 23, 1977.
- H.F. 85— Relating to the number of times a person may change his or her name. Approved July 7, 1977.
- H.F. 158— Relating to the storage and transportation of flammable and combustible liquids. Approved July 7, 1977.
- H.F. 163— Relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school. Approved July 13, 1977.
- H.F. 210— To provide for the development of a state land preservation policy. Approved June 30, 1977.

- H.F. 249— Relating to interstate motor vehicle permits, providing for permanent and single trip interstate permits and revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders. Approved June 30, 1977.
- H.F. 251— Relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws. Approved July 13, 1977.
- H.F. 267— Relating to the investment of certain funds in the custody of the clerk of the district court. Approved June 30, 1977.
- H.F. 279— Relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties. Approved July 7, 1977.
- H.F. 287— Relating to child custody in dissolution of marriage cases. Approved June 29, 1977.
- H.F. 305— Relating to legalizing the sale of real estate by school districts. Approved June 30, 1977.
- H.F. 327— Making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense. Approved July 10, 1977 with the exception of Section 4, subsections 5 and 7. See Governor's item veto message.
- H.F. 332— Relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, providing a temporary delay in the phaseout of personal property taxes, making changes in the procedures for assessment and valuation of certain taxable property, creating a legislative study committee to study the present tax structure, making appropriations, and making certain provisions of this act retroactive. Approved July 12, 1977.
- H.F. 338— To provide that corporations organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code. Approved July 9, 1977.
- H.F. 354— To require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile,

analyze and annually report upon the data so submitted, and providing sanctions against violations. Approved July 13, 1977.

- H.F. 358— To amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral. Approved June 29, 1977.
- H.F. 385— To provide that urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive. Approved July 11, 1977.
- H.F. 406— Relating to the investment of police and fire retirement system funds. Approved July 9, 1977.
- H.F. 408— Relating to the improvement and maintenance plans of county conservation boards. Approved July 13, 1977.
- H.F. 421— Relating to the weighing of bulk commodities by hopper scale or belt conveyor. Approved July 7, 1977.
- H.F. 437— To permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions. Approved July 7, 1977.
- H.F. 444— Authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties. Approved June 23, 1977.
- H.F. 464— Relating to the administration and financing of current programs under the jurisdiction of the department of social services and to funding of capital improvement projects including capital improvement projects recommended by the advisory commission on corrections relief. Approved July 11, 1977, with the exception of Section 13, subsection 1; Section 17 and Section 25, subsection 2. See Governor's item veto message.
- H.F. 490— Relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty. Approved July 7, 1977.
- H.F. 536— To change the title of the low-rent housing law chapter of the Code to the municipal housing law. Approved June 24, 1977.
- H.F. 546— Relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs. Approved July 11, 1977.
- H.F. 558— To make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members. Approved June 29, 1977.

- H.F. 569— Providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities. Approved July 7, 1977.
- H.F. 573— Appropriating funds to Iowa state university of science and technology for coal research and to the energy policy council for energy research and development. Approved June 29, 1977.
- H.F. 582— To permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and members of the general assembly, and making certain sections retroactive. Approved July 12, 1977.
- H.F. 584— Making appropriations to the department of general services and the executive council for capital improvements. Approved July 5, 1977.
- H.F. 594— Relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty. Approved July 10, 1977.
- H.F. 595— Relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program. Approved June 29, 1977.
- H.F. 597— To appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons. Approved July 10, 1977.
- H.F. 615— Appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board. Approved June 30, 1977.

- H.F. 622— Appropriating funds for capital projects at institutions under the control of the state board of regents and merged area schools. Approved July 6, 1977.
- S.J.R. 11— To authorize an interim study of the public retirement systems in this state and to make an appropriation. Approved July 8, 1977.
- S.F. 5— To provide for board of directors meetings of non-profit corporations by conference telephone or similar communications equipment. Approved June 29, 1977.
- S.F. 7— Relating to contract and bidding procedures for the repair or construction of county buildings. Disapproved July 10, 1977. See Governor's veto message.
- S.F. 31— To create a substance abuse rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of substance abusers. Disapproved July 13, 1977. See Governor's veto message.
- S.F. 42— Relating to county health centers. Approved June 30, 1977.
- S.F. 112— Relating to correction programs by providing work adjustment and training positions at the Riverview release center and requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, extending the work release program, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code. Approved July 10, 1977.
- S.F. 118— Declaring the multiflora rose to be a noxious weed. Approved July 12, 1977.
- S.F. 140— Relating to the taxation of corporations and financial institutions to provide for the allocation of certain corporate income to this state for corporate income tax purposes, to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, providing penalties, and making certain provisions of the Act retroactive. Approved June 17, 1977.
- S.F. 156— Appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development. Approved June 17, 1977.
- S.F. 162— Making an appropriation to the judicial department. Approved June 29, 1977.

- S.F. 163— Making appropriations to various executive and legislative departments and other councils and commissions. Approved June 29, 1977.
- S.F. 167— Relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, gold stars on county sheriff's patrol vehicles, the elimination of the requirement for completion of a driver education course to obtain a motorized bicycle license, changing the requirements of perfection of certain security interests, use of a social security number on motor vehicle license applications, special permits for rubbish collection vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, reregistration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four-year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, relating to the width and length of buses which may be operated on the highways of this state, the exemption of vehicles four tons or less from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations. Approved June 30, 1977.
- S.F. 185— Making appropriations to the department of justice. Approved June 29, 1977.
- S.F. 195— Increasing fees for permits to carry weapons. Approved July 8, 1977.
- S.F. 197— Relating to and appropriating funds to various regulatory and finance agencies and departments. Approved June 30, 1977.
- S.F. 213— Increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and

treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates. Approved June 30, 1977.

- S.F. 214— Relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state. Approved July 9, 1977.
- S.F. 233— Making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards. Approved June 29, 1977.
- S.F. 234— Making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners. Approved June 29, 1977.
- S.F. 238— Relating to business corporations. Approved July 5, 1977.
- S.F. 239— Relating to nonprofit corporations. Approved July 5, 1977.
- S.F. 251— Amending the criminal code revision to allow museums to possess offensive weapons solely as relics. Approved June 30, 1977.
- S.F. 259— Permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty. Approved July 13, 1977.
- S.F. 267— Establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board. Approved June 30, 1977.
- S.F. 280— Relating to the disposition of a decedent's property. Approved July 9, 1977.
- S.F. 289— To propose changes in the rules of criminal procedure. Approved July 10, 1977.
- S.F. 290— Relating to the sale of beer on Sunday. Approved July 12, 1977.
- S.F. 297— Relating to fraudulent practices and appropriating funds for the enforcement of aid to dependent children, medical assistance, and supplemental assistance laws. Approved July 10, 1977.
- S.F. 299— Making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds. Approved June 30, 1977.

- S.F. 301— Making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents. Approved June 29, 1977.
- S.F. 302— Appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse. Approved June 30, 1977.
- S.F. 311— Relating to the authority of the state conservation commission to provide fire protection for its property. Approved July 11, 1977.
- S.F. 312— Requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license. Approved July 12, 1977.
- S.F. 318— Making technical changes of a corrective nature to the criminal code revision. Approved July 10, 1977.
- S.F. 319— Amending the criminal code revision so that a liaison officer shall preside over a probable cause hearing regarding violation of parole. Approved June 17, 1977.
- S.F. 329— Correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code. Approved June 17, 1977.
- S.F. 337— To provide a funding system for unemployment compensation benefits. Approved July 10, 1977.
- S.F. 344— Relating to and appropriating funds for capital improvements of the state fairgrounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, directing the opening of certain roads, providing for a study of the Missouri river, providing funds to the department of agriculture for purchasing or converting scale trucks, providing funds to assist with capital improvements of the Herbert Hoover birthplace foundation, and authorizing the payment of a special assessment. Approved July 13, 1977.
- S.F. 349— To clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision. Approved June 17, 1977.
- S.F. 351— Establishing a livestock health advisory council to advise the Iowa state university of science and technology college of

veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease. Approved June 23, 1977.

- S.F. 355— Changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit. Approved July 13, 1977.
- S.F. 362— To legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties. Approved June 30, 1977.
- S.F. 363— To make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the general assembly, to provide that consents to adoption obtained prior to January 1, 1977, shall be unaffected by the termination requirements which become effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights. Approved June 29, 1977.
- S.F. 371— Extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor. Approved June 29, 1977.
- S.F. 377— Relating to the development of air carrier service in the state by the state department of transportation. Approved July 12, 1977.
- S.F. 379— Relating to the platting of land. Approved July 13, 1977.
- S.F. 383— Relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive. Approved June 30, 1977.
- S.F. 390— Relating to the authority of public members of examining boards. Approved June 29, 1977.
- S.F. 393— Relating to the form of the ballot for public employee representation elections, voting requirement for such elections,

and the duration of collective bargaining agreements. Approved July 13, 1977.

- S.F. 394—Relating to the barrel tax rebate contained in chapter one hundred twenty-three (123) of the Code. Approved July 6, 1977.
- S.F. 395—Relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public. Approved July 13, 1977.
- S.F. 402—To legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977, and a certain transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken. Approved July 11, 1977.
- S.F. 408—To legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land. Approved June 29, 1977.
- S.F. 409—Appropriating funds to the office of the Code editor. Approved June 29, 1977.
- S.F. 414—To appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the Sixty-seventh General Assembly, 1977 Session. Approved July 11, 1977.
- S.C.R. 30—Authorizing the board of regents to issue \$15.5 million in revenue bonds for various utility projects at the three universities and approving the ten-year building plan of the board of regents at the three universities. Approved June 29, 1977.

GOVERNOR'S VETO MESSAGES

July 10, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby enclose Senate File 7, an Act relating to contract and bidding procedures for the repair or construction of county buildings which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

The purpose of this bill appears to be to grant counties an exemption from bidding requirements when emergencies or very minor repairs are necessary for county buildings.

I agree that there should be provisions for an exception to bidding procedures in cases of emergency. When repairs are urgently necessary to prevent further damage to a building and which reasonably cannot be delayed to comply with either formal or informal bidding procedures, county governments should be given the flexibility to move swiftly.

Unfortunately in writing Senate File 7, the legislature struck current language which requires counties to accept the lowest responsible bid. The purpose of public bidding is to ensure that contracts are let for the lowest responsible price. To delete this requirement abrogates the intent of bidding.

I would accept similar legislation next year if it maintained the current requirement for accepting the lowest responsible bid. I would also support enthusiastically an effort to bring all local governments under a uniform bidding procedure as I have proposed during the past several years. Such a uniform bidding procedure could assure open and honest bidding and provide for emergencies that confront local governments.

For the reasons I have outlined above, I hereby respectfully disapprove of Senate File 7.

Sincerely,
ROBERT D. RAY
Governor

July 13, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

Senate File 31, an Act to create a substance abuse rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of substance abusers, is hereby disapproved and in accordance with Article III, Section 16, Constitution of the State of Iowa, is hereby transmitted to the Secretary of State.

Senate File 31 imposes new liquor taxes on Iowans. While one can understand the motives behind the bill, the consequences of the liquor tax hikes warrant my veto.

Senate File 31 creates a "substance abuse rehabilitation and prevention fund" which is to be supported by revenues derived from an across-the-board tax increase of two percent on the purchase of alcoholic beverages and new taxes on beer of \$1.00 per barrel. The revenue from the new taxes would be *earmarked* exclusively for the rehabilitation and treatment of alcoholics and drug abusers, with one-half of the revenue to be remitted to counties on a per capita basis and the remaining funds to be made available to the new State Department of Substance Abuse. In addition, Senate File 31 repeals the 15 percent surtax liquor licensees currently pay on purchases of liquor at state stores and directs the Beer and Liquor Control Department to increase prices on all purchases to make up for the lost revenue.

The deficiencies in the present funding system for local alcoholism programs have moved county governments to press for major changes. Insufficient budget and program controls over local alcoholism programs have left the state and its counties with the responsibility of financing the programs regardless of how costly or ineffective they are. When state funding has proved to be inadequate, counties have sometimes chosen to pay more than their intended 25 percent share.

House File 594, which merges the alcoholism and drug abuse treatment programs on a statewide basis, should help to alleviate some of this problem. That bill imposes much stricter financial and program controls and review procedures over local treatment programs. Funds can be withheld from programs which do not meet licensing standards or provide unnecessary, duplicative or overlapping services.

In addition to the merger bill, county governments worked successfully for the passage of Senate File 31 and its provision for an earmarked liquor tax increase to finance treatment programs.

I have long believed that for most purposes earmarking tax funds for a specific use is poor public policy. When a government program is financed from earmarked revenues, it is removed from the regular budget process. It becomes shielded from the essential scrutiny the executive and legislative branches employ to ensure that public funds are spent in the most productive

and cost-efficient manner. Since the earmarked funding source is assured year in and year out, the recipient program has a tendency to become less responsive to the elected representatives of the people. The audit reports on local alcoholism programs from the past several years indicate that this appropriation warrants careful review.

Senate File 31 provides no reversion clause for the funds which will be distributed to the counties from the earmarked tax receipts. Since the money can only be used for treatment and rehabilitation expenses, it can be assumed that existing programs will expand to sop up the extra funds made available by the bill. Thus we will experience one of the pitfalls of earmarking, that of program activity in some cases being determined not by the public need for it but by the availability of funds.

In the case of alcoholism programs, some experts express a special concern about earmarking. The Funding Task Force of the North American Congress on Alcohol and Drug Problems reported that earmarking taxes for alcoholism effectively removes the illness from the general health area and establishes it in the public mind as a condition that is somehow different than other health problems. They believe that alcoholism is a multi-faceted disease which is the responsibility of society in general to provide treatment programs for alcoholics.

I appreciate the present difficulties counties experience in funding alcoholism treatment programs. We must work to develop a better financing method. Nonetheless, I cannot support the funding approach contained in Senate File 31. When I first became Governor, we instituted and funded an alcoholism program that didn't exist before. I continue to support responsible and adequate treatment programs for those who suffer from the disease of alcoholism.

The earmarking alone will raise \$4.4 million to defray the counties and state's cost of the treatment of individuals. Little planning has been incorporated into the state or county budgets on how these new monies will be used during FY 78, the year in which the funds would first become available. The impact of the lack of planning is compounded by Blue Cross/Blue Shield's decision to select Iowa as a pilot state where they will pay the total cost of an individual's treatment, relieving government of that obligation. At the same time, other factors, such as pending federal legislation and regulations, may have additional impact on alcoholism funding. We should not launch a major funding program when the agencies involved haven't even planned for the use of those funds.

The merger of the funding provisions for alcoholism and drug abuse treatment programs contained in House File 594 will mark a departure from the present financing system. Counties will be responsible for the first time to pay 25 percent of the cost of drug abuse programs in addition to alcoholism treatment programs. Before this new funding mechanism becomes effective—which I intend to delay by Executive Order—state and county

governments should work cooperatively to determine what is the most appropriate funding method to sufficiently and equitably finance treatment programs. We should move promptly during this interim so that a precise recommendation can be made in time for consideration by the 1978 session of the legislature.

During the legislative session, I repeatedly voiced my opposition to the earmarking of liquor funds. I hope no one will now be surprised to learn that I meant it.

Originally the earmarked liquor tax increase was the only tax increase contained in Senate File 31. However, in the waning moments of the legislative session a provision was added which will increase the retail price of liquor by approximately five percent. This additional increase is necessitated to replace the loss of revenue caused by the legislature's repeal of the 15 percent markup liquor licensees pay for the purchase of their liquor.

The 15 percent surtax originated as a replacement for the 10 percent sales tax liquor licensees were required to collect when liquor by the drink first became legal in Iowa in 1963.

The obvious impact of the repeal of the 15 percent markup will be to lower the price of liquor for a few—the liquor licensees—and to increase the price of liquor for all purchasers. The five percent increase in price comes on the heels of the two percent earmarked tax and an earlier five percent increase in price. There is no indication that liquor licensees would necessarily pass their savings from the repeal of the 15 percent surtax on to their customers.

Senate File 31 does not coordinate the timing of the repeal of the surtax and the general price increase. The repeal is to take effect immediately, while the Beer and Liquor Control Department is directed to increase prices not until January 1, 1978. During this interim the state might have to do without the revenues from either the 15 percent surtax or the general price increase. That would cause a loss of up to \$3 million in the general fund.

Because they buy in volume, liquor licensees believe they should not be subject to higher prices than the general public must pay for liquor. Especially in border areas, the pricing differential has led to enforcement problems as some licensees attempt to evade the higher prices. Liquor licensees should keep in mind that liquor prices in Iowa are marked up less than the national average for control states. If liquor licensees want to pursue the effort to repeal the 15 percent surtax, it can be debated before the legislature under the bright lights of public visibility.

For the above reasons, I hereby veto all the provisions of Senate File 31.

Sincerely,
ROBERT D. RAY
Governor

July 13, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby enclose House File 64, an Act relating to flexible full-time employment for state employees which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

House File 64 directs state agencies to make available up to 10 percent of the positions in each class of employment for flexible full-time employment. It defines flexible full-time employment as "full-time employment of at least forty hours a week where the employee works either a compressed work week or a flexible time schedule . . ."

In a spirit that is unbecoming the concept, House File 64 moves to implement flex time for state employees in an inflexible and arbitrary manner. The intent of the bill's authors was to provide flex time opportunities for employees wherever possible if it were appropriate. To accomplish this end, the bill requires that positions in each class of employment in every agency shall be made available for flex time. It does not state that the use of flex time should provide for improved service to the public or greater efficiencies for the agencies. In fact, the only waiver that can be granted from the minimum requirement is if the Merit Commission Director determines that "compliance would be substantially disruptive of the ability of the agencies to discharge its duties."

As in private business, flex time lends itself better to some government operations than to others. Whereas a particular agency or department might be able to place more than one-half of its staff on flex time, another agency, because of its size or nature of its business, might be able to provide very limited opportunities for flex time. Management prerogatives should be maintained so flex time can be adopted in the most productive manner for not only employees but also state government and the public as well.

The concept of flex time has merit. In addition to providing flexibility and convenience to employees, it can provide improved service to the public by keeping offices open longer and enabling agencies to achieve greater efficiency in utilization of staff.

State government is no newcomer to flex time for several state agencies have already experimented with this concept. The Geological Survey and the Department of Job Service had mixed success with the results of their experiments with flex time. Additional agencies are planning to adopt the use of flex time at this time and intend to implement it on an orderly and

systematic basis.

We should determine in what manner flex time can best be utilized in state government. Rather than implement it arbitrarily, good management principles dictate that we should approach it in a logical manner. We find there are other methods more compatible with this approach than House File 64. Therefore, I have decided to veto this bill.

At the same time, I am issuing an Executive Order requiring each agency of the Executive Branch of government to submit to me by September 15, 1977, a plan outlining the use of flex time for the department and a schedule for the implementation of flex time for its employees within the following six months. Lest this action be underestimated, the impact of the Executive Order will be substantially greater than had we relied on House File 64. As an example, the Department of Transportation is moving today to initiate flex time opportunities for the 1,000 of its employees who work at the Ames headquarters. This alone is almost three times more than the bill sets as a minimum to be achieved as of July 1, 1978. I am enclosing a copy of my Executive Order.

Those who support House File 64 should recognize that despite the veto of the bill, the action I have taken today will insure far greater opportunities for flex time.

Sincerely,
ROBERT D. RAY
Governor

STATE OF IOWA
Executive Department

In the Name and by the Authority of the State of Iowa

EXECUTIVE ORDER NUMBER 25

- WHEREAS,** Iowa State Government has endeavored to establish progressive and innovative programs to provide more efficient service for its citizens and improved working conditions for its employees; and
- WHEREAS,** in this effort the State has experimented with flexible time, a concept which departs from the traditional five days per week and eight hours per day job schedule to provide employees with alternative work schedules; and,
- WHEREAS,** the Iowa Legislature expressed its interest in greater utilization of flex time for state employees by passing House File 64; and,

WHEREAS, House File 64 is a mandatory and arbitrary approach to the implementation of flexible time; it sets quotas whether achievable or not; it is not in all cases workable nor does it necessarily make the best use of the potential of employees; and,

WHEREAS, state government is no newcomer to this concept for several state agencies have already experimented with flex time and other agencies have initiated plans to adopt the use of flex time, and will implement them on an orderly and systematic basis; and,

WHEREAS, each state agency should review carefully flex time to determine how it can best be utilized;

NOW,

THEREFORE, I, Robert D. Ray, Governor of the State of Iowa, do hereby require each state agency in the Executive Branch of Iowa government to submit to me by September 15, 1977, a plan outlining the use of flex time for the department and a schedule for the implementation of flex time for its employees. The plan shall include the number of employees to be offered flex time and those who will be exempt; how the plan will benefit the agency's employees; a description of how flex time will achieve greater efficiencies for the agency as well as improved service to the public; any alternative suggestions for work arrangements in addition to flex time; and the specific time schedule for the implementation of an approved departmental flex time proposal.

An agency director, who, because of the size or nature of the business of the agency, believes that there might be valid reasons for not engaging in the use of flex time, shall submit an alternative report outlining those reasons and any alternative approaches as possible substitutes. Employees who are members of certified public bargaining units shall not be covered by flex time arrangements without the consent of their unions. Employees who are not subject to regularly scheduled work weeks throughout the year will be exempted from coverage as well as managerial and confidential employees.

Subsequent to the review of its submitted report, each agency, in consultation with the Merit Commission and the Comptroller's Office, shall proceed to implement its approved flex time schedule on an orderly basis within six months of September 15, 1977.

Seal

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 13th day of July in the year of our Lord one thousand nine hundred seventy-seven.

ROBERT D. RAY, Governor

Attest:

MELVIN D. SYNHORST
Secretary of State

GOVERNOR'S ITEM VETO MESSAGES

July 10, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit House File 327, an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

House File 327 is approved July 10, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Subsection 5 of Section 4 which reads as follows:

"5. It is the intent of the general assembly that the state participation in renting telecommunication terminals which are located in local criminal justice agencies be reduced from the current seventy-five-twenty-five percent state-to-local match, to a fifty-fifty percent state-local match effective July 1, 1977, and to a twenty-five-seventy-five state-to-local match effective July 1, 1978."

I am also unable to approve the item designated as Subsection 7 of Section 4 which reads as follows:

"7. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle

traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with 'on duty' members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws."

The first item lowers the current 75%-25% state-to-local match for the renting of TRACIS terminals to 50%-50% match effective July 1, 1977, and to 25%-75% match effective July 1, 1978. County and city law enforcement agencies which currently operate 80 of the telecommunication terminals pay \$100.00 a month in rental charges. The fee would increase to \$198.00 per month this year and \$297.00 next year under this item. The increase—a total of \$100,000—for local governments enabled the legislature to shave the same amount from our recommendations for the Department of Public Safety.

Local budgets for the next fiscal year were finalized long before this bill reached final passage. Assuming the match provision for TRACIS terminals would remain the same as it had for the previous five years, law enforcement officials had asked their governing boards for no increase in funds. The shift in the rental charges from the state to the local level comes too late for the local law enforcement agencies to adjust their budget askings. Now they will either have to squeeze funds from other programs or drop their TRACIS terminals altogether, as two agencies did in the past month.

At a time when the state is limiting the growth of property taxes, it is undesirable to shift costs to local governments, especially when they cannot adjust for the extra burden. While a case may be made for a different sharing of the TRACIS costs than presently exists, the legislature should not embark on such a course without adequate notice to and cooperation with local governments.

By item vetoing this provision, a greater financial responsibility is placed on the Department of Public Safety. I intend to ask for a deficiency appropriation at the beginning of the next session to cover the difference.

The second item, which is permissive in nature, provides that the Department of Public Safety may seek the cooperation of the Iowa National Guard to enforce traffic control and safety laws at large public gatherings which may require additional enforcement facilities.

The Department of Public Safety is not anxious for this authority. In asking for an item veto of the provision, the Commissioner noted that there is an on-going excellent working relationship between the Department and the Guard in response to various natural and man-made disasters. The authority of the Governor to call out the Guard at any time makes the provision unnecessary.

The item was offered with understandable motives. Its author saw it as a means to promote the Guard before large groups and encourage training in crowd control. I share his belief that we need to encourage recruitment in the Iowa National Guard. However, there are better ways to accomplish increased recruitment than this provision.

We should retain the present system for calling out the National Guard. People enter the Guard with the understanding they won't be called away from their jobs and homes for just any reason. It would be unwise to diffuse the authority to call out the Guard.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 327 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

July 11, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit House File 464, an Act relating to the administration and financing of current programs under the jurisdiction of the Department of Social Services and to funding of capital improvement projects including capital improvement projects recommended by the Advisory Commission on Corrections Relief.

House File 464 is approved July 11, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 1 of Section 13 which reads as follows:

"1. It is the intent of the general assembly that the activities and services provided by the department of social services at the Riverview release center at Newton shall be phased out during the 1977-1978 fiscal year. The budget for the work release halfway houses funded through the Riverview release center shall not be reduced and shall be transferred to community based corrections for administrative purposes at such time as is appropriate. However, the physical structure and fixtures of the Riverview release center shall not be altered except for normal

repair and maintenance until such time as the general assembly shall otherwise provide."

I am unable to approve the item designated in the Act as Section 17 which reads as follows:

"Sec. 17. The department of health shall delay implementation of the department of health licensure rules for intermediate care facilities as published in the Iowa Administrative Code 'Health (470) chapter 58'. The department, upon consultation with the health facilities advisory committee, shall review these rules which exceed the federal Title XIX guidelines for intermediate care facilities. All such modified rules approved by the department of health shall be resubmitted to the administrative rules review committee. The department of health may promulgate rules in areas not addressed by federal regulations."

I am unable to approve the item designated in the Act as Subsection 2 of Section 25 which reads as follows:

"2. Notwithstanding the provisions of chapter one thousand forty-three (1043) of the Acts of the Sixty-sixth General Assembly, 1976 Session, funds appropriated by section one (1), subsection four (4) of such chapter remaining unexpended on the effective date of this Act shall be used for the conversion of the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to a minimum security facility. The conversion shall provide for making necessary repairs and separating the upper floor of this minimum security dormitory into rooms."

Section 13, Subsection 1 requires the Department of Social Services to phase out the operations of the Riverview Release Center at Newton during FY 78. The Advisory Commission on Corrections Relief recommended that the center as a prerelease facility be phased out in the belief that the traditional way station between prison and community has become less necessary with the establishment of our community corrections program.

However, subsequent to the offering of the proposal to phase out Riverview, the legislature also added a provision to Senate File 112, the community corrections bill, calling for the creation of an inmate employment program at Riverview which would be consistent with the Commission's advice on training. Through a cooperative arrangement between the Departments of Transportation and Social Services, men and women inmates will be trained by Transportation, become employees of the Department for no more than one year, and then move from there to other employment in private industry.

We favor more vocational training and job opportunities for inmates so they will be more adequately prepared to reenter society. If the inmate employment program at Newton is to be the success hoped for, it must be allowed to operate under favorable conditions. Under the phase out provision of this bill, the Riverview administrators would be hard pressed to know whether to proceed full speed ahead on the employment program or hold back in preparation for the shutdown mandated at the end of the year. We believe that this employment program should be supported and in order to do that Riverview should not be phased out at this time.

The major thrust of Riverview during FY 78 will be the inmate employment program. Three quarters of the population of the institution will be participating in the job training endeavor. A report on the initial operation of the program is to be submitted by February, 1978. If at that time the legislature decides to phase out Riverview, they will have ample time to affect the appropriation for FY 79. That action need not be forced now.

Section 17 requires the Department of Health to delay implementation of its revised health licensure rules for intermediate care facilities and in consultation with the Health Facilities Advisory Committee to determine if any exceed federal guidelines. Any rules modified under this review shall be submitted to the Administrative Rules Review Committee.

The Department of Health and the Health Facilities Advisory Committee completed a review and revision of the Department's licensure rules in December, 1976, after a two-year process. These new rules have been in operation since that time. A delay in implementation would leave the Department with no valid licensure rules for an indefinite period.

It was the consensus opinion of that group that these revised rules were efficient, workable, reasonable, and well-thought out. Mr. Larry Breeding, Executive Vice President of the Health Facilities Association of Iowa, wrote to me in December, saying:

"I do not believe I have ever seen a more hardworking, efficient, and industrious a group . . . The spirit of cooperation that existed between all facets of the committee was exemplary . . . I believe the work of this committee exemplified democracy at work (in reaching) reasonable and rational conclusions without a feeling of oppression."

Agreement still exists that the rules are exemplary and that they adequately set forth minimum requirements for intermediate care facilities. A point of contention has arisen, however, over the cost impact of the new rules. Such a cost impact statement was not included in the work of the Health Facilities Advisory Committee. There seems to be some fear that implementation of the new rules will result in costs that will strain the resources of the nursing homes.

At my request the Department of Health has conducted a rule-by-rule financial survey with the following summary results:

1. Requirements for construction will likely result in a net reduction in cost from the previous rules.
2. In the area of staffing requirements, particularly nursing care which has been of major concern, this survey indicates that any increase in the cost of licensed nursing care will be more than counter-balanced by a decrease in the requirement for nursing aide care, resulting in an overall decrease in the cost of minimum nursing care standards.

Section 17 does not address the pertinent issue—that of cost impact—but rather the adequacy of the rules as minimum standards. Further review of these licensure rules in terms of their fitness as minimum standards could be a costly and repetitive exercise. It also seems that the cost impact of the new rules will probably reduce the cost of minimum acceptable standards in each facility. The cost problems generated by the placement of patients requiring skilled care in intermediate care facilities is of concern also, and will be reviewed by the Department.

Nursing homes are not immune to increased costs as they provide quality care to their patients, but I do not presently see reduction of minimum care standards as one of the alternative solutions to that problem.

Further, a delay in implementation in the new rules will prevent the Department of Health from using the fining and citation powers granted last December and will allow inadequate and poor quality care, which was scheduled to be dealt with under this process, to continue for an indefinite period.

I believe it would be better not to halt the new rules but to monitor them carefully with an eye toward modification any time cost savings could be implemented without jeopardizing minimum standards of care.

For these reasons, I thereby do not approve Section 17.

Section 25, Subsection 2 requires the conversion of the outside dormitory at Fort Madison to rooms for minimum security at a cost of approximately \$235,000. This increase would come at a time when the eligible population is decreasing due to wider use of probation, community-based corrections and work release programs. Currently, more than half the population at Fort Madison is serving sentences for crimes of violence, and one-third is serving sentences of more than twenty years. Both the percentage of the population committing violent crimes and the number of acts of violence by each individual have increased significantly in the last five years.

As of July 9, 1977, the Warden's office reported there were 864 men being housed at Fort Madison. One hundred fifteen of these were in minimum

security, with an average six-month stay. These men generally move on to discharge, parole, work release, or through some violation of rules, including escape, are sent back inside the penitentiary. Thus, approximately 200-260 men are moved into minimum security during a year's time.

An examination of the files of the men at the penitentiary indicates that 206 are eligible for minimum security, meeting at least the following criteria:

1. No life sentence.
2. No sentence for violent offense or exhibition of violent behavior while incarcerated.
3. No escape history within one year of review.
4. No report greater than a reprimand in the past two months.
5. No loss of good time or removal from honor roll in last six months.

These minimum standards were established in April, 1977, and are considerably more lenient than earlier criteria. A summary of file information of the 206 who could possibly be eligible indicates that 115 are already in minimum security, leaving 91, of whom another 50 are not currently being considered for the following reasons:

1. New men in orientation.
2. In protective custody.
3. Medical problems requiring daily care.
4. Mental problems.
5. Escape histories.
6. Don't want minimum security.
7. Too elderly.

This leaves 41 eligible for consideration. At current turnover rates, these men, if they are approved during review, will be placed in minimum security within six months or less.

It seems, therefore, based on the current population that minimum security candidates are being placed expeditiously and that a sufficient roster of available candidates would not be found to fill another facility and keep it filled. In addition, the escape rate from minimum security has increased since the opening of the farm dorms, thus increasing security risks.

Finally, the conversion of the outside dormitory to minimum security poses three other problems:

1. There will be a significant increase in staffing costs for security, counselors, and cooks for the new facility, since separate services will have to be provided.
2. The proximity of this building to the main compound increases significantly the danger of contraband passing between the inmates outside the walls and those inside.
3. Other facilities will have to be found for part of the vocational training program now housed there.

I am, therefore, unable to approve the use of this appropriation contained in Section 25, Subsection 2.

I do, however, feel that the dormitory, being a building less than 15 years old and in good condition, should be fully utilized and am directing the Department of Social Services to plan for its appropriate use considering some of the following alternatives:

1. Housing for correctional officers recruited from outside the local area.
2. Expansion of vocational programs.
3. Division of open spaces into classroom units.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 464 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE

July 20, 1977

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 140, was published in The Marion Sentinel, Marion, Iowa on June 30, 1977, and in the Farmer-Labor Press, Council Bluffs, Iowa on June 23, 1977.

I further certify that Senate File 288, was published in The Hartley

Sentinel, Hartley, Iowa on May 19, 1977, and in The Paullina Times, Paullina, Iowa on May 19, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 22, 1977

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 622, was published in The Laurens Sun, Laurens, Iowa on July 14, 1977, and in The Aurelia Sentinel, Aurelia, Iowa on July 13, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 27, 1977

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 444, was published in The Sioux City Journal, Sioux City, Iowa on June 28, 1977, and in the Tama News-Herald, Tama, Iowa on June 30, 1977.

I further certify that House File 582, was published in the Muscatine Journal, Muscatine, Iowa on July 19, 1977, and in the Iowa City Press-Citizen, Iowa City, Iowa on July 21, 1977.

I further certify that Senate File 402, was published in the Union-Republican, Albia, Iowa on July 14, 1977, and in The Independent, Hawarden, Iowa on July 21, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

August 9, 1977

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 332, was published in the West Des Moines Express, West Des Moines, Iowa on July 28, 1977, and in the Marengo Pioneer—Republican, Marengo, Iowa on July 21, 1977.

I further certify that House File 558, was published in the Quad—City Times, Davenport, Iowa on July 6, 1977, and in The Sioux City Journal, Sioux City, Iowa on July 9, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

IN MEMORIAM

House

Memorials adopted by the House of Representatives, 1977 Regular Session of the Sixty-seventh General Assembly, commemorating the life, character, and public service of former members of the House of Representatives who had departed this life since the last regular session of the General Assembly.

CHARLES BURTCH July 2, 1893—November 21, 1972

MATTIE HARPER December 15, 1923—April 22, 1977

HARVEY JOHNSON January 22, 1904—November 13, 1976

JOHN C. MENDENHALL January 20, 1904—October 18, 1976

EDWARD J. MORRISSEY June 4, 1888—October 14, 1976

CONRAD OSSIAN March 27, 1900—June 6, 1976

RICHARD M. RADL August 27, 1911—February 24, 1977

JOHN SPEIDEL January 6, 1889—February 25, 1977

CHARLES BURTCH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Charles Burtch, begs leave to submit the following memorial:

Charles Burtch was born in Osage, Iowa, July 2, 1893, the son of Adoniram Judson and Adelia Robertson Burtch.

He graduated from Osage High School in Osage, Iowa in 1912, was a veteran of World War I, taught in a rural school and engaged in farming.

Mr. Burtch married Ruth Forward on December 22, 1923. To this union were born three daughters: Dorothy, Barbara and Elizabeth.

He was a member of the Mitchell County Farm Bureau, was a charter member of the Mitchell County Historical Society, Masonic Order and was a lifelong member of the Baptist Church.

Mr. Burtch, a Republican, was a member of the Fifty-fifth, Fifty-sixth, Fifty-seventh and Fifty-eighth General Assemblies, representing Mitchell County. He passed away November 21, 1972, and is survived by his wife, Ruth, and daughters Mrs. C. R. (Dorothy) Anderson, Lake Havasu City, Arizona; Mrs. James (Beth) Lothringer, LaMesa, California and Mrs. John (Barbara) Oxenford, Castle Rock, Colorado and his sister, Mrs. Mary Hudson, Osage, Iowa.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the late Honorable Charles Burtch, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

ROLLIN K. HOWELL
WILLIAM B. GRIFFEE
LOWELL E. NORLAND

Committee

MATTIE HARPER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution

commemorating the life, character and public service of the late Honorable Mattie Harper, begs leave to submit the following memorial:

Mattie Harper was born in Mississippi, December 15, 1923, the daughter of Oscar and Jewel Mills.

She attended schools in Jackson, Mississippi and Mobile, Alabama. She received her A. A. degree from Copiah Lincoln Junior College and attended Mississippi State University.

She married Deverre Harper of West Grove, Iowa in 1946. To this union was born a son, Rick Clay.

Mrs. Harper was an active member of the National Order of Women Legislators, member of the West Grove United Methodist Church, American Legion Auxiliary, Eagles Auxiliary and the Elks Club.

She served as a member of the Girls State staff for twenty-three years and as Director for the past thirteen years. The young women of Iowa who have had the opportunity to participate in this program greatly appreciate the time and energy she consistently gave to the program.

Prior to, and during her term in office, she was a working partner in the family's agribusiness.

Mrs. Harper, a Democrat, was a member of the Sixty-fifth, Sixty-sixth and Sixty-seventh General Assemblies representing Appanoose, Davis and Wapello Counties until her death on April 22, 1977. She is survived by her husband, Deverre; son, Rick and mother Jewel Mills.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the late Honorable Mattie Harper, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of her service, and tender its sympathy to the members of her family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JOHN B. BRUNOW
CHARLES N. PONCY
OPAL L. MILLER
DALE M. COCHRAN
CARL V. NIELSEN
FLOYD H. MILLEN
DELWYN STROMER

Committee

HARVEY W. JOHNSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Harvey W. Johnson, begs leave to submit the following memorial:

Harvey W. Johnson was born in Audubon County, Iowa, January 22, 1904, the son of Lawrence W. and Mary Esbeck Johnson.

He attended the Elk Horn Public School and married Beulah Larsen of Elk Horn in 1928. To this union were born two sons, Keith W. and Lynn W.

He was member of the Elk Horn Lutheran Church and was treasurer of the Cemetery Board at the time of his death. He was a member of the Audubon County Farm Bureau, serving as President and Voting Delegate and President of the Farm Service Company. He was a member of the American Hereford Association, served as President of the Southwest Hereford Association and as a Director of the Iowa Hereford Association. Mr. Johnson was a member of the Better Elk Horn Club, past President of the Elk Horn Danish Mutual Insurance Company and also past President of the Farmers Fire Protective Association.

He owned and farmed five hundred sixty acres in partnership with his sons and retired in 1970.

Mr. Johnson, a Republican, was a member of the Fifty-sixth, Fifty-eighth, Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third General Assemblies, representing Audubon and Guthrie Counties.

Mr. Johnson passed away November 13, 1976. He is survived by his wife, Beulah; two sons, Keith W. and Lynn W.; six grandchildren, one great-grandson and one brother, J. Clifford Johnson of Council Bluffs.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the late Honorable Harvey W. Johnson, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

ARLYN E. DANKER
WENDELL C. PELLETT
ERNEST W. GILSON

Committee

JOHN C. MENDENHALL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable John C. Mendenhall, begs leave to submit the following memorial:

John C. Mendenhall was born in Ponca, Nebraska, January 20, 1904, the son of Ivan and Lena Mendenhall.

He graduated from high school in 1922. He attended college in Sioux City, majoring in business and commercial law.

Mr. Mendenhall married Margareta Leyh, June 29, 1940. To this union were born two children, Phyllis and Milo.

He owned and operated building material and construction business from 1927 to 1967. Owned and operated concrete products plant from 1934 to 1967 and manufactured and built concrete stave silos from 1934 to 1967.

Mr. Mendenhall was a member of the United Methodist Church, Masonic Order, Historical Society, Farm Bureau, Northeast Iowa Tourism Council and County Civil Defense. He was town councilman twenty-two years, mayor fifteen years, a member of the advisory council to the local school board, church treasurer, finance committee chairman, member of official church board, trustee chairman, lay leader and certified lay speaker as well as past president of the New Albin Community Club and member of Ace Telephone Association Board.

Mr. Mendenhall, a Republican was a member of the Sixty-third, Sixty-fourth and Sixty-fifth General Assemblies, representing Allamakee, Clayton and Winneshiek Counties.

After serving three terms in the Legislature, Mr. Mendenhall served in his community as Director of New Albin Saving Bank, Board member of the New Albin Library, Advocate of Allamakee County, Chairman of Five Counties Commission on Aging and Chairman of Allamakee Commission on Aging.

Mr. Mendenhall passed away October 18, 1976. Surviving are his wife Margareta; a daughter, Mrs. Francis (Phyllis) Ward of Fort Wayne, Indiana; a son, Milo, of Indianola; three sisters, Mrs. Ethel Severance of Ponca, Mrs. Harold (Mina) Schulenberger of Sioux City and Fern Mendenhall of Ponca; two brothers, Lloyd of Ventura, California and Elbert of Kern City, California, and seven grandchildren.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the late Honorable John C. Mendenhall, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

ROGER A. HALVORSON
SEMOR C. TOFTE
TERRY DYRLAND

Committee

EDWARD J. MORRISSEY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Edward J. Morrissey, begs leave to submit the following memorial:

Edward J. Morrissey was born in Warren County, Iowa on June 4, 1888. He attended grade school in rural Iowa, and later graduated from high school in Minneapolis, Minnesota. He received his B. A. degree from LaSalle College, Minneapolis, and later attended Cornell University. He served in World War I with the 276th Air Squadron.

On February 25, 1919, Edward Morrissey married Catherine Gannon, who preceded him in death. To this union were born two sons and four daughters.

He was an active member of the Iowa Swine Association, the American Legion, and the Sacred Heart Church of Valeria, Iowa. He served as President of the Jasper County Farm Bureau, Chairman of the Board of the Productive Credit Association, and was active on the Jasper County Fair Board.

Mr. Morrissey, a Republican, was a member of the Forty-eighth, Forty-ninth, Fiftieth, Fifty-first and Fifty-second General Assemblies representing Jasper County. Thereafter, he served as State Finance Chairman for a number of years. He passed away October 14, 1976. He is survived by his two sons, Joseph E., Colfax, Iowa, and James, Placentia, California; four daughters, Mrs. John Abe (Margaret) Abelan, Minneapolis, Minnesota; Mrs. James (Bernice) Britt, Monterey Park, California; Ms. Alice Collins, Los Gatos, California and Mrs. John (Joann) James, Fullerton, California.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the late Honorable Edward J. Morrissey, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

ROBERT T. ANDERSON
WILLIAM W. DIELEMAN
JAMES C. WEST

Committee

CONRAD OSSIAN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Conrad Ossian, begs leave to submit the following memorial:

Conrad Ossian was born in Stanton, Iowa, March 27, 1900, the son of Emma C. and Albert G. Ossian.

He attended grade and high school at Stanton, Iowa and completed a business course at the Business College of Wahoo, Nebraska.

Mr. Ossian married Mabel F. Swanson on November 15, 1922, who preceded him in death on April 10, 1959. To this union two children were born, Donald E. and Crystal.

He was a life time member of the Mamerlund Lutheran Church of Stanton, Iowa, and was secretary for the building committee. He served for two terms as supervisor of Montgomery County, was past member and president of the Red Oak school board, member of the Rotary, Farm Bureau, Masons and Izaak Walton League. He was an ardent sportsman. He also owned and operated the Stanton Grocery and Produce for nineteen years and was a farm owner and operator.

Mr. Ossian, a Republican, was a member of the Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second and Sixty-third General Assemblies, representing Adams and Montgomery Counties. He led the fight on the floor of the House of Representatives to have the gold leaf placed on the dome of the capitol. One of his real interests was in associating with the members of the House and Senate.

Mr. Ossian passed away on June 6, 1976 and is survived by his son, Donald; daughter, Crystal; four grandchildren and one great-grandchild.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the late Honorable Conrad Ossian, the state has lost an honored citizen and a faithful

and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of the family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

HORACE DAGGETT
ELMER DEN HERDER
WILLIAM H. HARBOR

Committee

RICHARD M. RADL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Richard M. Radl, begs leave to submit the following memorial:

Richard M. Radl was born in Chicago, Illinois, August 27, 1911. He married Helen Bartlett. To this union was born a daughter and four sons.

Mr. Radl was owner and operator of the Illini Molded Plastics Company in Lisbon, Iowa. He has been active in the Cedar Rapids chapter of the American Society of Tool and Manufacturing Engineers, YMCA Toastmasters Club in Cedar Rapids, Waubeek Council of Boy Scouts of America and the Cedar Rapids Symphony Orchestra.

Mr. Radl, a Democrat was a member of the Sixty-first, Sixty-second, Sixty-third and Sixty-fourth General Assemblies, representing Linn County. He served on the House Judiciary, Iowa Development, Appropriations, and Environmental Control Committees. He also was a member of the Budget and Financial Control Committee.

In his terms, he established himself as an independent thinker and a frequent critic of professional educators and what he described as waste and mismanagement in Iowa's educational system.

Mr. Radl passed away on February 24, 1977, in Cedar Rapids, Iowa, survived by his wife, Helen, children and eight grandchildren.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa; That in the passing of the late Honorable Richard M. Radl, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

M. B. OXLEY
KEITH H. DUNTON
ARLO HULLINGER

Committee

JOHN SPEIDEL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable John Speidel, begs leave to submit the following memorial:

John Speidel was born in Milford, Ohio, January 6, 1889.

He attended public schools in Ohio, Henry County, Iowa, and finished his primary and secondary education in Oklahoma. He graduated in 1910 from Oklahoma State University, Stillwater, Oklahoma.

Mr. Speidel married Esther V. Leech of Corvallis, Oregon, in 1914, who preceded him in death in January, 1930. To this union were born three children, Ruth, Archer and Mark.

He was a member of the faculty of Oregon State College for three years. In Iowa he was an active member of the Farm Bureau and Kiwanis Club of Des Moines. In Redlands, California, he belonged to the Fortnightly Club—the oldest literary club in Southern California.

In 1914, Mr. Speidel, was a farmer and livestock feeder, first in Henry County, Iowa, and in 1917 in Washington County. He served as president of the Washington Township School Board.

Mr. Speidel, a Republican, served in the Forty-fifth and Forty-fifth Extra General Assemblies representing Washington County. Governor Herring appointed him to a committee to study and write a new tax law for Iowa.

Mr. Speidel passed away February 25, 1977. He is survived by his second wife, Frances; three children, a daughter, Mrs. Ruth Penn of Aurora, Colorado; two sons, Archer of Mainville, Ohio and Mark of Kaneohe, Hawaii.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the late Honorable John Speidel, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of her service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

HERBERT C. HINKHOUSE

KEITH H. DUNTON

BETTY A. HOFFMANN

Committee

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Resolution relating to, HCR 2—27 adopted

Delivered by Governor Robert D. Ray—89-103

BYERLY, RICHARD L.—Representative Polk County

Bills introduced—93, 191, 232, 272, 321, 374, 436, 455, 466, 483, 485,
499, 509, 513, 515, 533, 543, 547, 580

Amendments filed—541, 665-666, 679, 802, 842, 1104, 1183,
1199—1200, 1214, 1419, 1615-1616, 1843-1844, 1855, 1876, 1889,
1925-1926, 1937, 1974, 2373, 2406, 2462, 2492, 2508, 2599

Amendments offered—665, 802, 1456, 1855, 1876, 1889, 1974, 2374,
2462, 2599, 2667

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to House File 210—740

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Subcommittee assignments—47

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Senate File 214, H—33510—992

Lifted—

Senate File 214, H—33510—993

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Appointments to—2286

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- Of State Representatives—2, 3-5
- Of Representative-elect Ned Chiodo—2
- Of Representative-elect Nancy Shimanek—5
- Of Representative-elect Don Gettings—2697-2698

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- Committee on, appointed—15
- Resolution relating to, HR 1—15 adopted
- Compensation, resolution relating to, SCR 4—69-80, 83 adopted, 103, 116-117 adopted, 136-137 adopted

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- Elected David L. Wray, acting Chief Clerk—2
- Took oath of office—2
- Administered oath of office to the Temporary Speaker—2
- Elected David L. Wray, permanent Chief Clerk—12
- Acknowledgments—121, 138, 149
- Authorized to make correction in Journal—582
- Communications received and on file—39, 69, 119, 120-121, 138-149, 149, 191, 219, 268, 314, 321, 373, 387, 647, 718, 789, 822, 880, 971, 1013, 1068, 1089, 1287, 1334, 1446, 2404, 2686, 2687, 2703
- Petition, Robert N. Fredergill, redress of grievances—39
- Reports (enrolled bills)—609, 724, 1101, 1155, 1353, 1490, 1556, 1634, 2098, 2433
- Reports of committee meetings—167-171, 193-197, 202-204, 215-216, 221-225, 231-235, 245-249, 254, 260-263, 270-276, 293-298, 315-316, 322-323, 348-353, 359-363, 374, 384, 388, 402, 423, 457-460, 467-469, 492-497, 501-512, 531-533, 568-571, 583-585, 609-613, 619-623, 677-678, 719-722, 763-765, 792-793, 818-821, 840-842, 861-866, 882-889, 901-903, 938-939, 972-974, 1014-1016, 1040-1043, 1073-1077, 1101-1104, 1121-1124, 1151-1155, 1178-1183, 1213, 1243-1252, 1288-1294, 1308-1313, 1334-1336, 1393-1396, 1409-1416, 1490-1497, 1523-1525, 1557-1562, 1576-1586, 1611-1615, 1634-1640, 1675-1684, 1722, 1768-1775, 1799-1803, 1869, 1899, 1952-1953, 1982-1985, 2014-2019, 2100-2102, 2160-2165, 2248-2250, 2289-2290, 2353-2357, 2508, 2687-2690
- Resolutions relating to:
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 - House Concurrent Resolution 7—278, 311-313, 317, 324, 342, 343-344 adopted
 - House Resolution 2—15-16 adopted
 - House Resolution 20—1947, 1958 adopted
 - Senate Concurrent Resolution 4—69-80, 83-86 adopted, 103, 116-117 adopted, 136-137 adopted
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CHIODO, NED F.—Representative Polk County

Bills introduced—112, 175, 191, 284, 379, 557, 583
 Amendments filed—469, 525, 1156, 1183-1184, 1252, 1419, 1525, 1616,
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 Amendments offered—1272, 1274, 1784, 1972, 2117
 Certificate of election—2
 Committee appointments—12, 44, 45, 1365, 2451
 Resolutions offered—183, 2397
 Subcommittee assignments—46

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Appointed—44
 Bills introduced—476, 535, 536, 596, 624
 Amendments filed—402-403, 1612-1613, 1985
 Amendments offered—464, 1995
 Reports—169, 274-275, 294, 316, 333, 402-403, 425, 884, 1015,
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CLARK, BETTY JEAN—Representative Cerro Gordo County

Bills introduced—JR 12-112, 206, 241, 379, 426, 443, 485, 500, 557, 619
 Amendments filed—585, 1104, 1156, 1183-1184, 1253, 1344, 1432-1440,
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 Amendments offered—1344
 Committee appointments—12, 45, 46, 1365
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 noncontroversial sifting calendar—2217

Resolutions offered—183, 2684-2685
 Subcommittee assignments—47

CLARK, JOHN H.—Representative Lee-Henry Counties

Bills introduced—JR 12-71, 150, 175, 214, 286, 443, 466, 474, 500
 Amendments filed—613, 679, 867, 1078, 1104, 1294, 1640, 1843-1844,
 1905
 Amendments offered—1136, 1211
 Committee appointments—44, 46, 2027
 Reports—2158
 Request that his name be added as a sponsor of House File 71—237
 Request that House File 591 be removed from the 15 minute
 noncontroversial sifting calendar—2217
 Subcommittee assignments—47

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Appointed—44
 Bills introduced—179, 545, 609
 Amendments filed—1243-1244, 1244-1245, 1415
 Amendments offered—1784
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AND/OR COUNCILS—

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COMMITTEES, COMMISSIONS, BOARDS

AND/OR COUNCILS—

(See Communications, subheading Reports and/or individual headings)

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2596, 2698, 2699, 2699-2700

Reports—

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THE UNITED STATES—

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CONLON, WALTER—Representative Muscatine-Scott Counties

Bills introduced—132, 273, 285, 336, 466, 631

Amendments filed—483-484, 687, 766-767, 1497, 1525, 1616, 1686,
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Amendments offered—687, 1602, 1788, 1790, 1812, 1814, 2038, 2083

Amendments withdrawn—1790, 1793, 1806, 1817

Committee appointments—45, 46, 373

Reports—444

Resolutions offered—183, 2115

Subcommittee assignments—46

CONNORS, JOHN H.—Representative Polk County

Bills introduced—158, 189, 232, 261, 323, 379, 396, 406, 466, 484, 617,
618, 621

Amendments filed—670, 679, 1017, 1419, 1615, 1616, 1803, 1925-1926,

2042-2043, 2050, 2290, 2333, 2333-2334, 2373-2374, 2406-2407,
2443-2449, 2492, 2599

Amendments offered—464, 670, 1697, 1836, 2042, 2255, 2492, 2599

Amendments withdrawn—2462

Appointed to the Iowa Public Employees' Retirement System Advisory
Investment Board—384

Committee appointments—39, 44, 45, 2596

Petitions presented—824, 868, 1398, 2511

Received consent that Tom McDonnell and Dave Beard, Dept. of Job
Service be permitted in the House chamber during consideration of
House File 595—2028

Remarks by—7-8

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Request that his name be added as a sponsor of House Resolution
18—1393

Resolutions offered—183, 2381

Seconded the nomination of Dale M. Cochran for Speaker of the
House—7-8

Subcommittee assignments—46

Presented to the House foreign exchange student Urs Zahner of
Schaffhausen, Switzerland—806

Presented to the House Shari Thullen, honored guest of the House as a
result of the drawing at the 1976 State Fair—868

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Appointed—44

Bills introduced—JR 9-74, 176, 200, 212, 223, 252, 267, 326, 437, 538,
585, 586, 588, 599

Amendments filed—1410, 1411, 1558

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Reports—170, 216, 231-232, 262, 282-283, 320, 348, 375-377, 403-404,
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CRABB, FRANK—Representative Crawford-Harrison-Monona Counties

Bills introduced—48, 94, 112, 132, 175, 186, 240, 244, 273, 301, 307,
319, 323, 362, 379, 413, 425, 429, 441, 443, 462, 606, 619, 628

Amendments filed—613, 766, 773, 975, 1104, 1156, 1183, 1184, 1345,
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2585-2586

Amendments offered—1345, 1469, 1478, 1482, 1486, 1817, 1883, 1885

Amendments withdrawn—1347

Appointed to the Interstate Cooperation Commission—2286

Committee appointments—28, 43, 45, 160-161, 1365-1366, 2596

Petitions presented—437, 1354

Reports—1077-1078, 2635-2636

Resolutions offered—183, 228-229, 984

Subcommittee assignments—46

Presented to the House Vilma Delgado from Cucuta, Colombia—1254
 Presented to the House foreign exchange student Ligia Ricci from
 Guatemala City—1333

CRAWFORD, REID W.—Representative Boone-Polk-Story Counties

Bills introduced—JR 12-67, 138, 159, 167, 187, 348
 Amendments filed—84, 678, 679, 903-904, 975, 1078, 1156, 1253, 1403,
 1551-1553, 2406-2407, 2455, 2508, 2545-2557, 2557-2559
 Amendments offered—952, 1092, 1403, 1551
 Committee appointments—44, 45, 2066, 2699-2700
 Petitions presented—1048, 1186
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CUSACK, GREGORY D.—Representative Scott County

Bills introduced—JR 12-76, 163, 189, 206, 218, 222, 257, 262, 268, 285,
 357, 369, 373, 378, 379, 381, 391, 409, 419, 485, 487, 509, 523, 551,
 552, 553, 557, 563, 574, 602
 Amendments filed—657, 678, 771-772, 1078, 1104-1105, 1183, 1189,
 1497, 1516, 1520, 1904, 1914, 1932-1933, 1953, 2165-2166, 2251,
 2406-2407, 2443-2449
 Amendments offered—804-805, 815, 836, 1188, 1189, 1914, 1968, 2067,
 2612
 Amendments withdrawn—2595
 Announcement, appointment of Committee on Budget subcommittee on
 Claims—1675
 Appointed to the Interstate Cooperation Commission—2286
 Committee appointments—28, 43, 45, 46
 Petitions presented—1186, 1526-1527
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 Request that his name be added as a sponsor of House Files 218, 262,
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 381—817
 Resolutions offered—419, 2064, 2115, 2398-2399

**DAGGETT, HORACE— Representative Adams-Montgomery-Page-Ringgold-
 Taylor Counties**

Bills introduced—112, 132, 154, 171, 175, 241, 244, 273, 291, 320, 325,
 338, 363, 370, 377, 379, 384, 413, 443, 453, 485, 529, 556, 598, 612
 Amendments filed—460, 486, 613, 903-904, 961, 975, 1183, 1208-1209,
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 Amendments offered—961, 1321-1322, 1784, 2474
 Amendments withdrawn—2474

Committee appointments—2, 39, 44, 46, 342, 1373-1374
 Petitions presented—461, 470-471, 1048, 1955
 Reports—2-5
 Resolutions offered—183, 342, 984, 1956-1958, 2683-2684, 2684-2685
 Subcommittee assignments—47

DANKER, ARLYN E.—Representative Harrison-Pottawattamie-Shelby Counties

Bills introduced—48, 110, 112, 175, 180, 183, 208, 240, 241, 244, 273, 285, 352, 379, 384, 420, 429, 441, 443, 496, 517, 604, 612
 Amendments filed—579, 613, 766, 975, 1156, 1208-1209, 1353, 1616, 1687, 1843-1844, 1905, 1925-1926, 1937, 2061, 2250, 2291
 Amendments offered—997-999, 1751, 2371, 2532
 Amendments withdrawn—2371
 Committee appointments—43, 44, 443, 2027
 Petitions presented—199, 256, 437, 536, 649, 844, 891, 1186, 1355, 1955, 2697
 Resolutions offered—183, 442
 Subcommittee assignments—47

DAVITT, PHILIP A.—Representative Adair-Clarke-Dallas-Madison-Warren Counties

Bills introduced—112, 196, 285, 379, 443, 466, 557
 Amendments filed—520-521, 585, 1104, 1183, 1294, 1925-1926, 2019, 2251, 2358, 2359, 2671
 Amendments offered—520-521, 2146
 Amendments withdrawn—2147
 Committee appointments—13, 43, 46, 2066, 2698
 Petitions presented—1526-1527
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 Request his name be added as a sponsor of House Concurrent Resolution 12—2246
 Subcommittee assignments—46, 2107
 Presented to the House Helene Broussolle, a foreign exchange student from Paris, France—367

DEN HERDER, ELMER H.—Representative Lyon-Sioux Counties

Bills introduced—112, 153, 241, 275, 285, 290, 362, 413, 443
 Amendments filed—473-476, 640-641, 657, 658, 766-767, 1687, 1843-1844, 1905, 1925-1926, 2061, 2166
 Committee appointments—39, 43, 44, 46, 342, 2703
 Petitions presented—470, 1907-1908, 2021
 Resolutions offered—2064, 2398-2399
 Presented to the House foreign exchange students, Tuula Kiasner from Finland, Jan Tissiak from Holland and Holger Scheler from Germany—875

DIELEMAN, WM. W. "Bill"—Representative Jasper-Mahaska-Marion-Poweshiek Counties

Bills introduced—JR 5-112, 188, 227, 232, 256, 273, 285, 362, 379, 443, 500, 557, 583

Amendments filed—867, 1156, 1640, 1687, 1843-1844, 1892, 1904, 1932-1933, 1937, 1941-1942, 2251, 2291, 2358, 2359

Amendments offered—913-914, 915, 915-916

Amendments withdrawn—2141

Committee appointments—28, 44, 45, 46, 341-342

Petitions presented—978, 1107, 1725-1726, 1988

Request that his name be added as a sponsor of House File 188—402

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Subcommittee assignments—47

Presented to the House Miss Kathy Thies, Queen of the 1977 Pella Tulip Festival and her Court—1590

DOYLE, DONALD V.—Representative Woodbury County

Bills introduced—JR 10-1, 19, 63, 78, 85, 86, 112, 117, 119, 133, 158, 201, 232, 255, 256, 260, 273, 299, 315, 336, 362, 389, 407, 466, 484, 520, 529, 601, 606, 619

Amendments filed—657, 766-767, 822, 856, 889, 903-904, 1218-1219, 1252, 1432-1440, 1563, 1686, 1687, 1722, 1758-1759, 1759-1760, 1803, 1904, 2126-2128, 2406, 2455, 2585-2586

Amendments offered—555, 577, 657, 924, 1218, 1264, 1754, 1758, 1759, 1819, 1834, 1875, 2081, 2234, 2318

Amendments withdrawn—2081

Committee appointments—39, 44, 45, 46, 160-161, 2409, 2699-2700, 2700

Presided at sessions of the House—1694

Reports—2596-2597

Resolutions offered—183, 2398

Rulings made—1699

Subcommittee assignments—47

Presented to the House the Honorable Kenneth Robinson, former member of the House—491

DUNTON, KEITH H.—Representative Keokuk-Washington Counties

Bills introduced—106, 112, 175, 256, 261, 273, 285, 362, 379, 413, 443, 484, 529, 557, 617

Amendments filed—84, 657, 974, 1183, 1208-1209, 1722, 1843-1844, 1904, 1932-1933, 1937, 2061, 2358

Committee appointments—43, 44, 46, 88, 805-806, 1120, 2700

Petitions presented—1215-1216, 1725, 1805

Resolutions offered—183, 984, 1120

Presented to the House the Honorable James Quinn, former member of the House—823

DYRLAND, TERRY—Representative Clayton-Delaware-Dubuque-Fayette Counties

Bills introduced—JR 1, 2, 5, 6, 7, 12-52, 95, 120, 187, 189, 206, 232, 266, 273, 336, 362, 379, 394, 413, 443, 484, 485, 509, 522, 523, 524, 526,

551, 557, 619

Amendments filed—658, 678, 710-712, 974, 975, 1032, 1183, 1252, 1253, 1869, 1904, 1905, 1932-1933, 1953, 1954, 2019, 2061, 2165-2166, 2406, 2535-2536

Amendments offered—710, 1007-1008, 2271, 2301, 2307, 2527, 2535

Amendments withdrawn—1008, 2306, 2535, 2538

Committee appointments—44, 45, 191, 281

Petitions presented—462, 628, 1255, 1526-1527

Presided at sessions of the House—2652

Request that his name be withdrawn as a sponsor of House File 256—1950

Resolutions offered—1502

Subcommittee assignments—46

Presented to the House the Honorable Maurice Hennessey, former member of the House—689

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Appointed—44

Bills introduced—125, 254, 463, 587, 590

Reports—196, 315-316, 333-334, 393, 428, 620, 861-862, 903, 1213, 1290-1291, 1582-1583, 1675-1676, 1771, 1899

Resolutions offered—1269

EGENES, SONJA—Representative Boone-Hamilton-Story-Webster Counties

Bills introduced—JR 12-175, 238, 241, 263, 265, 300, 318, 319, 365, 485, 499, 621

Amendments filed—131, 678, 974, 1184, 1525, 1535, 1539-1551, 1603-1604, 1640, 1843-1844, 1953, 2042-2043, 2061, 2344, 2357

Amendments offered—131, 1539, 1603, 2362

Committee appointments—27, 45, 46

Reports—1077-1078

Resolutions offered—984-985, 2065

Subcommittee assignments—46

Presented to the House, Scandinavian Festival Queen, Lean Malmberg, from Stockholm, Sweden—1867

Presented to the House two foreign exchange students from Tokyo, Japan, Kikuko Shimizu and Masato Kikuchi—416

Presented to the House Bill Resetter, former page of the House—416

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ENERGY, COMMITTEE ON—

Appointed—44

Bills introduced—559, 611

Amendments filed—410-411, 411-414, 568-570, 1288-1290

Amendments offered—577, 876, 1646

Amendments withdrawn—876

Reports—167, 221, 234-235, 271, 287-288, 329-330, 351-352, 388, 410-414, 492, 532, 568-570, 840-841, 938-939, 1041-1042, 1075,

1181, 1288-1290, 1490-1491, 1635

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Appointed—191

Amendments filed—496-497, 626

Lobbyist Rules—701-718

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Reports—274, 329, 346-347, 496-497, 543-547, 686-689, 690-701

EVANS, COOPER — Representative Black Hawk-Butler-Franklin-Grundy-Marshall-Tama Counties

Bills introduced—JR 12-112, 121, 167, 175, 177, 183, 187, 196, 241, 273, 310, 325, 336, 371, 443, 462, 475, 486, 500

Amendments filed—469, 585, 678, 766, 773, 848, 889, 903, 1017, 1046, 1057, 1098, 1099, 1171-1172, 1183, 1208-1209, 1217-1218, 1478, 1538-1539, 1600, 1640, 1723, 1777, 1843-1844, 1869, 1905, 1925-1926, 1937, 2036-2037, 2061, 2117, 2165, 2166, 2357, 2358, 2359

Amendments offered—693, 848, 1057, 1098, 1167, 1169, 1208, 1217, 1478, 1538, 1600, 1894, 2087, 2318, 2514

Amendments withdrawn—1057, 1169, 1217, 1218, 1894, 2318

Committee appointments—44, 45, 1285, 2066

Petitions presented—386

Reports—2299-2300, 2315-2316

Resolutions offered—183, 291, 984, 1357

Subcommittee assignments—46, 2107

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House File 32—Representative Lonergan—2288

House File 39—Representative Cusack—618

House File 39, H—3133, H—3135—Representative Cusack—618

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House File 57—Representative Garrison—1611

House File 60—Representative O'Halloran—531

House File 60—Representative Garrison—567

House File 63—Representatives Middleswart, Garrison, and Schneklath—2159

House File 64—Representative Garrison—2159

House File 66—Representative Krause—567

House File 70—Representative Garrison—1242-1243

- House File 74—Representative Koogler—531
House File 75, H—3288B to H—3114—Representative Bina—897
House File 75—Representative Koogler—1212
House File 77—Representatives Bina and O'Halloran—646
House File 90—Representative Walter—1610
House File 90—Representative Garrison—1611
House File 100—Representative Krause—567
House File 101—Representative Walter—1610
House File 101—Representative Garrison—1611
House File 101—Representatives Dieleman and Cusack—1634
House File 102—Representative Krause—567
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House File 150—Representatives Bina and O'Halloran—646
House File 158—Representatives Middleswart, Garrison and
Schnekloth—2159
House File 163—Representative Howell—1393
House File 164—Representative Bina—456-457
House File 179, H—3502—Representative Tofte—1307
House File 179, H—3502, H—3517, H—3482—Representative Koogler—1308
House File 179—Representatives Koogler and Middleswart—1308
House File 187—Representative Cusack—1768
House File 197—Representative Garrison—567
House File 207—Representative Tofte—2507
House File 209—Representative Cusack—618
House File 209—Representative Walter—1610
House File 209—Representative Garrison—1611
House File 209—Representatives Dieleman and Cusack—1634
House File 211—Representative Krause—567
House File 212—Representative Koogler—531
House File 225—Representative Krause—567
House File 245—Representative O'Halloran—531
House File 245—Representative Garrison—567
House File 246—Representative Garrison—1611
House File 251—Representative O'Halloran—531
House File 251—Representative Garrison—567
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House File 254—Representative O'Halloran—1445
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Schnekloth—2159
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House File 288—Representative Koogler—1720
House File 291—Representatives O'Halloran and Koogler—2686
House File 305—Representative Garrison—1797-1798
House File 305—Representative Howell—1867
House File 305—Representative O'Halloran—1950

- House File 317—Representative Koogler—1720
House File 327, H—3177—Representative O'Halloran—676-677
House File 330—Representative O'Halloran—646
House File 330, H—3149—Representative Danker—646-647
House File 330, H—3155B—Representative Thompson—676
House File 331—Representative O'Halloran—789
House File 331—Representative Walter—821
House File 332—Representatives Daggett and Walter—821
House File 332, H—3241, H—3244—Representative Walter—821
House File 338—Representative Garrison—1797-1798
House File 338—Representative Howell—1867
House File 338—Representative O'Halloran—1950
House File 354—Representative O'Halloran—1445
House File 354, H—3576—Representative O'Halloran—1445
House File 354—Representative Walter—2059
House File 358—Representatives Middleswart, Garrison and Schneklloth—2159
House File 369—Representatives Middleswart and Schneklloth—2159
House File 381—Representative Krause—1797-1798
House File 385—Representative Middleswart—2159
House File 387—Representative Walter—1610
House File 387—Representative Garrison—1611
House File 396—Representative Tofte—2013
House File 396—Representative Walter—2059
House File 406—Representative Lonergan—2288
House File 408—Representatives O'Halloran and Lonergan—1212
House File 408—Representative Garrison—1242-1243
House File 414—Representative Dunton—971
House File 414—Representative O'Halloran—1212
House File 417, H—3476, H—3456A—Representative Lageschulte—1243
House File 437—Representative O'Halloran—1445
House File 449—Representative Howell—1393
House File 455—Representative Tofte—2013
House File 455—Representative Walter—2059
House File 464, H—3433—Representative Koogler—1121
House File 464—Representative Garrison—1611
House File 464, H—3954B—Representative Koogler—1897
House File 464—Representative Koogler—1897
House File 490—Representative Middleswart—1308
House File 544—Representative Tofte—2013
House File 544—Representative Walter—2059
House File 545—Representative Svoboda—2686
House File 546—Representatives Middleswart, Garrison and Schneklloth—2159
House File 564—Representative Perkins—1686
House File 564—Representative Koogler—1720
House File 566—Representative Garrison—2159
House File 569—Representative Garrison—2159
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- House File 595, H-4089—Representative Tofte—2098
 House File 595—Representative Tofte—2098
 House File 595—Representative Garrison—2159
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 House File 597—Representative Krewson—2060
 House File 597—Representative Garrison—2159
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 House Concurrent Resolution 4—Representatives Tofte, Baker, Lonergan and Gentleman—860
 House Concurrent Resolution 4, conference committee report—Representative Krewson—881
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 Senate File 61—Representative Spencer—531
 Senate File 63, H-3067, H-3073, H-3076, H-3079—Representative Koogler—531
 Senate File 63—Representative Koogler—531
 Senate File 64—Representative Krause—567
 Senate File 65—Representative Howell—2059
 Senate File 65—Representative Garrison—2159
 Senate File 71—Representative Koogler—1212
 Senate File 162—Representative Dunton—839
 Senate File 162—Representatives Tofte, Baker, Lonergan and Gentleman—860
 Senate File 162—Representative Krewson—881
 Senate File 163, H-3254—Representative O'Halloran—821-822
 Senate File 167—Representative Tofte—2507
 Senate File 170—Representative Garrison—1797-1798
 Senate File 170—Representative Howell—1867
 Senate File 170—Representative O'Halloran—1950
 Senate File 185—Representative Krause—1797-1798
 Senate File 185, H-3622—Representative Krause—1797-1798
 Senate File 197, H-3269—Representative Tofte—860
 Senate File 197—Representatives Tofte, Baker, Lonergan and Gentleman—860

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Senate File 214, H-3363, H-3367, H-3351C, H-3358—Representative O'Halloran—1212
Senate File 214, H-3367—Representative O'Halloran—1212
Senate File 214, H-3351D, H-3351H, H-3361, H-3374, H-3370, H-3366—Representative O'Halloran—1981
Senate File 224—Representative Howell—2059
Senate File 224—Representative Garrison—2159
Senate File 233—Representative Tofte—2507
Senate File 234—Representatives O'Halloran and Lonergan—1212
Senate File 234—Representative Garrison—1242-1243
Senate File 243—Representative Howell—1393
Senate File 259—Representative O'Halloran—2507
Senate File 262—Representative Lonergan—1212
Senate File 262—Representative Garrison—1242-1243
Senate File 266—Representatives O'Halloran and Lonergan—1212
Senate File 274—Representative Howell—2059
Senate File 274—Representative Garrison—2159
Senate File 288—Representative Perkins—1686
Senate File 289—Representative Tofte—1797
Senate File 289—Representatives Pelton and Krause—1797-1798
Senate File 296—Representative Garrison—1797-1798
Senate File 296—Representative Howell—1867
Senate File 296—Representative O'Halloran—1950
Senate File 299—Representative O'Halloran—2507
Senate File 302—Representative Koogler—2692
Senate File 307—Representative Howell—2059
Senate File 307—Representative Garrison—2159
Senate File 312—Representative Walter—1610
Senate File 312—Representative Garrison—1611
Senate File 314—Representative Walter—1610
Senate File 314—Representative Garrison—1611
Senate File 317—Representative Perkins—1686
Senate File 318—Representative Tofte—1797
Senate File 318—Representative Pelton—1797-1798
Senate File 318, H-3800—Representative Krause—1797-1798
Senate File 329—Representative Garrison—2159
Senate File 333—Representative Hines—2246
Senate File 333—Representative Lonergan—2288
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Senate File 364—Representative Garrison—2159

Senate File 383—Representative Tofte—2507

Senate File 385—Representative Garrison—2159

Senate File 385—Representative Schnekloth—2159

Senate File 393, H—4284—Representative O'Halloran—2686

On the question "Shall the House recess for an hour?", on the question "Is the motion to recede dilatory?", on the question "Shall the House insist on its amendment to the Senate amendment?", and on the question "Shall the motion to insist be reconsidered and tabled?"—Representative Bina—2288

Senate Concurrent Resolution 1, H—3002—Representative Branstad—137

Senate Concurrent Resolution 1—Representative Branstad—137

Senate Concurrent Resolution 4—Representative Branstad—137

FITZGERALD, JEROME—Representative Webster County, Majority Floor Leader

Bills introduced—JR 12-196, 222, 232, 413, 485, 509, 557

Amendments filed—581-582, 1214, 1687-1688, 1688, 1700-1703

Amendments offered—581

Appointment of the sifting committee noncontroversial subcommittee—2107

Bills referred to committee—2451

Committee appointments—45, 2066

Previous question on the following:

House File 57—2525

House File 187—1708

House File 248—1797

House File 330—631

House File 332—775, 2442

House File 464—1084, 1442

House File 593—2544

House File 595—2325

Committee on Ethics, report—686

Senate File 214—964, 1032

Senate File 337—2335

Reassignment of bills—466-467

Reports—191, 2106-2107, 2172-2174

Resolutions offered—13, 27, 83, 118, 420, 980, 2115, 2678

Sifting committee Rule 7 amended—2172

Presented to the House foreign exchange student Ana Oliveir from Manaus, Brazil—1307

GARRISON, ALBERT L.—Representative Black Hawk County

Bills introduced—JR 12-93, 220, 222, 232, 261, 266, 268, 379, 484, 500, 557

Amendments filed—1183, 1843-1844, 1905, 1987, 2358, 2359, 2406-2407

Amendments offered—1927

Amendments withdrawn—2414

Committee appointments—27, 45, 2699

Petitions presented—1080, 1107-1108, 1421, 1694, 1871, 1907-1908
Request that his name be added as a sponsor of House File 268—578
Resolutions offered—183, 602, 617-618, 2274-2275, 2292
Subcommittee assignments—46

GENERAL ASSEMBLY—House—

(See House Concurrent Resolutions, House Resolutions, and Senate Concurrent Resolutions listed in Legislative Index Volume)

GENTLEMAN, JULIA B.—Representative Polk County

Bills introduced—JR 12-187, 189, 206, 241, 395, 484, 485, 500, 541, 542
Amendments filed—678, 679-680, 1078, 1183-1184, 1441, 1688, 1710,
1778, 1932-1933, 2166, 2405, 2406-2407, 2422-2429, 2443-2449,
2585-2586
Amendments offered—686, 1324, 1441, 1837, 2124
Committee appointments—44, 45, 87, 191, 1373-1374, 2409, 2434
Petitions presented—499, 769
Reports—2596-2597, 2642-2643
Resolutions offered—1502, 2684-2685
Request that her name be added as a sponsor of House Resolution
18—1409
Subcommittee assignments—47, 269

GETTINGS, DON—Representative Appanoose-Davis-Wapello Counties

Certificate of election—2697-2698
Oath of office—2698

GILLOON, THOMAS J.—Representative Dubuque-Jackson Counties

Bills introduced—JR 12-45, 95, 189, 222, 232, 257, 266, 273, 394, 413,
416, 462, 484, 509, 557
Amendments filed—204, 377, 661-662, 795, 962-963, 974, 975, 1104,
1183-1184, 1279-1280, 1347-1348, 1753, 1905, 1932-1933, 2357,
2358, 2359, 2405, 2406-2407, 2435-2439, 2443-2449
Amendments offered—661, 962, 1279, 1347, 1592, 1753, 2370, 2443
Amendments withdrawn—1407
Committee appointments—44, 45, 46
Petitions presented—378, 796-797
Resolutions offered—2381
Subcommittee assignments—46

**GILSON, ERNEST W.—Representative Audubon-Carroll-Cass-Crawford
Greene-Guthrie-Shelby Counties**

Bills introduced—112, 162, 175, 183, 273, 275, 290, 379, 394, 443, 557
Amendments filed—613, 773, 1078, 1183-1184, 1253, 1432-1440, 1608,
1687, 1855-1859, 1904, 1905, 1925-1926, 1937, 2019, 2102, 2251,
2290, 2358, 2359
Change of vote, Senate Concurrent Resolution 30—2623
Committee appointments—43, 44, 87, 443
Petitions presented—378, 499, 516, 824, 1215, 2697

Request that his name be added as a sponsor of House Concurrent Resolution 12-2246

Request that his name be withdrawn as a sponsor of House File 70-250

Resolutions offered—183, 2684-2685

Subcommittee assignments—47

GOVERNOR RAY, ROBERT D.—

Committee to notify—12, 16, 28, 88

Committee to escort—28, 38, 88, 103

Communication—880

Resolution relating to State of the State Message, HCR 1-13 adopted

Delivered Condition of the State Message—28-38

Resolution relating to Budget Message, HCR 2-27 adopted

Delivered Budget Message—88-103

Addressed joint convention—28-38

Bills signed by—618, 762, 839, 1188, 1199, 1211, 1423-1424, 1454,

1565-1566, 1610, 1617, 1729, 1780, 2105, 2172, 2286-2287, 2404,

2433-2434, 2700-2701, 3147-3156

Recommendations of—35-38, 100-103

Item Veto Messages—3164-3171

Veto Messages—3157-3164

Closing Messages—2704-2707

GRIFFEE, WILLIAM B.—Representative Chickasaw-Floyd-Howard-Mitchell Counties

Bills introduced—112, 187, 196, 273, 394, 523, 529, 551, 557, 619

Amendments filed—1904, 2062, 2103, 2406, 2455

Amendments offered—2613

Amendments withdrawn—2613

Appointed to the Interstate Cooperation Commission—2286

Committee appointments—44, 45, 442, 2596

Petitions presented—978

Presided at sessions of the House—1516

Received consent that J. Edward Brown, Director of the Compliance Monitoring Division, DEQ, be permitted in the House chamber during consideration of House File 439-1163

Reports—2633-2634, 2635-2636

Subcommittee assignments—46, 269

HALVORSON, ROGER A.—Representative Allamakee-Clayton-Winneshiek Counties

Bills introduced—95, 112, 132, 140, 145, 167, 175, 177, 183, 186, 196, 227, 234, 241, 244, 247, 250, 256, 258, 270, 286, 289, 294, 295, 311, 334, 346, 361, 372, 379, 386, 394, 397, 403, 443, 474, 508, 539, 557, 576, 579, 632

Amendments filed—541, 613, 626, 650, 658, 749, 766-767, 773, 848-849, 955, 966-967, 1046, 1057, 1104, 1184, 1208-1209, 1252, 1347-1348, 1419, 1616, 1640, 1687, 1687-1688, 1688, 1803, 1843-1844, 1869, 1878-1879, 1882-1883, 1912, 1914-1915, 1925-1926, 1937,

2039-2040, 2061, 2117, 2166, 2344, 2357, 2358, 2359, 2406,
2406-2407, 2435-2439, 2508
Amendments offered—541, 650, 748, 749, 848, 966, 1671, 1835, 1878,
1882, 1912, 1914, 2039, 2365
Amendments withdrawn—847, 1835, 1914
Committee appointments—44, 45, 161, 281, 2596
Petitions presented—397, 1186
Reports—1077-1078, 2635-2636
Resolutions offered—183, 281, 291, 371-372, 984, 2381
Subcommittee assignments—46

HANSEN, INGWER L.—Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties

Bills introduced—7, 35, 106, 112, 131, 132, 153, 157, 158, 175, 220, 241,
273, 291, 320, 325, 362, 379, 396, 413, 443, 458, 504, 529, 554, 556,
557, 575, 581, 591, 606, 619
Amendments filed—485, 613, 773, 1078, 1104, 1156, 1163-1164,
1183-1184, 1253, 1419-1420, 1432-1440, 1446, 1616, 1687,
1843-1844, 1862-1864, 1905, 1925-1926, 1937, 1940, 2036-2037,
2051, 2060-2061, 2087, 2102-2103, 2117, 2165, 2210-2211,
2290-2291, 2357, 2358, 2359, 2415-2416, 2435-2439, 2508
Amendments offered—1080, 1475, 1837, 1846, 2177, 2210
Amendments withdrawn—1837
Committee appointments—44, 45, 2699-2700
Resolutions offered—183, 291, 2064, 2398-2399, 2684-2685
Subcommittee assignments—47
Official delegate to attend the funeral services of the Honorable Mattie
Harper—1599

HARBOR, WILLIAM H.—Representative Fremont-Mills-Montgomery-Page Counties

Bills introduced—29, 112, 175, 186, 208, 219, 226, 241, 244, 273, 286,
294, 311, 317, 341, 346, 372, 379, 384, 397, 413, 420, 429, 441, 443,
462, 474, 508, 539, 576, 579, 612
Amendments filed—124, 309, 460, 636-637, 639-640, 640-641, 643,
659-660, 773, 867, 903-904, 975, 1090-1091, 1104, 1156, 1183,
1208-1209, 1331, 1616, 1669, 1687, 1804, 1843-1844, 2036-2037,
2061, 2166, 2251, 2290, 2357, 2358-2359, 2359, 2508-2509
Amendments offered—124, 636, 639, 643, 659, 908, 995, 1090, 1811,
1812, 1931
Amendments withdrawn—640, 909, 1331
Committee appointments—45, 46, 342, 799, 2066
Petitions presented—337, 462, 824, 905-906, 1107
Reports—832-833
Resolutions offered—183, 984, 2685-2686
Subcommittee assignments—47, 2107
Presented to the House the Honorable Lillian McElroy, former member of
the House—1685
Presented to the House the Honorable Bill Scherle, former Congressman
and member of the House—788

Presented to the House the Honorable Harold Fischer, former member of the House—824

HARGRAVE, WILLIAM J.—Representative Johnson County, Assistant Majority Floor Leader

Bills introduced—JR 12-273, 381, 392, 396, 413, 448, 466, 484, 485, 523, 557, 606

Amendments filed—585, 867, 889, 939, 975, 1017, 1046, 1056, 1059, 1063, 1090, 1104-1105, 1214, 1253, 1432-1440, 1441-1442, 1525, 1605, 1640, 1673-1674, 1686, 1962-1963, 2210, 2251, 2406, 2443-2449

Amendments offered—1024, 1025, 1055, 1058, 1059, 1090, 1236, 1262, 1275, 1406, 1605, 1673, 1715, 1962, 2210

Amendments withdrawn—1059, 1715

Committee appointments—16, 44, 45, 2700

Petitions presented—438

Reports—25

Resolutions offered—229-230, 2684-2685

Subcommittee assignments—47

HARPER, MATTIE—Representative Appanoose-Davis-Wapello Counties

Oath of office—202

Bills introduced—14, 158, 175, 232, 286, 336, 370, 379, 443, 500

Amendments filed—486, 647, 657, 679-680

Amendments offered—657

Committee appointments—43, 45, 46, 191

Reports—346-347, 543-547

Request that her name be added as a sponsor of House File 14—329

Subcommittee assignments—46

Presented to the House Jiro Komaki, a foreign exchange student from Japan—843

HARVEY, LaVERN R.—Representative Scott County

Bills introduced—2, 79, 88, 132, 167, 175, 220, 241, 273, 288, 309, 314, 316, 317, 320, 359, 379, 413, 462, 580, 606

Amendments filed—585, 596-597, 597, 679, 722, 771-772, 822, 825, 842, 852, 867, 903-904, 956, 964-965, 965, 975, 1085, 1097, 1353, 1419-1420, 1480, 1482-1483, 1487, 1686, 1925-1926, 1932-1933, 1940, 2060, 2165, 2166, 2291, 2357, 2406-2407, 2434

Amendments offered—597, 730, 740, 760, 852, 907, 964, 965, 1480, 1482, 1487, 1717, 2146, 2434

Amendments withdrawn—1097, 2367

Committee appointments—44, 45, 46, 2409

Resolutions offered—183, 984, 2115

Subcommittee assignments—46, 269

HIGGINS, THOMAS J.—Representative Scott County

Bills introduced—JR 12-65, 112, 189, 199, 202, 217, 218, 222, 232, 242, 243, 273, 345, 379, 387, 400, 409, 416, 462, 466, 485, 494, 509, 542, 557, 583, 610

Amendments filed—126, 450-455, 771-772, 1078, 1183-1184, 1253, 1441-1442, 1446, 1687, 1723, 1778, 1789, 1803, 1843-1844, 2165-2166, 2166, 2290, 2406, 2406-2407, 2443-2449, 2509, 2650

Amendments offered—126, 450, 1530, 1789, 1820, 1838

Amendments withdrawn—1789

Committee appointments—45, 2066, 2434, 2699

Petitions presented—1158

Presided at sessions of the House—1262, 2133

Reports—2642-2643

Resolutions offered—2115, 2274

Rulings made—2141

Received consent that Professor Gittler from the Uoff School of Law be permitted in the House chamber during consideration of House File 248—1788

Subcommittee assignments—46

HINES, NEAL—Representative Story County

Bills introduced—JR 12-172, 187, 189, 206, 232, 256, 257, 336, 379, 409, 416, 461, 485, 523, 551, 557, 580, 606

Amendments filed—670, 678, 889, 974, 1046, 1183-1184, 1905, 2007-2008, 2019, 2039-2040, 2166, 2406-2407, 2443-2449, 2671, 2678

Amendments offered—715, 1000, 1924, 2007, 2623, 2671, 2678

Amendments withdrawn—2668

Committee appointments—44, 45, 46, 2451

Petitions presented—844, 1354, 1955-1956

Presided at sessions of the House—2379

Resolutions offered—2115, 2381

Subcommittee assignments—47

Presented to the House the Honorable Tom Harkin, Congressman, Fifth District—788

HINKHOUSE, HERBERT C.—Representative Cedar-Clinton-Johnson-Scott Counties

Bills introduced—112, 183, 220, 256, 266, 273, 275, 320, 361, 379, 394, 420, 443, 554-556, 557, 606

Amendments filed—679, 776, 1163-1164, 1183-1184, 1208-1209, 1403, 1640, 1843-1844, 1925-1926, 1937, 2061, 2251

Amendments offered—1163

Amendments withdrawn—776

Committee appointments—16, 43, 44, 805-806, 2066, 2079

Petitions presented—1295, 1642

Reports—25, 2315-2316

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Resolutions offered—183, 805, 984

Subcommittee assignments—47

HOFFMANN, BETTY A.—Representative Johnson-Louisa-Muscatine Counties

Bills introduced—JR 12-132, 175, 241, 256, 336, 443, 499, 619

Amendments filed—766-767, 1156, 1253, 1843-1844, 1937, 2061

Committee appointments—44, 46, 805-806

Petitions presented—616

Subcommittee assignments—47

HORN, WALLY E.—Representative Linn County

Bills introduced—JR 12-4, 43, 93, 181, 184, 204, 205, 235, 256, 261, 273, 308, 322, 368, 379, 396, 413, 457, 470, 527, 529, 557, 606

Amendments filed—133-134, 204, 585, 680, 722, 826, 827, 829-830, 1183-1184, 1345, 1349, 1419, 1615, 1615-1616, 1722, 1804, 1869, 1904, 1905, 1940, 2060, 2062, 2166, 2251, 2290, 2357, 2406-2407, 2443-2449, 2508

Amendments offered—133, 210, 744, 745, 826, 829-830, 924-927, 949, 1345, 1349, 1929, 1940, 2149, 2261, 2302, 2303, 2308, 2309, 2411, 2515

Amendments withdrawn—1929, 1930, 2090, 2269, 2302, 2665

Committee appointments—15, 44, 45, 46, 2451, 2596

Official delegate to attend the funeral services of the Honorable Mattie Harper—1599

Petitions presented—844, 941, 1988-1989, 2063

Received consent that Dave Beard, Dept. of Job Service be permitted in the House chamber during consideration of Senate File 337—2335

Reports—2635-2636, 2637-2638

Resolutions offered—229-230, 922-923, 1257, 2223, 2485-2486, 2618

Subcommittee assignments—46

HOUSE ADMINISTRATION COMMITTEE—

Appointments—39, 1720-1721

Resolutions relating to:

House Concurrent Resolution 7—278, 311-313, 317, 324, 342, 343-344 adopted

House Resolution 5—292-293

House Resolution 16—1112

Senate Concurrent Resolution 4—69-80, 83-86 adopted, 103, 116-117 adopted, 136-137 adopted

Reports—175-182, 243-245, 328, 420-421, 602, 881, 1258, 1351, 1444-1445, 1720-1721, 2287-2288

Resolutions offered—69-80, 278

HOWELL, ROLLIN K.—Representative Cerro Gordo-Floyd-Mitchell Counties

Bills introduced—JR 13-112, 174, 175, 183, 187, 208, 256, 273, 350, 394, 413, 500, 557, 603

Amendments filed—678, 680, 693-694, 722, 889, 1183-1184, 1419-1420, 1640, 1687, 1843-1844, 1904, 1925-1926, 1931, 1932-1933, 2291, 2358, 2359, 2391, 2406, 2435-2439, 2455

Amendments offered—693, 896, 2391, 2455

Amendments withdrawn—757, 2655, 2668

Committee appointments—15, 43, 44, 46, 191, 442, 1373-1374, 2079

Petitions presented—68

Presided at joint memorial session—1688

Reports—2315-2316

Resolutions offered—15, 183, 442, 809-810, 896, 1502, 2683-2684

Subcommittee assignments—46

Escorted to the Speaker's station and presented to the House Dr. John Clinton, Executive Secretary, Friends of Lincoln—339

HULLINGER, ARLO — Representative Clarke-Decatur-Madison-Ringgold-Union-Wayne Counties

Bills introduced—JR 13-29, 106, 112, 132, 175, 208, 226, 273, 335, 361, 420, 443, 500, 598, 625

Amendments filed—680, 687-688, 1208-1209, 1741, 1843-1844, 1904, 1905, 1925-1926, 1932-1933, 1936-1937, 1937, 1940, 2251, 2358, 2359, 2435-2439

Amendments offered—687, 876, 1168, 1936, 2369

Amendments withdrawn—876, 1937, 1945

Committee appointments—44, 46, 1120, 2027, 2079, 2703-2704

Petitions presented—172, 1127, 1805, 2021, 2253

Reports—2158, 2315-2316

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Resolutions offered—183

Subcommittee assignments—46

HUMAN RESOURCES, COMMITTEE ON—

Appointed—45

Bills introduced—248, 354, 571, 572, 623

Amendments filed—1076, 1182, 1492-1495, 1495-1496, 2101

Amendments offered—1406, 1530, 2023, 2124, 2414

Reports—187, 221, 235, 260, 288, 330, 352, 389, 414, 492-493, 532, 570-571, 677, 841-842, 1075-1076, 1182, 1251-1252, 1491-1496, 1635-1636, 2100-2101, 2160

Resolutions offered—279-280, 2432-2433

HUSAK, EMIL J.—Representative Benton-Iowa-Poweshiek-Tama Counties

Bills introduced—29, 48, 89, 94, 131, 151, 175, 186, 227, 232, 256, 266, 273, 275, 291, 320, 360, 379, 394, 402, 413, 420, 443, 484, 555, 556, 557, 612

Amendments filed—127, 460, 473-476, 483-484, 486, 515, 613, 867, 975, 1016, 1104, 1156, 1183, 1208-1209, 1294, 1419, 1525, 1616, 1804, 1843-1844, 1904, 1905, 1925-1926, 1932-1933, 1937, 1941, 2540

Amendments offered—473, 685, 1133, 1669, 2147

Committee appointments—43, 45, 46, 87

Official delegate to attend the funeral services of the Honorable Mattie Harper—1599

Petitions presented—516, 1019, 1080, 1499, 2021, 2253

Presided at sessions of the House—1362

Resolutions offered—183, 922-923, 1357, 1502-1503, 1958, 2381

Subcommittee assignments—46

INTERIM COMMITTEES—

(See also Legislative Council and/or Study Committees)

Resolutions relating to:

House Concurrent Resolution 8—279-280, 625

House Concurrent Resolution 26 (SCR 14 subst.)—1305-1307, 1312, 1397, 2382

House Concurrent Resolution 28—1502

House Concurrent Resolution 39—2096-2097

House Concurrent Resolution 49—2679

House Concurrent Resolution 52—2681-2683

Senate Concurrent Resolution 14 (subst. for HCR 26)—2348-2350, 2376, 2382 adopted

Senate Concurrent Resolution 27—2477, 2481-2485, 2678 adopted

INTERSTATE COOPERATION COMMISSION—

Appointments to—2286

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**ADVISORY INVESTMENT BOARD—**

Appointments to—384

JESSE, NORMAN G.—Representative Polk County

Bills introduced—JR 12-175, 232, 319, 401, 413, 523, 551, 557

Amendments filed—84, 133-134, 658, 794, 889, 974, 975, 1214, 1252, 1506, 1519, 1687, 1688, 1723, 1764, 1765, 1778, 1788, 2121-2122, 2132, 2250, 2357, 2406-2407, 2422-2429, 2497

Amendments offered—133, 812, 1000-1001, 1003, 1276, 1506, 1741, 1750, 1761, 1762, 1763, 1764, 1788, 2121, 2132, 2389, 2422, 2497, 2581

Amendments withdrawn—858, 1004, 1519, 1764

Committee appointments—2, 43, 45, 1150, 1675, 2409, 2698

Remarks—14

Reports—2-5, 2130, 2596-2597

Resolutions offered—183, 190, 1338, 2398

Seconded the nomination of the Honorable Carl V. Nielsen as Speaker pro tempore—14

Subcommittee assignments—269

JOCHUM, THOMAS J.—Representative Dubuque County

Bills introduced—JR 12-95, 177, 189, 217, 222, 232, 233, 256, 257, 266, 273, 282, 362, 379, 396, 409, 416, 484, 485, 509, 523, 542, 551, 557, 578, 580, 583, 606, 621

Amendments filed—178, 795, 974, 1615-1616, 1640, 1905, 2042-2043, 2290, 2406, 2443-2449, 2455-2492

Committee appointments—44, 45, 46, 1285, 2066, 2451

Petitions presented—796-797, 824, 1107

Reports—2299-2300, 2637-2638

Resolutions offered—1039

Subcommittee assignments—46, 2107

Presented to the House the Honorable Andrew Frommelt, former member of the House and Senate—2099

JOINT CONVENTION—

Resolutions relating to:

House Concurrent Resolution 1—13 adopted

House Concurrent Resolution 2—27 adopted

House Concurrent Resolution 13—420, 980 adopted

House Concurrent Resolution 17—809-810, 889, 896-897 adopted

Lieutenant Governor Arthur A. Neu presided—28, 88, 1365

President pro tempore C. Joseph Coleman welcomed Pioneer Lawmakers on behalf of the Senate—1366

Condition of the State Message—28-38

Budget Message—89-103

To hear Pioneer Lawmakers—1365-1373

The Honorable Wendell Pendleton addressed the Pioneer Lawmakers—1368-1371

The Honorable Edward J. McManus, Chief Judge, Northern District of Iowa and former Lieutenant Governor—1371

Memorial Session—1688-1693

JOINT LEGISLATIVE INTERN COMMITTEE—

Appointments to—321

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Appointed—45

Bills introduced—279, 280, 281, 592, 616, 620

Amendments filed—405, 460, 886, 1246-1251, 1559-1561, 1561, 1562, 1578-1580, 1580-1581, 1901-1903, 2130-2132, 2163

Amendments offered—555, 1426, 1625, 1750, 1763, 1788, 2072, 2132, 2234

Reports—216, 262-263, 283-284, 348-349, 377, 404-405, 459-460, 506-507, 585, 863-864, 885-887, 973, 1103-1104, 1246-1251, 1411-1412, 1559-1562, 1577-1581, 1770-1771, 1900-1903, 2130, 2161-2165

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

(Subcommittee)

Criminal Code—269

JUNKER, WILLIS E.—Representative Woodbury County

Bills introduced—1, 8, 12, 13, 29, 149, 152, 160, 166, 189, 216, 232, 241, 255, 273, 379, 396, 443, 462, 487, 498, 529

Amendments filed—127, 353, 385, 469, 480, 542, 571, 606, 613, 647, 664, 700, 762, 795, 801, 813, 815-816, 856, 867, 878, 1033, 1171-1172, 1183-1184, 1210, 1336, 1347, 1419-1420, 1447, 1497, 1525, 1616, 1687, 1688, 1722, 1723, 1758-1759, 1759-1760, 1778,

1803, 1912, 1914, 1914-1915, 1937, 1943, 1987, 2049, 2084-2085,
2406, 2471, 2509, 2521, 2585-2586, 2599

Amendments offered—127, 480, 664, 700, 801, 813, 815-816, 837, 856,
1171, 1210, 1347, 1534, 1795, 1796, 1806, 1807, 1808, 1810, 1814,
1815, 1816, 1818, 1838, 1840, 1842, 1912, 2048, 2061, 2062, 2521,
2524

Amendments withdrawn—700, 1033, 1534, 1790, 1794, 1814, 1816, 2585
Change of vote, Senate Concurrent Resolution 30—2623

Committee appointments—44, 45, 46, 2703-2704

Petitions presented—1107-1108

Request that his name be withdrawn as a sponsor of House Concurrent
Resolution 6—254

Resolutions offered—183, 229-230, 601, 851

Subcommittee assignments—47

KOOGLER, FRED—Representative Keokuk-Lucas-Mahaska-Marion-Monroe-
Poweshiek Counties

Bills introduced—29, 53, 112, 118, 131, 158, 175, 198, 227, 273, 278,
285, 291, 320, 379, 396, 413, 443, 470, 515, 556, 557, 598

Amendments filed—84, 460, 534, 538, 581, 647, 722, 903-904, 974, 975,
1183, 1353, 1419, 1497, 1532, 1615, 1640, 1641, 1687, 1688,
1700-1703, 1904, 1904-1905, 1925-1926, 1932-1933, 2060,
2060-2061, 2112, 2117, 2166, 2251, 2290-2291, 2358, 2406-2407,
2443-2449

Amendments offered—537, 538, 581, 684-685, 743, 744, 752-753, 758,
907, 1532, 1700, 2112, 2367

Amendments withdrawn—907, 1836, 2264

Committee appointments—43, 44, 1150, 2451

Petitions presented—941

Reports—2276-2277, 2637-2638

Resolutions offered—183, 1797, 2381

Request that his name be added as a sponsor of House Concurrent
Resolution 12—2246

KRAUSE, ROBERT A.—Representative Hancock-Humboldt-Kossuth-Palo
Alto-Pocahontas Counties

Bills introduced—JR 3, 4, 8, 12-10, 11, 18, 20, 41, 42, 54, 67, 94, 112,
187, 206, 232, 256, 273, 313, 394, 413, 443, 499, 523, 529, 551, 557,
583

Amendments filed—276, 334, 436, 448, 469, 657, 669, 678-679, 889,
1046, 1104, 1104-1105, 1125, 1205-1207, 1210, 1535, 1563, 1641,
1687, 1724, 1777, 1803, 1804, 1851, 1869, 1878, 1904, 1987, 2006,
2019, 2020, 2062, 2084-2085, 2136-2139, 2270-2271, 2358, 2359,
2405, 2406, 2435-2439, 2463, 2677, 2692

Amendments offered—448, 669, 1141, 1205, 1210, 1851, 1873, 1935,
2001, 2006, 2081, 2082, 2084, 2085, 2136, 2462, 2463, 2677

Amendments withdrawn—449, 2084, 2085

Appointed to the Interstate Cooperation Commission—2286

Committee appointments—43, 44, 46

Petitions presented—289, 1158, 1398, 1694
 Presided at sessions of the House—2561
 Resolutions offered—183, 441-442, 1112, 2398, 2685-2686
 Subcommittee assignments—46
 Presented to the House Mr. and Mrs. Desmond O'Malley, T.D. Shadow
 Minister of Defense in the Irish Parliament—919

KREWSON, LYLE R.—Representative Polk County

Bills introduced—JR 12-33, 52, 76, 90, 173, 175, 183, 187, 206, 227, 232,
 241, 256, 287, 361, 362, 413, 462, 478, 484, 485, 557
 Amendments filed—678, 1156, 1184, 1252, 1253, 1294, 1441-1442,
 1446, 1640, 1673, 1932-1933, 1963, 2019, 2102, 2405, 2406-2407,
 2443-2449, 2577-2579
 Amendments offered—1270, 1426, 1427, 1673, 1963
 Amendments withdrawn—1427
 Committee appointments—44, 45
 Petitions presented—573, 1642
 Request that his name be added as a sponsor of House Resolution
 18—1409
 Request that his name be added as a sponsor of House Files 33, 52, 76,
 90—490
 Resolutions offered—229-230
 Subcommittee assignments—46

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Appointed—45
 Bills introduced—488, 540, 570, 595
 Amendments filed—1582
 Reports—187, 221-222, 235, 271, 288, 353, 389, 415, 493, 532-533, 571,
 613, 677-678, 842, 938, 1041, 1077, 1182-1183, 1290, 1394,
 1496-1497, 1581-1582, 1611-1612, 1636, 1722, 1869, 1953
 Report, Minority Members—1077-1078

LAGESCHULTE, RAY—Representative Black Hawk-Bremer-Butler-Floyd
 Counties

Bills introduced—112, 132, 146, 175, 182, 196, 203, 232, 241, 256, 273,
 285, 394, 413, 443, 621
 Amendments filed—585, 596-597, 613, 842, 889, 903-904, 956, 975,
 1104, 1163-1164, 1183, 1184, 1208, 1640, 1687, 1925-1926, 2102,
 2357, 2358, 2359, 2692
 Amendments offered—596-597, 855-856, 908, 956
 Amendments withdrawn—1141
 Committee appointments—43, 45, 46
 Reports—1077-1078
 Subcommittee assignments—47

LAW ENFORCEMENT ACADEMY COUNCIL—

Appointments to—161

LEGISLATIVE COUNCIL COMMITTEE—

(See also Study Committees)

Appointments to—2700

Resolutions relating to:

House Concurrent Resolution 3—66

House Concurrent Resolution 9—291, 371-373, 377, 457, 1104

House Concurrent Resolution 12—419-420, 2246, 2251

House Concurrent Resolution 15—600-601

House Concurrent Resolution 16—601

House Concurrent Resolution 18—851

House Concurrent Resolution 19—922-923

House Concurrent Resolution 23—1161

House Concurrent Resolution 26 (SCR 14 subst.)—1305-1307, 1312,
1397, 2382

House Concurrent Resolution 27—1357

House Concurrent Resolution 28—1502

House Concurrent Resolution 30—1631

House Concurrent Resolution 31—1632

House Concurrent Resolution 32—1632-1633

House Concurrent Resolution 33—1956-1958

House Concurrent Resolution 35—1978-1979

House Concurrent Resolution 36—1979-1980, 2093-2095 adopted

House Concurrent Resolution 38—2065

House Concurrent Resolution 41—2274

House Concurrent Resolution 42—2314

House Concurrent Resolution 43—2314-2315

House Concurrent Resolution 44—2380-2382, 2406

House Concurrent Resolution 45—2397

House Concurrent Resolution 46—2398

House Concurrent Resolution 47—2432-2433

House Concurrent Resolution 50—2679-2680

House Concurrent Resolution 51—2680-2681

House Concurrent Resolution 52—2681-2683

House Concurrent Resolution 54—2684-2685

House Concurrent Resolution 55—2685-2686

Senate Concurrent Resolution 27—2477, 2481-2485, 2678 adopted

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LEGISLATIVE EXPENDITURES—

Resolutions relating to:

House Concurrent Resolution 36—1979-1980, 2093-2095 adopted

Senate Concurrent Resolution 4—69-80, 83-86 adopted, 103, 116-117
adopted, 136-137 adopted

Senate Concurrent Resolution 25—2477, 2480-2481, 2677 adopted

Senate Concurrent Resolution 26—2477, 2481, 2677-2678 adopted

Senate Concurrent Resolution 27—2477, 2481-2485, 2678 adopted

LEGISLATIVE FISCAL COMMITTEE—

Appointments to—2700

LEGISLATIVE OVERSIGHT CAPABILITIES STUDY COMMITTEE—

Bills introduced—144

LEGISLATIVE PROCEDURE STUDY COMMITTEE—

Bills introduced—39

LINCOLN'S BIRTHDAY—

Observance of—339-341

Remarks by Dr. John Clinton, Executive Secretary, Friends of
Lincoln—339-341**LINDEEN, ARNOLD R.—Representative Des Moines-Henry-Louisa Counties**Bills introduced—JR 12-52, 112, 121, 175, 241, 273, 443, 462, 527, 557
Amendments filed—613, 773, 1432-1440, 1687, 1843-1844, 1905, 2166,
2357, 2358, 2359

Committee appointments—43, 44

Petitions presented—1564

Resolutions offered—984, 2684-2685

Subcommittee assignments—47

**LIPSKY, JOAN—Representative Linn County, Assistant Minority Floor
Leader**Bills introduced—JR 12-33, 34, 67, 76, 77, 105, 115, 135, 138, 143, 147,
183, 187, 192, 236, 241, 285, 340, 396, 619Amendments filed—127, 134, 450-455, 469, 679, 755-756, 889, 903-904,
975, 1016, 1017, 1078, 1082-1083, 1104, 1109, 1331, 1332, 1362,
1447, 1484, 1525, 1563, 1601, 1606, 1707-1708, 1778, 1811, 1905,
2019, 2062, 2084-2085, 2121, 2122-2123, 2166, 2208-2210, 2357,
2358, 2359, 2406, 2406-2407, 2577-2579, 2650Amendments offered—127, 696-697, 713, 740, 747, 755-756, 1056, 1082,
1109, 1169, 1278, 1332, 1362, 1484, 1514, 1515, 1537, 1601, 1640,
1707, 2032, 2121, 2122, 2141, 2145, 2202, 2203, 2208, 2456, 2650

Amendments withdrawn—1090, 1331, 2650

Call of the House—992

Committee appointments—45, 46, 2434

Petitions presented—536, 1080, 1617

Reports—2642-2643

Request that her name be added as a sponsor of House File 33—457

Request that House File 524 be removed from the 15 minute
noncontroversial sifting calendar—2217

Resolutions offered—600-601, 1257, 2065

Subcommittee assignments—46

Escorted to the Speaker's station and presented to the House Pat Paulsen,
"almost President of the United States" and National Chairman of the
Campaign for the National Kidney Foundation—1224

Presented to the House Rob Henry, winner of the Iowa Oratorical Contest—572

Presented to the House rotary exchange scholar from Durban, South Africa, Carol Kaplan—1898

LOBBYISTS—

(See Ethics, Committee on)

LONERGAN, JOYCE—Representative Boone-Greene Counties

Bills introduced—JR 12-232, 256, 273, 362, 382, 443, 484, 499, 509, 528, 557

Amendments filed—678, 903-904, 1183-1184, 1525, 1903, 1904, 1937, 1964, 2165, 2358, 2406-2407

Amendments offered—1912, 1913, 1964

Committee appointments—44, 45

Petitions presented—868

Request that her name be added as a sponsor of House File 528—1352

Resolutions offered—183

Subcommittee assignments—46

MAJORITY FLOOR LEADER, Jerome Fitzgerald—Representative Webster County

(See Fitzgerald, Jerome—Representative Webster County, Majority Floor Leader)

MEMORIALS—

Committees appointed—281, 341-342, 342, 442-443, 805-806, 1120, 1594

Resolutions relating to—281, 341-342, 342, 442, 805-806, 1120, 1594

Memorial Services Committee appointed—1373-1374

Joint Memorial Session—1688-1693

In Memoriam List—1690-1692, 3174

Memorials—3175-3183

Memorial tribute, Representative Mattie Harper—1589-1590

Resolution relating to, House Concurrent Resolution 17—809-810, 889, 896-897 adopted

MENKE, LESTER D.—Representative Buena Vista-Cherokee-Clay-O'Brien-Plymouth Counties

Bills introduced—94, 112, 129, 131, 132, 175, 196, 227, 241, 244, 325, 362, 443, 458, 557

Amendments filed—130-131, 515, 580, 773, 1032, 1183, 1616, 1838, 1843-1844, 1925-1926, 2020, 2251

Amendments offered—130, 558, 580, 1811, 1817, 1838

Committee appointments—43, 45, 46, 799, 2698

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Resolutions offered—984

Subcommittee assignments—46

MESSAGES—

(Also see Communications, Joint Conventions and Addressed the House)

From Senate—18, 58, 69, 116, 136, 268-269, 305, 326-327, 357, 370, 386-387, 383, 440-441, 490, 504, 517, 536-537, 573-574, 577-578, 590-591, 628, 649-650, 673-674, 684, 723-724, 769, 797, 810-811, 891-892, 906-907, 922, 944-945, 948, 983-984, 1022-1023, 1028, 1048-1049, 1063, 1087-1088, 1121, 1129, 1186-1187, 1216-1217, 1256, 1297-1298, 1317, 1338, 1356-1357, 1381-1382, 1399, 1422-1423, 1452-1453, 1500, 1512, 1527-1528, 1565, 1590-1591, 1595, 1628-1629, 1643, 1656, 1695, 1779-1780 1785, 1787, 1805-1806, 1824, 1908, 1917, 1947, 1956, 1989-1990, 2002, 2022-2023, 2063-2064, 2104-2105, 2117, 2170-2171, 2215-2217, 2238, 2277-2278, 2292, 2346-2348, 2374-2375, 2377, 2393-2394, 2396, 2400, 2408-2409, 2431, 2431-2432, 2477, 2488-2489, 2499, 2500, 2512-2513, 2588-2590, 2617, 2625, 2630-2631, 2631-2632, 2648, 2669, 2692, 2699

From Governor—2704-2707

MIDDLESWART, JAMES I.—Representative Lucas-Marion-Warren Counties

Bills introduced—70, 94, 96, 112, 121, 175, 183, 186, 187, 196, 256, 261, 361, 362, 443, 500, 557, 598

Amendments filed—126, 541, 755-756, 766-767, 1353, 1497, 1722, 1723, 1777, 1804, 1869, 1905, 1925-1926, 1937, 2061, 2165, 2251, 2252, 2358, 2359

Amendments offered—2142

Amendments withdrawn—2073

Committee appointments—9, 44, 45, 1365-1366, 2079, 2700, 2703

Petitions presented—1080, 1158, 1255

Reports—2605-2611

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Resolutions offered—183, 984

Subcommittee assignments—47

MILEAGE, COMMITTEE ON—

Appointments to—16

Reports—23-25, 87-88

MILLEN, FLOYD H.—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties, Minority Floor Leader

Bills introduced—36, 71, 112, 132, 175, 186, 241, 273, 320, 362, 383, 413, 443, 474, 510, 556, 557, 576, 579, 617

Amendments filed—80, 309, 581-582, 613, 773, 975, 1183, 1397, 1723, 1843-1844, 2019, 2061, 2166, 2151, 2290-2291

Amendments offered—2136

Amendments withdrawn—2090, 2654-2655, 2666

Committee appointments—13, 39, 45, 1594, 2066, 2703-2704

Official delegate to attend the funeral services of the Honorable Mattie Harper—1599

Petitions presented—2021, 2063, 2253

Remarks—16-18

Reports—191

Resolutions offered—27, 183, 420, 984, 2115

Request that Representative Crabb be recorded as voting "aye" on House File 490—1221

Request that Representatives Crabb and Hansen be recorded as voting "aye" on Senate File 231—1223

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Presented to the House foreign exchange student Paslo Aversa from Rome, Italy—1566

MILLER, KENNETH D.—Representative Black Hawk-Buchanan Counties

Bills introduced—5, 6, 29, 30, 31, 47, 62, 68, 69, 83, 90, 91, 112, 146, 175, 191, 220, 227, 244, 256, 261, 273, 286, 294, 325, 361, 372, 379, 443, 446, 484, 508, 509, 539, 557

Amendments filed—479, 488, 521, 534, 585, 613-614, 647, 655, 678, 679, 795, 805, 822, 825, 867, 889, 903-904, 939, 974, 975, 1032, 1046, 1090-1091, 1104, 1156, 1183, 1336, 1374-1375, 1419, 1477, 1563, 1615-1616, 1641, 1646-1655, 1722, 1803, 1804, 1843-1844, 1869, 1904, 1905, 1914, 1925-1926, 1932-1933, 1937, 1987, 2036-2037, 2060, 2103, 2124-2126, 2229, 2329, 2344, 2435-2439, 2464-2465, 2465

Amendments offered—479, 488, 521, 655, 746, 797-798, 805, 825, 837, 857-858, 871, 892, 933, 935, 996, 1005, 1032, 1109, 1137, 1374, 1377, 1430, 1477, 1646, 1918, 1990, 2036, 2056, 2124, 2139, 2146, 2229, 2329, 2464, 2615

Amendments withdrawn—1918, 2456, 2469

Committee appointments—45, 46

Resolutions offered—183, 253, 1357, 2381, 2679

Subcommittee assignments—46

Presented to the House the Honorable James D. Jordan, former member of the House—1047

MILLER, OPAL—Representative Calhoun-Carroll-Greene-Pocahontas-Sac Counties

Bills introduced—JR 12-112, 175, 256, 290, 320, 379, 394, 443, 485, 556, 557

Amendments filed—534, 538, 1078, 1183-1184, 1432-1440, 1688, 1843-1844, 1905, 1925-1926, 1937, 2060-2061, 2102-2103, 2252, 2270-2271, 2358, 2359

Amendments offered—1819

Committee appointments—43, 44, 1373-1374, 1594, 2066, 2703-2704

Nominated for Speaker of the House, the Honorable Dale M. Cochran—6-7

Official delegate to attend the funeral services of the Honorable Mattie Harper—1599

Petitions presented—941, 978, 1158, 1694

Remarks by—6-7

Remarks, tribute to Representative Mattie Harper—1589-1590

Resolutions offered—984, 2684-2685

Subcommittee assignments—47

Presented to the House foreign exchange student Joanna Reisby from New Zealand—1556

Presented communication from the family of the Honorable Mattie Harper—2430

MINORITY FLOOR LEADER, Floyd H. Millen—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties (See Millen, Floyd H.—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties, Minority Floor Leader)

MONROE, W. R. "BILL", JR.—Representative Des Moines County

Bills introduced—JR 12-46, 60, 178, 185, 189, 191, 227, 232, 242, 272, 273, 274, 288, 484, 500, 509, 523, 531, 551, 580

Amendments filed—316, 415, 534, 571, 592, 647, 678, 680, 795, 800, 889, 975, 1017, 1078, 1104, 1199-1200, 1253, 1344, 1419-1420, 1447, 1497, 1525, 1551, 1622-1623, 1723, 1724, 1803, 1914, 1953, 1987, 2103, 2117, 2124-2126, 2165, 2210-2211, 2250, 2252, 2357, 2358, 2406-2407, 2508, 2509, 2545-2557, 2557-2559, 2563, 2577-2579, 2585-2586

Amendments offered—443, 552, 592, 594, 800, 1024, 1226, 1331, 1376, 1539, 1551, 1618, 1622, 1736, 1808, 1969, 2082, 2526, 2545, 2557, 2561, 2640

Amendments withdrawn—713, 1237, 1239, 1997, 2535, 2544

Committee appointments—16, 45, 46, 2066, 2409

Petitions presented—573, 1448

Presided at sessions of the House—1344

Reports—25

Request that his name be added as a sponsor of House File 242—467

Resolutions offered—2397

Subcommittee assignments—46, 269

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Filed:

House File 39—608

House File 57—1555

House File 75, H—3288B to H—3114—880

House File 90—1555

House File 100—566

House File 150—530

House File 179, H—3247A—1242

House File 187, H—3786, H—3776—1675

House File 209—608

House File 212—490

House File 246, H—3630, H—3634 to H—3598—1488

House File 246, H—3597 to H—3586—1489

House File 251-530
House File 277-859
House File 354, H-3410-1067
House File 354-1381
House File 381-1444
House File 387-1555
House File 417, H-3471, H-3476-1242
House File 463, H-3981A-2274
House File 464, H-3428C, H-3428H, H-3432, H-3425-1100
House File 464, H-3434-1101
House File 490-1242
House File 595-2059
House File 595, H-4081-2098
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Senate File 156-817
Senate File 162, conference committee report-2405
Senate File 167, H-4046-2012
Senate File 185-1766
Senate File 197-838
Senate File 198-1351
Senate File 214-1013
Senate File 231-1242
Senate File 290-2691
Senate File 312-1555
Senate File 318-1766
Senate File 361, conference committee report-2691
Senate File 394-2691
Senate Concurrent Resolution 4, H-3001A, H-3001B-103
Senate Concurrent Resolution 4-103

Prevailed:

House File 100-2317-2318
House File 150-604-605
House File 246, H-3634-1507
House File 251-540
House File 354-1429
House File 463, H-3981A-2311
House File 464, H-3432-1111
House File 464, H-3428C-1114
House File 595-2324
House File 595, H-4081-2332
House Concurrent Resolution 40-2264-2265
Senate Joint Resolution 11-2599
Senate File 162, conference committee report-2417-2418
Senate File 167, H-4046-2147

Senate File 214-1032

Senate Concurrent Resolution 4-116

Senate Concurrent Resolution 4, H-3001A-116-117

Withdrawn:

House File 39-1150-1151

House File 57-1591

House File 75, H-3288B-1172

House File 90-1591

House File 179, H-3247A-1283

House File 187, H-3776-1697

House File 187, H-3786-1718

House File 209-635

House File 212-799

House File 246, H-3630-1506

House File 246, H-3597 to H-3586-1509

House File 464, H-3434-1116

House File 490-1339

House File 622-2603

Senate File 7-2012

Senate File 185-2414

Senate File 197-1528

Senate File 198-1429

Senate File 231-1429

Senate File 312-1609

Senate Concurrent Resolution 4-116

Senate Concurrent Resolution 4, H-3001B-116-117

Lost:

House File 277-869-870

House File 354, H-3410-1375

House File 381-1741

House File 464, H-3428H-1114

House File 464, H-3425-1116

Senate File 137-2219

Senate File 156-1119

Senate File 318-2115

Deferred:

House File 381-1574

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House File 85-2499

House File 100, H-3048-2318

House File 150-605

House File 163-1970

House File 179, H-3487-1279

House File 179, H-3518, H-3502-1280

House File 179-1284

House File 187, H-3775 to H-3526-1674

House File 187, H-3828A to H-3526-1711

House File 187-1720

House File 224, H-3447-1143

House File 232-1607
House File 246, H-3669 to H-3598-1507
House File 246-1511
House File 248, H-3851-1816
House File 248, H-3850-1843
House File 248-1845
House File 277, H-3270-853
House File 287, H-3527-1427
House File 327, H-3183, H-3178B-668
House File 327, H-3194-669
House File 330-645
House File 332, H-4295B-2469
House File 354, H-3581 to H-3576-1362
House File 367, H-3275A-910
House File 387, H-3448A-1531
House File 463-2317
House File 464, H-3429-1114
House File 464-1862
House File 464, H-3589, H-3605 to H-3589, H-3065 as amended-
1862
House File 464, H-3612 to H-3605 to H-3589-1864
House File 490, H-3492-1218
House File 490, H-3498-1219
House File 491, H-4000-1939
House File 491-1946
House File 545, H-3963-1882
House File 573-2320
House File 573, H-4213-2320
House File 593-2565
House File 595, H-4092-2324
House File 595, H-4082-2328
House File 622-2604
House Concurrent Resolution 4-201, 212, 566, 787, 835
House Concurrent Resolution 40, H-4179-2265
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Committee on Rules, report, H-3019G-134
Senate File 197, H-3269-830
Senate File 214, H-3367-958
Senate File 214, H-3352B-1008
Senate File 214, H-3351H, H-3374 to H-3351H-1009
Senate File 214-1036-1037
Senate File 274-2000
Senate File 318, H-3607-1762
Senate File 333, H-4143-2130
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Prevailed:

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House File 150-605

House File 179, H-3502-1281
House File 187, H-3775-1697
House File 187, H-3828A-1712
House File 224, H-3447-1144
House File 248, H-3851-1816
House File 287, H-3527-1427
House File 327, H-3183-668
House File 327, H-3178B-669
House File 327, H-3194-670
House File 332, H-4295B-2469
House File 364, H-3581-1362
House File 464, H-3589-1862
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House File 490, H-3498-1219
House File 545, H-3963-1882
House File 573-2320
House File 573, H-4213-2320
House File 595, H-4092-2325
House File 595, H-4082-2329
House Concurrent Resolution 40, H-4179-2266
Committee on Rules, report, H-3019G-134
Senate File 197, H-3269-830
Senate File 214, H-3352B-1008
Senate File 214, H-3351H-1009
Senate File 214, H-3374 to H-3351H-1011
Senate File 333, H-4143-2175
Senate File 337-2675

Lost:

House File 85-2499
House File 179, H-3487-1279
House File 179, H-3518-1280
House File 179-1285
House File 187-1720
House File 232-1607
House File 246, H-3669 to H-3598-1508
House File 246-1511
House File 248, H-3850-1843
House File 248-1845
House File 277, H-3270-854
House File 330-646
House File 367, H-3275A-911
House File 387, H-3448A-1531
House File 464, H-3429-1114
House File 491, H-4000-1939
House File 491-1946, 1971
House File 593-2565
House File 622-2605

House Concurrent Resolution 4-566, 788, 835
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 Senate File 214, H-3367-959
 Senate File 214-1037
 Senate File 274-2000
 Senate File 318, H-3607-1762
 Senate File 337-2380
 Senate File 386-2677

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House File 187, H-3775 to H-3526-1718
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House File 179-1284
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Lost:

House File 179-1284
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House File 179-1284
 House File 246-1511
 House File 463-2317

Prevailed:

House File 463-2317

Lost:

House File 179-1284
 House File 246-1511

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House File 463-2346
 House File 488-2603

Prevailed:

House File 488-2604

Withdrawn:

House File 463-2676

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Appointed-45.

Bills introduced-127, 210, 211, 225, 229, 245, 251, 277, 356, 380, 408,
 439, 445, 490, 505, 544, 566, 567, 569

Amendments filed-1412-1413

Reports-170, 196-197, 224, 248-249, 275-276, 298, 320, 362-363,
 394-395, 428-431, 620-621, 862-863, 902-903, 1153-1154, 1291-1292,
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**NEWHARD, SCOTT D.-Representative Cedar-Clinton-Jackson-Jones
 Counties**

Bills introduced-JR 12-28, 66, 232, 237, 266, 275, 311, 320, 351, 362,
 379, 394, 413, 424, 430, 443, 467, 493, 523, 551, 556, 557

Amendments filed—498, 773, 1252, 1419, 1710, 1724, 2166, 2290, 2358, 2509, 2573-2576
 Amendments offered—551-552, 1271, 2559, 2573
 Committee appointments—44, 45, 2409, 2434
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 Resolutions offered—229-230, 817, 2684-2685
 Subcommittee assignments—47, 269

NIELSEN, CARL V.—Representative Polk County, Speaker Pro Tempore
 Elected Speaker pro tempore—13-14
 Bills introduced—4, 43, 93, 175, 256, 336, 362, 379, 413, 451, 452, 454, 456, 606
 Amendments filed—127, 130, 131, 563, 580, 647, 716, 1156, 1199-1200, 1214, 1252, 1419, 1804, 2126-2128, 2166, 2251, 2290, 2359, 2407, 2435-2439, 2508-2509, 2599
 Amendments offered—127, 130, 131, 563, 580, 713, 716, 1108, 1237, 1261, 1859, 2126, 2175, 2293, 2517
 Bills referred to committees—2054
 Committee appointments—44, 45, 799, 1594, 1675, 2066, 2434, 2699
 Official delegate to attend the funeral services of the Honorable Mattie Harper—1599
 Petitions presented—1499-1500, 2168
 Presentation of visitors—600, 615, 859, 2013-2014
 Presided at sessions of the House—172, 464, 555, 600, 615, 732, 853, 895, 989, 990, 1112, 1137, 1143, 1403, 1600, 1789, 1812, 1907, 1916, 2002, 2006, 2030, 2120, 2325, 2474, 2572, 2612, 2647
 Remarks—15
 Reports—80, 103-114, 334-335, 832-833, 2642-2643
 Request that the Chief Clerk be authorized to remove all reference to gender in the House Rules—582
 Request that his name be added as a sponsor of House Concurrent Resolution 12—2246
 Resolutions offered—80, 183, 200, 563, 778, 810, 1108, 1338, 2677
 Rulings made—595, 597, 858, 859, 997, 999, 1001, 1604, 1813, 1921, 2010, 2031, 2034, 2035, 2037, 2040, 2043, 2045, 2051, 2054, 2057, 2615, 2616, 2624
 Subcommittee assignments—46, 269, 2107
 Escorted to the Speaker's station and presented to the House Miss Sally Briggs, Iowa Heart Princess and Representative William H. Harbor, State Fund Heart Chair—115
 Presented to the House the 1977 Girls Basketball Champions from Southeast Polk High School—890
 Welcomed Pioneer Lawmakers on behalf of the House—1367

NOMINATIONS—

For acting Chief Clerk—2
 For permanent Chief Clerk—12
 For temporary Speaker—2
 For Speaker of the House—6-9
 For Speaker Pro Tempore—13-14

NORLAND, LOWELL E.—Representative Cerro Gordo-Worth Counties

Amendments filed—293, 774, 1104, 1687, 1688, 1903, 1904, 1905,
1932-1933, 1938, 2011, 2103, 2359, 2405, 2407, 2435-2439, 2441

Amendments offered—305, 309, 774, 1935, 1938, 2011, 2107, 2108,
2258, 2435, 2441

Amendments withdrawn—2434, 2441

Committee appointments—12, 43, 44, 46, 442

Petitions presented—628, 1907-1908, 2021

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By the Honorable Arthur A. Small, Jr., Temporary Speaker—2

By David L. Wray, acting Chief Clerk—2

By members of the House—5-6, 202, 2698

By Dale M. Cochran, Speaker of the House—9

By Carl V. Nielsen, Speaker Pro Tempore—15

By permanent officers of the House—20-21

The Honorable Mattie Harper—202

The Honorable Don Gettings—2698

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Wray, David L., elected acting Chief Clerk—2

Wray, David L., elected permanent Chief Clerk—12

Cochran, Dale M., elected Speaker of the House—6-12

Nielsen, Carl V., elected Speaker Pro Tempore—13-15

Permanent officers elected—20-21

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House Resolution 1—15 adopted

House Resolution 2—15-16 adopted

House Resolution 3—190, 817

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Senate Concurrent Resolution 4—69-80, 83-86 adopted, 103, 116-117
adopted, 136-137 adopted

Senate Concurrent Resolution 26—2477, 2481, 2677-2678 adopted

Senate Concurrent Resolution 27—2477, 2481-2485, 2678 adopted

O'HALLORAN, MARY—Representative Black Hawk County

Bills introduced—JR 12-64, 81, 94, 165, 183, 187, 188, 189, 206, 232,
256, 266, 466, 485, 527, 619

Amendments filed—678, 1170-1171, 1525, 1640, 1905, 2406-2407,
2443-2449, 2455

Amendments offered—1646, 1660

Committee appointments—2, 39, 43, 44, 45, 46, 373, 1285, 2079
Petitions presented—628, 1955-1956
Presentation of visitors—1445
Presided at sessions of the House—1441, 1988
Reports—2-5, 444, 2299-2300, 2605-2611
Resolutions offered—136, 443, 1339, 2065, 2679-2680, 2680-2681, 2681-2683

OXLEY, MYRON B. (MIKE)—Representative Linn County
Bills introduced—JR 12-273, 368, 379, 413, 443, 462, 466, 484, 557, 598
Amendments filed—1183-1184, 1208-1209, 1843-1844, 1905
Committee appointments—44, 46, 1120
Petitions presented—1642
Resolutions offered—1357
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PATCHETT, JOHN E.—Representative Johnson-Linn Counties
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Amendments filed—534, 538, 974, 975, 1104, 1183-1184, 1336, 1441-1442, 1497, 1563, 1855-1859, 1903, 2019, 2020, 2060-2061, 2062, 2151-2153, 2250, 2251, 2508, 2545-2557, 2557-2559, 2563-2564, 2650
Amendments offered—1504, 1855, 2151, 2260, 2303
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Committee appointments—44, 45
Petitions presented—768, 1255
Request that his name be added as a sponsor of House Concurrent Resolution 12—2246
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PAVICH, EMIL S.—Representative Pottawattamie County
Bills introduced—27, 40, 50, 107, 108, 116, 141, 155, 189, 191, 232, 256, 273, 368, 379, 396, 468, 527, 529, 557, 621
Amendments filed—670, 766-767, 975, 1183, 1615, 1904, 1932-1933, 1937, 2406-2407, 2443-2449
Committee appointments—44, 45, 46, 373

Reports—444
 Resolutions offered—183
 Subcommittee assignments—47

PELLETT, WENDELL C.—Representative Adair-Adams-Cass-Guthrie-Union Counties

Bills introduced—94, 112, 151, 175, 196, 241, 273, 275, 303, 377, 379, 394, 420, 429, 441, 443, 497, 500, 507, 598, 612
 Amendments filed—515, 613, 722, 773, 1183-1184, 1208-1209, 1214, 1253, 1616, 1640, 1687, 1723, 1843-1844, 1869, 1937, 2061, 2165, 2357, 2455
 Amendments offered—732, 2563
 Committee appointments—43, 44, 443
 Petitions presented—256, 1955
 Reports—2158
 Resolutions offered—183
 Subcommittee assignments—46

PELTON, JOHN—Representative Clinton County

Bills introduced—JR 12-106, 183, 208, 232, 241, 275, 361, 379, 422, 423, 443, 466, 486
 Amendments filed—678, 755-756, 903-904, 975, 1156, 1163-1164, 1208-1209, 1253, 1446, 1497, 1641, 1710, 1843-1844, 1905, 1925-1926, 2061, 2228, 2251, 2359
 Amendments offered—1004, 1710, 1796, 1922, 2228, 2419
 Amendments withdrawn—757, 1714, 1789; 1808
 Committee appointments—44, 45, 2699
 Petitions presented—1080, 1316
 Request that his name be added as a sponsor of House Concurrent Resolution 12—2246
 Request that his name be added as a sponsor of amendment H—4063 to Senate File 213—2404
 Resolutions offered—291, 922-923, 923-924, 984
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PERKINS, CARROLL—Representative Audubon-Carroll-Crawford-Greene-Guthrie Counties

Bills introduced—29, 131, 132, 175, 183, 196, 273, 290, 291, 379, 394, 413, 420, 433, 443, 530, 557
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Amendments withdrawn—1715, 1897
 Committee appointments—39, 44, 45, 799, 1285, 2079
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 Presided at sessions of the House—1324
 Reports—832-833, 2299-2300, 2605-2611
 Resolutions offered—183, 190, 922-923
 Presented to the House rotary exchange scholar from Bombay, India, Raj
 Marphatia—1898
 Presented to the House the Honorable Bill Ferguson, former member of
 the House—2013

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(See House Administration Committee and/or Officers and Employees)

PIONEER LAWMAKERS ASSOCIATION OF IOWA—

Resolution relating to, HCR 13-420, 980 adopted
 Program by—1365-1373
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 The Honorable George O'Malley escorted to the well Miss Lillian Leffert
 and Mrs. Edna Gillespie who were awarded honorary membership in the
 Pioneer Lawmakers Association—1368
 President Neu presented the Honorable Edward J. McManus, Chief Judge,
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 House File 64, H-3876—Representative Baker—2070
 House File 75, H-3293—Representative Hullinger—877
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 Nielsen—1280
 House File 187, H-3792—Representative O'Halloran—1674
 House File 187, H-3738—Representative Millen—1698
 House File 187, H-3860—Representative O'Halloran—1709
 House File 187, H-3859—Representative Dyrland—1711
 House File 209, H-3716—Representative Monroe—1570
 House File 209, H-3717—Representative Menke—1572
 House File 210, H-3232—Representative Lipsky—749
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 Harper—1599
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 (See Joint Convention, Lieutenant Governor Arthur A. Neu)

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 AND/OR FEDERAL AGENCIES—**

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to Iowa's United States Senators and Congressmen, SCR3—19-20, 27
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- House File 545, H-3963-1881, 1882
- House File 564-1621
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- House File 593, previous question-2544
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- House File 595, H-4092-2041, 2046
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Senate File 318-2114
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House File 327, H-3179-652
House File 327, H-3183-653
House File 449, H-3554 to H-3553-1330
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Appointments to-39

SCHEELHAASE, LYLE—Representative Monona-Woodbury Counties

Bills introduced—JR 10-1, 8, 48, 106, 131, 208, 255, 256, 275, 291, 362, 379, 420, 529, 557, 598, 627

Amendments filed—84, 515, 650, 766, 767, 795, 848-849, 912, 1104, 1163-1164, 1183-1184, 1208-1209, 1214, 1401-1402, 1616, 1723, 1758-1759, 1759-1760, 1869, 1905, 1925-1926, 1937, 2165, 2358, 2359, 2692

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Amendments withdrawn—912, 2580

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Committee appointments—43, 45, 161, 1365, 2703

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Resolutions offered—183, 1120

Subcommittee assignments—46

Escorted to the Speaker's station and presented to the House, Iowa Beef Princess Beckie Stall from Polk County and Joann Curoe from Dubuque County—1950

SCHNEKLOTH, HUGO—Representative Clinton-Scott Counties

Bills introduced—88, 112, 132, 241, 273, 285, 379, 420, 443, 607

Amendments filed—483, 498, 613, 640-641, 643, 678, 679, 755-756, 771-772, 773, 852, 867, 1085, 1097, 1183-1184, 1214, 1252, 1588, 1616, 1687, 1708, 1843-1844, 1925-1926, 1937, 2061, 2166, 2357, 2358, 2359, 2692

Amendments offered—482, 872, 1265, 1321, 1708

Amendments withdrawn—643, 757

Committee appointments—44, 46

Resolutions offered—923-924, 2115

Subcommittee assignments—47

Presented to the House the Honorable Edgar Holden, former member of the House—875

SCHROEDER, LAVERNE W.—Representative Mills-Pottawattamie Counties

Bills introduced—9, 29, 94, 110, 175, 180, 219, 241, 273, 285, 304, 306, 311, 336, 344, 352, 379, 381, 384, 413, 424, 429, 441, 443, 537, 629

Amendments filed—84, 121-123, 134, 293, 306, 309, 312, 385, 469, 479, 515, 556, 557, 559, 585, 594, 613, 629, 652-653, 657, 664-665, 667, 716, 867, 975, 1065, 1093, 1093-1094, 1095-1096, 1097-1098, 1104, 1147-1148, 1156, 1204-1205, 1208, 1294, 1328-1329, 1329, 1336, 1353, 1397, 1419, 1440, 1446, 1447, 1497, 1519, 1569-1570, 1571-1572, 1588, 1623, 1640, 1641, 1660, 1687, 1709, 1723, 1803, 1843-1844, 1881, 1903, 1925-1926, 1953, 1954, 1975, 2008-2010, 2019, 2061, 2062, 2073, 2093-2094, 2112-2113, 2136-2139, 2210, 2251, 2391, 2406, 2435-2439, 2508-2509, 2599

Amendments offered—84, 121, 134, 306, 309, 311-312, 312, 479, 482, 556, 557, 559, 579, 594, 629, 652, 664, 667, 693, 1065, 1093, 1095, 1097, 1142, 1147, 1204, 1208, 1325, 1328, 1329, 1362, 1440, 1514, 1519, 1569, 1571, 1623, 1660, 1709, 1752, 1760, 1761, 1843, 1855, 1860, 1873, 1881, 1975, 2008, 2073, 2093, 2112, 2135, 2144, 2414, 2416

Amendments withdrawn—135, 553, 1514, 1516, 1660, 1812, 1864, 1874,
2135, 2144, 2270
Committee appointments—44, 45, 46, 1675, 2066, 2703
Petitions presented—1805, 1871
Request that House File 591 be removed from the 15 minute
noncontroversial sifting calendar—2217
Request that his name be added as a sponsor of House Concurrent
Resolution 12—2246
Resolutions offered—183, 292
Subcommittee assignments—47

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**SHIMANEK, NANCY J.—Representative Delaware-Dubuque-Jackson-Jones
Counties**

Bills introduced—JR 12-95, 112, 232, 241, 336, 413, 443
Amendments filed—678-679, 679, 773, 903-904, 955, 1156, 1163-1164,
1253, 1640, 1724, 1778, 1925-1926, 2061, 2251
Amendments offered—2072
Amendments withdrawn—2073
Certificate of election—5
Committee appointments—45, 1285
Reports—2299-2300
Request that House File 524 be removed from the 15 minute
noncontroversial sifting calendar—2217
Request that her name be added as a sponsor of House Concurrent
Resolution 12—2246
Resolutions offered—291
Subcommittee assignments—46
Presented to the House the Honorable Roy Miller, former member of the
House—1018

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Appointed—2065
Amendments filed—2251
Amendments offered—2293
Categories exempt from Sifting Committee calendar—2066
Noncontroversial subcommittee appointed—2107
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House File 591—2217
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SMALL, ARTHUR A., JR.—Representative Johnson County

Elected temporary Speaker—2
 Took oath of office—2
 Bills introduced—JR 12-11, 37, 54, 58, 59, 173, 187, 207, 266, 304, 336,
 468, 494, 523, 525, 549, 550, 551, 557, 562, 583, 606
 Amendments filed—204, 812, 814, 842, 1032, 1104-1105, 1270, 1271,
 1272, 1483-1484, 1487-1488, 1723, 1878, 2020, 2117, 2154-2155,
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 Amendments offered—208, 209, 1270, 1271, 1483, 1487, 1878, 2154, 2384
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 Petitions presented—437-438, 1048, 2408
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 Subcommittee assignments—46
 Presented to the House the Honorable Harold Houston, former member of
 the House—1489

SMALLEY, DOUGLAS R.—Representative Polk County

Bills introduced—167, 187, 241, 273, 286, 333, 336, 342, 391, 539, 576,
 579, 605, 614
 Amendments filed—309, 613, 678-679, 1184, 1214, 1525, 1640, 1669,
 1686, 1687, 1688, 1700-1703, 1723, 1778, 1843-1844, 1937, 1954,
 2045, 2061, 2165, 2166, 2251, 2290, 2325-2326, 2338-2339, 2357,
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 Amendments offered—1697, 1809, 2045, 2338
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 Committee appointments—44, 45, 2409, 2451
 Petitions presented—470, 1255
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 18—1409
 Reports—1077-1078, 2596-2597, 2637-2638
 Resolutions offered—183, 984
 Subcommittee assignments—47

SPEAKER OF THE HOUSE—Dale M. Cochran, Representative

Webster-Humboldt Counties
 Nominated for Speaker—6-8
 Election of Dale M. Cochran as Speaker of the House—6-9
 Took oath of office—9

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Bills signed by—609, 724, 1101, 1155, 1490, 1556, 1634, 2098, 2433, 2704

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Committee appointments—1594, 2286

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Propounded the question to the House:

House File 582, H—3960—1889

House Concurrent Resolution 4, motion to recede dilatory—784

Sifting Committee appointment—2065-2066

Senate File 137, H—4132—2118

Received message from Governor—2704-2707

Remarks by—9-12, 2692-2696

Resolutions relating to:

House Concurrent Resolution 8—279-280, 625

House Concurrent Resolution 17—809-810, 889, 896-897 adopted

House Concurrent Resolution 36—1979-1980, 2093-2095 adopted

House Concurrent Resolution 53—2683-2684

House Resolution 2—15-16 adopted

Rulings made—200, 208, 209, 210, 212, 310, 312, 449, 476, 539, 579, 640, 643, 662, 665, 667, 668, 694, 716, 717, 762, 773, 779, 783, 814, 872, 873, 877, 892, 909, 927, 928, 963, 986, 987, 1004, 1005, 1006, 1024, 1065, 1085, 1192, 1209, 1279, 1280, 1361, 1504, 1508, 1570, 1572, 1646, 1674, 1709, 1710, 1711, 1713, 1715, 1731, 1732, 1751, 1754, 1759, 1855, 1890, 1924, 1928, 1937, 1944, 2029, 2070, 2118, 2145, 2150, 2260, 2269, 2270, 2305, 2336, 2337, 2339, 2343, 2345, 2363, 2366, 2417, 2435, 2455, 2459, 2461, 2515, 2536, 2583

Presented to the House Mr. Jim Bowhay, Director of the Midwest Conference of the Council of State Governments, and Senator Oliver Ocasek, chair of the Midwest Conference of the State Governments—1337-1338

Final adjournment, First Regular Session of the Sixty—seventh General Assembly, SCR 27—2477, 2481-2485, 2678 adopted

Final adjournment—2708

SPEAKER PRO TEMPORE, Carl V. Nielsen—Representative Polk County
(See Nielsen, Carl V.—Representative Polk County, Speaker Pro Tempore)

SPEAR, CLAY—Representative Des Moines-Lee Counties

Bills introduced—JR 1, 2, 5, 6, 7, 11-22, 23, 52, 61, 70, 121, 136, 150, 162, 266, 273, 285, 379, 480, 523, 557

Amendments filed—293, 498, 515, 518, 534, 586, 794, 795, 822, 842, 867, 889, 932-933, 1156, 1183-1184, 1214, 1252, 1253, 1446, 1615, 1623-1624, 1687, 1843-1844, 1869, 1904, 1932-1933, 1954, 1987, 2005, 2019, 2060, 2165, 2166, 2250, 2251, 2270-2271, 2358, 2359, 2406, 2435-2439, 2509

Amendments offered—518, 605, 857, 859, 870, 873, 932, 1515, 1995, 2002, 2004, 2515, 2655, 2665, 2666

Amendments withdrawn—870, 932, 2667, 2668

Committee appointments—44

Subcommittee assignments—46

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Assignment of seats—16, 22-23

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SPENCER, DON W.—Representative Clay-Dickinson-Emmet-Palo Alto Counties

Bills introduced—92, 106, 112, 171, 183, 256, 285, 292, 296, 443, 557

Amendments filed—651, 1156, 1184, 1294, 1686, 1687, 1723, 1843-1844, 2270-2271, 2358

Amendments offered—651, 1926

Amendments withdrawn—1940
 Committee appointments—45, 46
 Petitions presented—1295
 Presented to the House the Honorable Kenneth H. Nurse, former member
 of the Senate—1139
 Resolutions offered—183, 291, 371, 607
 Subcommittee assignments—47

STANDING COMMITTEES—

Appointed—43-46
 Chairmen appointed—43-46
 List of appointments to—43-46

STATE APPEAL BOARD—

(Maurice E. Baringer, Chairman)
 Communications from, stating claims filed with—138-149, 1068-1072
 Claims approved—149-156
 Claims disapproved—138-149, 1068-1072

STATE GOVERNMENT, COMMITTEE ON—

Appointed—45
 Bills introduced—49, 209, 246, 331, 364, 398, 438, 449, 489, 492, 560,
 564, 582, 593, 594
 Amendments filed—508-509, 1616, 1638-1639, 1772, 1773, 2014-2019
 Amendments offered—1534, 1618, 2070, 2087
 Reports—193-194, 246, 275, 294-295, 333, 393, 425, 507-510, 622-623,
 840, 866, 1016, 1074, 1122-1123, 1181, 1395-1396, 1586, 1638-1640,
 1771-1774, 1982-1983, 2014
 Resolutions offered—2115

STATE GOVERNMENT, COMMITTEE ON—

(Subcommittee)
 Obsolescent and/or Non-Functioning State Boards, Commissions,
 Agencies and Code Sections—269

STATE OF THE STATE MESSAGE—

Resolution relating to, HCR 1-13 adopted
 Delivered by Governor Robert D. Ray—28-38

STEPHENS, LYLE R.—Representative Plymouth-Sioux Counties

Bills introduced—94, 112, 175, 241, 244, 273, 285, 443, 500
 Amendments filed—766-767, 773, 1183, 1843-1844, 1905, 1937, 2166
 Committee appointments—44, 45
 Petitions presented—1907-1908
 Resolutions offered—183, 984
 Subcommittee assignments—46
 Presented to the House Susan Moser, a foreign exchange student from
 Switzerland—849

STROMER, Delwyn—Representative Cerro Gordo-Franklin-Hancock-Wright Counties, Assistant Minority Floor Leader

Bills introduced—80, 112, 175, 183, 241, 256, 273, 285, 291, 317, 341, 362, 396, 420, 443, 482, 529

Amendments filed—80, 126, 613, 640-641, 679, 722, 773, 795, 826, 828, 961, 975, 1085, 1097, 1183-1184, 1294, 1331, 1419-1420, 1440-1441, 1446, 1477, 1484-1485, 1525, 1722, 1738-1739, 1804, 1843-1844, 1855-1859, 1869, 1905, 1925-1926, 1937, 1954, 1987, 2032-2034, 2047, 2060, 2060-2061, 2061, 2165, 2251, 2252, 2340-2343, 2406, 2435-2439, 2583

Amendments offered—126, 742, 773, 826, 828, 996-997, 1440, 1477, 1484, 1520, 1730, 1738, 2032, 2047, 2261, 2272, 2340, 2583

Amendments withdrawn—773, 1331, 2640, 2666

Committee appointments—43, 44, 45, 1594, 2066, 2409, 2700

Official delegate to attend the funeral services of the Honorable Mattie Harper—1599

Petitions presented—573, 1955-1956

Remarks by—8

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Resolutions offered—183, 922-923, 984

Seconded the nomination of Dale M. Cochran for Speaker of the House—8

Presented to the House Robyn Cash, rotary exchange student from New South Wales, Australia—2013

STUDY BILLS COMMITTEE ASSIGNMENTS—

Agriculture—214, 215, 259, 303, 315, 345, 358, 374, 401, 467, 578

Budget—282, 491-492, 504, 505, 531, 567, 676, 718, 766, 860, 937-938, 1072, 1151, 1610

Regulatory and Finance—258-259, 259

Social Services—270

Cities—358, 1101, 1867, 2288

Commerce—1101, 1767

County Government—166, 213, 214, 230, 253, 281, 303, 531, 608, 897, 1445, 1767, 1898

Education—41, 42, 43, 183, 184, 213, 282, 301-302, 303, 327, 504, 578, 608, 766, 839, 1121, 1151, 1898, 2246

Energy—258, 270, 303, 315, 467, 718, 1334

Human Resources—270, 401, 1489, 1490

Judiciary and Law Enforcement—231, 254, 269, 303, 358, 387, 401, 567, 839, 937, 1686, 1867, 1950, 2098

Labor and Industrial Relations—166, 1040, 1352, 1393

Natural Resources—184, 212, 214, 220, 230, 231, 270, 281, 293, 303, 314, 328, 374, 401, 578, 718, 794, 937, 971, 1334, 1445-1446, 1686

State Government—137, 161, 220, 254, 303, 358, 359, 423, 491, 504-505, 578, 647, 676, 794, 897, 971, 1040, 1352, 1393, 1445-1446, 1576, 1610, 1798

Transportation—43, 165, 212, 213, 220, 230, 327, 328, 358, 387, 457, 467, 566, 766, 1121, 1287

Ways and Means—184, 213, 219, 258, 259, 293, 328, 345, 358-359, 359, 374, 387, 388, 401, 794, 1040, 1211, 1352, 1556

STUDY BILLS SUBCOMMITTEE ASSIGNMENTS—

Assignments—192-193, 241-242, 365-366, 434-436, 514, 626, 792, 1045-1046, 1177, 1314, 1588, 1777, 1987

Additional assignments—792

STUDY COMMITTEES—

(Also see Legislative Council)

House Concurrent Resolution 3—66

House Concurrent Resolution 8—279-280, 625

House Concurrent Resolution 9—291, 371-373, 377, 457, 1104

House Concurrent Resolution 15—600-601

House Concurrent Resolution 16—601

House Concurrent Resolution 18—851

House Concurrent Resolution 19—922-923

House Concurrent Resolution 26 (SCR 14 subst.)—1305-1307, 1312, 1397, 2382

House Concurrent Resolution 30—1631

House Concurrent Resolution 31—1632

House Concurrent Resolution 32—1632-1633

House Concurrent Resolution 33—1956-1958

House Concurrent Resolution 34—1958

House Concurrent Resolution 35—1978-1979

House Concurrent Resolution 38—2065

House Concurrent Resolution 39—2096-2097

House Concurrent Resolution 41—2274

House Concurrent Resolution 42—2314

House Concurrent Resolution 43—2314-2315

House Concurrent Resolution 44—2380-2382, 2406

House Concurrent Resolution 45—2397

House Concurrent Resolution 46—2398

House Concurrent Resolution 47—2432-2433

House Concurrent Resolution 48—2485-2486

House Concurrent Resolution 49—2679

House Concurrent Resolution 50—2679-2680

House Concurrent Resolution 51—2680-2681

House Concurrent Resolution 52—2681-2683

House Concurrent Resolution 53—2683-2684

House Concurrent Resolution 54—2684-2685

House Concurrent Resolution 55—2685-2686

Senate Concurrent Resolution 14 (subst. HCR 26)—2348-2350, 2376, 2382 adopted

SUBCOMMITTEE ASSIGNMENTS—

Assignments—192, 239-241, 299, 301, 363-364, 432-434, 512-514, 623-625, 790-791, 897-900, 1043-1044, 1176-1177, 1313-1314, 1416-1419, 1586-1587, 1776-1777, 1986, 2250, 2691

SUPREME COURT OF IOWA—

(See Chief Justice of the Supreme Court, C. Edwin Moore)

SVOBODA, LINDA A. — Representative Benton-Iowa-Johnson-Keokuk-Poweshiek Counties

Bills introduced—JR 12-3, 173, 206, 227, 266, 269, 273, 379, 394, 396, 431, 443, 459, 469, 485, 523, 534, 551, 557

Amendments filed—678, 842, 975, 1156, 1294, 1419-1420, 1441-1442, 1446, 1518, 1616, 1640, 1795-1796, 1904, 1932-1933, 2358, 2406

Amendments offered—894, 1441, 1478, 1516, 1518, 1795

Committee appointments—43, 44, 46, 2066, 2596

Petitions presented—2253

Reports—2633-2634

Resolutions offered—229-230, 443, 2381, 2679-2680

Subcommittee assignments—46

TAUKE, THOMAS J.—Representative Dubuque County

Bills introduced—JR 12-95, 167, 187, 189, 232, 241, 256, 259, 313, 324, 336, 349, 361, 362, 379, 462, 466, 473, 485, 514, 541, 578, 580

Amendments filed—80, 84, 127, 129, 133, 204, 539, 571, 657, 658, 678, 679, 680, 710-712, 867, 903-904, 955, 974, 1104-1105, 1260-1261, 1447, 1471-1474, 1482-1483, 1485, 1588, 1622-1623, 1640, 1687, 1687-1688, 1688, 1843-1844, 1878, 1881, 1905, 2061, 2087, 2117, 2250, 2251, 2357, 2406, 2443-2449, 2508, 2545-2557, 2557-2559, 2563

Amendments offered—129, 133, 539, 658, 701-710, 710, 909-910, 955, 1471, 1485, 1759, 1881, 2087, 2563

Amendments withdrawn—127, 210, 658

Committee appointments—44, 45, 2451

Request that his name be added as a sponsor of House Concurrent Resolution 12—2246

Resolutions offered—1039, 1502, 1502-1503

TEMPORARY OFFICERS—

Elected—2

Took oath of office—2

THOMPSON, PATRICIA L.—Representative Polk County

Bills introduced—JR 12-132, 241, 244, 259, 361, 379, 548, 557, 619, 621

Amendments filed—498, 534, 538, 678, 679, 968, 1017, 1156, 1184, 1252, 1253, 1336, 1525, 1616, 1640, 1686, 1843-1844, 1851-1852, 1853-1854, 2020, 2034-2035, 2051, 2250, 2251, 2357, 2358, 2359, 2406, 2668

Amendments offered—968, 1058, 1260, 1846, 1851, 1853, 2034, 2335

Amendments withdrawn—592, 2364, 2668

Committee appointments—44, 45, 46

Petitions presented—1215, 1421, 1499, 1589, 1642

Reports—1077-1078

Request that her name be added as a sponsor of House File 361—817

Request that her name be added as a sponsor of House Resolution 18-1409

Request that her name be added as a sponsor to amendment H-3723 to House File 488-1610

Request that her name be added as a sponsor of House Concurrent Resolution 12-2246

Subcommittee assignments-46

Presented to the House Petri Fernstrom a foreign exchange student from Valpurintie, Finland-535

TOFTE, SEMOR C.—Representative Fayette-Howard-Winneshiek Counties

Bills introduced-29, 95, 104, 112, 167, 175, 241, 256, 273, 275, 286, 294, 311, 325, 372, 379, 397, 413, 443, 474, 484, 508, 527, 556, 557

Amendments filed-129, 773, 956, 975, 1156, 1183, 1253, 1640, 1843-1844, 1925-1926, 1954, 2061, 2166, 2357, 2358, 2359, 2406-2407

Committee appointments-44, 45, 281, 2079

Petitions presented-1080, 1186, 1255, 1295

Reports-2605-2611

Resolutions offered-183, 291, 984

Subcommittee assignments-46

Escorted to the Speaker's station and presented to the House, Future Farmers of America State President Peg Armstrong from North Winneshiek-1526

TRANSPORTATION, COMMITTEE ON—

Appointed-46

Bills introduced-197, 224, 410, 417, 491, 546

Amendments filed-4, 1413, 1584-1585, 1585, 1677-1684

Amendments offered-1873, 2001, 2081

Reports-197, 224-225, 249, 276, 298, 334, 363, 395-396, 431, 621, 793, 821, 863, 1152-1153, 1413-1414, 1584-1585, 1676-1684

UNANIMOUS CONSENT—

House File 33-2569

House File 54-1897

House File 207-2320

House File 417-1217

House File 463-1897

House File 538-1897

House File 546-1971

House File 615-2217

House File 622-2217

House Concurrent Resolution 40-217

Senate File 31-2525

Senate File 112-2320

Senate File 195-2569

Senate File 213-2320

Senate File 214-937

Senate File 243-1324
 Senate File 297-2569
 Senate File 299-2320
 Senate File 370-2217
 Senate File 376-2410
 Senate File 379-2593
 Senate File 388-2217
 Senate File 393-2410
 Senate File 394-2569
 Senate File 395-2593
 Senate File 402-2410
 Senate File 408-2569
 Senate Concurrent Resolution 30, change of vote-2623
 Consent to vote-1223, 2086

UNANIMOUS CONSENT CALENDAR-

House Concurrent Resolution 7-498
 House Concurrent Resolution 19-1866-1867
 House Resolution 8-504
 House Resolution 11-1424
 House Resolution 12-1013
 House Resolution 14-1212
 House Resolution 15-1073
 House Resolution 18-1980-1981

VARLEY, ANDREW-Representative Adair-Dallas-Guthrie Counties, Assistant Minority Floor Leader

Bills introduced-187, 196, 557, 619
 Amendments filed-613, 640-641, 658, 773, 1067, 1098-1099,
 1104-1105, 1170-1171, 1208-1209, 1253, 1326, 1419, 1722, 1843-
 1844, 1904, 1987, 2117, 2165, 2166, 2251, 2358, 2359, 2455, 2508
 Amendments offered-640, 1067, 1326
 Amendments withdrawn-2367
 Committee appointments-43, 44, 45, 46, 88, 2079, 2700
 Petitions presented-536, 978-979, 1080, 1398
 Reports-2315-2316, 2605-2611
 Request that his name be added as a sponsor of House Concurrent
 Resolution 12-2246
 Resolutions offered-291, 984
 Seconded the nomination of Carl V. Nielsen for Speaker pro tempore-14
 Presented to the House three foreign exchange students, Anne Stigell from
 Sweden, Vah Yna Person from Brazil and Rye-mundo Sotello from
 Mexico-1254

WALTER, CRAIG D.-Representative Pottawattamie County

Bills introduced-JR 12-27, 40, 50, 73, 108, 116, 187, 189, 191, 232, 271,
 273, 369, 379, 462, 468, 527, 542, 557, 568, 578, 606
 Amendments filed-204, 867, 903-904, 1104, 1183-1184, 1419, 1777,
 1843-1844, 2087, 2165, 2250, 2358, 2392, 2405, 2406, 2443-2449,
 2508, 2545-2557, 2557-2559

Amendments offered—2079
Committee appointments—44, 45, 2699-2700
Petitions presented—2360
Subcommittee assignments—47

WAYS AND MEANS, COMMITTEE ON—

Appointed—46
Bills introduced—126, 231, 249, 330, 332, 385, 411, 412, 415, 518, 565
Amendments filed—80, 409, 818-820, 1614-1615
Amendments offered—80, 482, 913-914, 2107
Reports—186, 215, 234, 261, 287, 320, 323, 375, 384, 408-409, 457-458,
497, 612, 622, 765, 818, 864-865, 1213, 1309-1310, 1396, 1524-1525,
1576-1577, 1613-1615

WELDEN, RICHARD W.—Representative Franklin-Hardin-Wright-Counties

Bills introduced—17, 112, 142, 175, 183, 186, 241, 273, 309, 325, 359,
413, 443
Amendments filed—129, 515, 594, 613, 626, 647, 722-730, 773, 795,
826, 828, 842, 848-849, 975, 1078, 1097, 1098-1099, 1165-1166,
1170-1171, 1199, 1208-1209, 1253, 1446, 1497, 1843-1844, 1904,
1937, 1987, 2019, 2034-2035, 2060, 2061, 2062, 2166, 2207-2208,
2250-2251, 2252, 2290, 2291, 2340-2343, 2344, 2358, 2523,
2585-2586
Amendments offered—539, 594, 663, 712, 724, 732, 747, 1097, 1164,
1165, 1168, 1170, 1199, 1407, 1518, 2203, 2207, 2364, 2509, 2522,
2523, 2585, 2614, 2657
Amendments withdrawn—1165, 1170, 2136, 2202, 2203
Committee appointments—43, 44, 45, 191, 1150, 1675, 2700
Petitions presented—978
Reports—2276-2277
Resolutions offered—183, 228-229, 984

WELLS, JAMES D.—Representative Benton-Linn Counties

Bills introduced—JR 12-63, 112, 186, 191, 220, 227, 256, 283, 285, 312,
313, 320, 336, 337, 368, 379, 388, 396, 434, 468, 500, 501, 509, 527,
529, 556, 557, 619
Amendments filed—658, 679, 1183, 1687-1688, 1688, 1843-1844, 1937,
2406-2407, 2443-2449
Committee appointments—39, 43, 44, 45, 46, 88, 160-161, 373, 2596,
2703-2704
Petitions presented—1337, 2021
Reports—243-245, 328, 420-421, 444, 602, 881, 1258, 1351, 1441-1442,
1720-1721, 2287-2288, 2635-2636
Resolutions offered—15, 26, 27, 183, 311, 1241, 1257, 1502-1503, 1947,
1958

WEST, JAMES C.—Representative Grundy-Hardin-Jasper-Marshall-Story Counties

Bills introduced—29, 112, 132, 175, 177, 241, 273, 286, 309, 317, 319,

341, 346, 358, 359, 360, 361, 379, 443, 466, 486, 508, 539
 Amendments filed—585, 613, 632, 640-641, 774, 903, 1046, 1057,
 1098-1099, 1156, 1208-1209, 1353, 1419-1420, 1843-1844, 2061,
 2103, 2165, 2166, 2407, 2435-2439, 2509, 2577-2579
 Amendments offered—632, 1167, 2460, 2520
 Committee appointments—44, 45, 46, 341-342, 2596
 Petitions presented—1955
 Resolutions offered—183, 922-923, 1502-1503
 Subcommittee assignments—46

WOODS, JACK E.—Representative Polk-Warren Counties

Bills introduced—112, 132, 175, 191, 227, 256, 272, 274, 284, 333, 379,
 462, 557, 580
 Amendments filed—469, 525, 526, 679, 903-904, 939, 975, 1104, 1143,
 1183, 1419, 1687, 1843-1844, 1904, 1905, 1925-1926, 2358, 2406,
 2406-2407
 Amendments offered—525, 758-759, 910, 946, 1143, 2655
 Amendments withdrawn—1817
 Committee appointments—45, 46, 799, 2066
 Reports—832-833
 Request that House File 591 be removed from the 15 minute
 noncontroversial sifting calendar—2217
 Resolutions offered—183, 810, 922-923
 Subcommittee assignments—47

WULFF, HENRY C.—Representative Black Hawk County

Bills introduced—93, 175, 220, 227, 232, 241, 244, 256, 261, 273, 285,
 379, 393, 484, 580, 608, 613, 619
 Amendments filed—483-484, 515, 679, 775, 903-904, 975, 1183,
 1843-1844, 1905, 2060-2061, 2061, 2166, 2406
 Amendments offered—654, 775
 Appointed to the Joint Legislative Intern Committee—321
 Committee appointments—43, 44, 46, 1150, 2596
 Petitions presented—172, 536, 844, 1526-1527, 1694, 1955, 1988-1989
 Reports—2276-2277, 2633-2634
 Resolutions offered—183, 472-473, 602, 1257

**WYCKOFF, RUSSELL L.—Representative Benton-Black Hawk-Buchanan-
 Linn-Tama Counties**

Bills introduced—14, 29, 38, 84, 94, 111, 112, 131, 132, 142, 175, 186,
 220, 244, 256, 273, 275, 286, 291, 294, 320, 325, 346, 355, 361, 372,
 379, 394, 397, 420, 429, 441, 443, 474, 508, 539, 556, 557, 576, 579,
 612
 Amendments filed—483-484, 486, 486-487, 613, 750, 773, 822, 825, 842,
 845-846, 889, 975, 1032, 1046, 1104, 1156, 1183, 1208-1209, 1217,
 1252, 1294, 1379, 1419, 1447, 1497, 1616, 1723, 1777, 1804,
 1843-1844, 1869, 1904, 1905, 1914, 1925-1926, 1932-1933, 1937,
 1940, 2036-2037, 2061, 2103, 2165, 2250-2251, 2290, 2344, 2357,
 2391, 2392

- Amendments offered—486, 750, 845, 1201, 1217, 1322, 1736, 1816,
1923, 1938, 2336, 2640
- Amendments withdrawn—1210, 1322, 1816, 1817, 1940, 2219
- Committee appointments—44, 45, 46, 1150, 2027
- Petitions presented—1080, 1907-1908, 2253, 2511
- Reports—2158, 2276-2277
- Resolutions offered—183, 229-230, 253, 984, 1357, 1502-1503, 2381,
2679
- Subcommittee assignments—47
- Presented to the House foreign exchange student Koichiro Tanaka from
Japan—890